The Senate Committee on Insurance and Labor offered the following substitute to HB 167:

MOOT

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts, so as to provide for limited immunity from liability for the transmission of, contraction of, or exposure to COVID-19; to provide for legislative findings; to provide for a short title; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds that:

(1) Health care institutions, facilities, and workers require additional flexibility to provide the critical assistance and care needed by this state during the unprecedented COVID-19 pandemic; and

(2) Certain protections provided to health care institutions, facilities, and workers in the Governor's Executive Orders dated April 14, 2020, and May 12, 2020, should continue beyond the Public Health State of Emergency.

SECTION 2.

This Act shall be known and may be cited as the "Georgia Pandemic Business Protection Act."

SECTION 3.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts, is amended by adding a new Code section to read as follows:

"51-1-29.7.

(a) As used in this Code section, the term:
(1) 'COVID-19' means the novel coronavirus identified as SARS-CoV-2, the disease caused by SARS-CoV-2, any mutation or viral fragments thereof, any disease or condition caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(2) 'Health care facility' means any health care facility as defined in paragraph (17) of Code Section 31-6-2, any institution as defined in subparagraph (D) of paragraph (4) of Code Section 31-7-1, or any end stage renal disease facility as defined in paragraph (6) of Code Section 31-44-1. Such term shall also include all related parties, including individuals, business corporations, general partnerships, limited partnerships, limited liability companies, limited liability partnerships, joint ventures, nonprofit corporations, or any other for profit or not for profit entity that owns or controls, is owned or controlled by, or operates under common ownership or control with a facility.

(3) 'Health care provider' means any person who is licensed, certified, or otherwise authorized under Article 2 or 3 of Chapter 11 of Title 31, Chapters 11, 26, 30, 33, 34 and 35 of Title 43, Chapter 44 of Title 31, or Chapter 26 or 34 of Title 43 to provide health care services in the ordinary course of business or practice of a profession or in an approved education or training program or a procurement organization acting pursuant to Article 6 of Chapter 5 of Title 5.

(4) 'Person' means any individual, association, institution, corporation, company, trust, limited liability company, partnership, volunteer organization, sporting event facility, religious or educational organization, political subdivision, county, municipality, governmental office, department, division, bureau, or other body of state government, and any other organization or entity or member of such organization or entity. Such term shall also include the trustees, partners, limited partners, managers, officers, directors, employees, independent contractors, officials, and agents of all such organizations, entities, or governmental bodies.

(b) No cause of action shall exist for any transmission of, contraction of, or exposure to COVID-19 unless such transmission, contraction, or exposure was caused by an act or omission constituting willful and wanton misconduct or intentional infliction of harm.

(c) Notwithstanding any provision of law to the contrary, except as provided in subsection (b) of this Code section, any health care facility, health care provider, entity, or other person that has legal responsibility for the acts or omissions of a health care provider shall have immunity from any civil liability for any harm or damages sustained as a result of an act or omission in the course of arranging for or providing health care services if either of the following apply:

(1) Such health care facility, health care provider, entity, or other person is arranging for or providing COVID-19 related health care services; or
(2) The arrangement or provision of health care services is impacted, directly or indirectly by a health care facility, health care provider, entity, or other person's decisions or activities in response to or as a result of the COVID-19 pandemic.

(d) The immunity from any civil liability provided in subsection (c) of this Code section shall not apply if the harm or damages were caused by an act or omission constituting gross negligence, willful and wanton misconduct or intentional infliction of harm by the health care facility or health care provider providing health care services."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

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