

Senate Bill 329

By: Senator Unterman of the 45th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 21 of Title 50 of the Official Code of Georgia Annotated,
2 relating to state tort claims, so as to provide that boards of health are covered entities under
3 the waiver of sovereign immunity pursuant to The Georgia Tort Claims Act; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 2 of Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to
8 state tort claims, is amended by revising Code Section 50-21-22, relating to definitions, as
9 follows:

10 "50-21-22.

11 As used in this article, the term:

12 (1) 'Claim' means any demand against the State of Georgia for money only on account
13 of loss caused by the tort of any state officer or employee committed while acting within
14 the scope of his or her official duties or employment.

15 (2) 'Discretionary function or duty' means a function or duty requiring a state officer or
16 employee to exercise his or her policy judgment in choosing among alternate courses of
17 action based upon a consideration of social, political, or economic factors.

18 (3) 'Loss' means personal injury; disease; death; damage to tangible property, including
19 lost wages and economic loss to the person who suffered the injury, disease, or death;
20 pain and suffering; mental anguish; and any other element of actual damages recoverable
21 in actions for negligence.

22 (3.1) 'Occurrence' means an accident, including continuous or repeated exposure to
23 substantially the same general harmful conditions.

24 (4) 'Person' means a natural person, corporation, firm, partnership, association, or other
25 such entity.

26 (5) 'State' means the State of Georgia and any of its offices, agencies, authorities,
27 departments, commissions, boards, divisions, instrumentalities, ~~and~~ institutions, and
28 boards of health established pursuant to Code Section 31-3-1 but does not include
29 counties, municipalities, school districts, other units of local government, hospital
30 authorities, or housing and other local authorities.

31 (6) 'State government entity' means a state office, agency, authority, department,
32 commission, board, division, instrumentality, ~~or institution,~~ or board of health established
33 pursuant to Code Section 31-3-1.

34 (7) 'State officer or employee' means an officer or employee of the state, elected or
35 appointed officials, law enforcement officers, and persons acting on behalf or in service
36 of the state in any official capacity, whether with or without compensation, but the term
37 does not include an independent contractor doing business with the state. The term state
38 officer or employee also includes any natural person who is a member of a board,
39 commission, committee, task force, or similar body established to perform specific tasks
40 or advisory functions, with or without compensation, for the state or a state government
41 entity, and any natural person who is a volunteer participating as a volunteer, with or
42 without compensation, in a structured volunteer program organized, controlled, and
43 directed by a state government entity for the purposes of carrying out the functions of the
44 state entity. This shall include any health care provider and any volunteer when providing
45 services pursuant to Article 8 of Chapter 8 of Title 31. An employee shall also include
46 foster parents and foster children. Except as otherwise provided for in this paragraph, the
47 term shall not include a corporation whether for profit or not for profit, or any private
48 firm, business proprietorship, company, trust, partnership, association, or other such
49 private entity.

50 **SECTION 2.**

51 All laws and parts of laws in conflict with this Act are repealed.