

House Bill 592

By: Representatives Wilson of the 80th, Beverly of the 143rd, Wilkerson of the 38th, McClain of the 100th, Schofield of the 60th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 16 of Title 51 of the Official Code of Georgia Annotated, relating to
2 COVID-19 pandemic business safety, so as to clarify the gross negligence standard in actions
3 involving COVID-19 liability claims against healthcare facilities, healthcare providers,
4 entities, and individuals; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 16 of Title 51 of the Official Code of Georgia Annotated, relating to COVID-19
9 pandemic business safety, is amended by revising Code Section 51-16-2, relating to liability
10 standard and immunity, as follows:

11 "51-16-2.

12 (a)(1) No healthcare facility, healthcare provider, entity, or individual shall be held liable
13 for damages in an action involving a COVID-19 liability claim against such healthcare
14 facility, healthcare provider, entity, or individual, unless the claimant proves that the
15 actions of the healthcare facility, healthcare provider, entity, or individual showed gross

16 negligence, willful and wanton misconduct, reckless infliction of harm, or intentional
17 infliction of harm.

18 (2)(A) Gross negligence under this subsection shall include, but shall not be limited to,
19 failure to comply with guidance promulgated by the Occupational Safety and Health
20 Administration of the United States Department of Labor regarding workplace
21 COVID-19 prevention programs.

22 (B) Compliance with such guidance shall be demonstrated by and include, but shall not
23 be limited to the:

24 (i) Conduction and documentation of a hazard assessment;

25 (ii) Identification of control measures, such as a facial covering or mask requirement,
26 to limit the spread of COVID-19;

27 (iii) Adoption of policies relative to employee absences that encourage potentially
28 infected individuals to remain at home;

29 (iv) Assurance that COVID-19 policies and procedures are communicated to both
30 English and non-English speaking employees; and

31 (v) Implementation of protections from retaliation for employees who raise
32 COVID-19 concerns.

33 (b) The immunity set forth in paragraph (1) of subsection (a) of this Code section shall be
34 provided in addition to, and shall in no way limit, any other immunity protections that may
35 apply in state or federal law."

36 **SECTION 2.**

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