

Senate Bill 430

By: Senators Dolezal of the 27th, Watson of the 1st, Gooch of the 51st, Robertson of the 29th, Ginn of the 47th and others

AS PASSED SENATE

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 revise provisions for rebuttable presumptions
3 of risk by claimants in certain COVID-19 liability claims by repealing certain warning
4 requirements; to provide for related matters; to repeal conflicting laws; and for other
5 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 51-16-3, relating to
10 rebuttable presumption of assumption of risk relating to premises of individuals or entities,
11 as follows:

12 "51-16-3.

13 (a) Except for gross negligence, willful and wanton misconduct, reckless infliction of
14 harm, or intentional infliction of harm, in an action involving a COVID-19 liability claim
15 against an individual or entity for transmission, infection, exposure, or potential exposure

16 of COVID-19 to a claimant on the premises of such individual or entity, there shall be a
17 rebuttable presumption of assumption of the risk by the claimant, when:

18 ~~(1) Any receipt or proof of purchase for entry, including, but not limited to, an electronic~~
19 ~~or paper ticket or wristband, issued to a claimant by the individual or entity for entry or~~
20 ~~attendance, includes a statement in at least ten-point Arial font placed apart from any~~
21 ~~other text, stating the following warning:~~

22 ~~'Any person entering the premises waives all civil liability against this premises owner~~
23 ~~and operator for any injuries caused by the inherent risk associated with contracting~~
24 ~~COVID-19 at public gatherings, except for gross negligence, willful and wanton~~
25 ~~misconduct, reckless infliction of harm, or intentional infliction of harm, by the~~
26 ~~individual or entity of the premises.'; or~~

27 ~~(2) An individual or entity of the premises has posted at a point of entry, if present, to~~
28 ~~the premises, a sign in at least one-inch Arial font placed apart from any other text, a~~
29 ~~written warning stating the following:~~

30 ~~Warning~~

31 ~~Under Georgia law, there is no liability for an injury or death of an individual entering~~
32 ~~these premises if such injury or death results from the inherent risks of contracting~~
33 ~~COVID-19. You are assuming this risk by entering these premises.'~~

34 (b) The provisions in this Code section shall not be construed so as to limit or restrict the
35 immunities from liability provided in Code Section 51-16-2; further failure to participate
36 as provided in subsection (a) of this Code section shall in no way limit or restrict the
37 immunities from liability provided in Code Section 51-16-2 nor shall such failure to
38 participate be admissible."

39

SECTION 2.

40 Said chapter is further amended by revising Code Section 51-16-4, relating to rebuttable
41 presumption of assumption of risk relating to healthcare facilities or premises of healthcare
42 providers, as follows:

43 "51-16-4.

44 (a) Except for gross negligence, willful and wanton misconduct, reckless infliction of
45 harm, or intentional infliction of harm, in an action involving a COVID-19 liability claim
46 for transmission, infection, exposure, or potential exposure of COVID-19 to a claimant at
47 any healthcare facility or on the premises of any healthcare provider, resulting in injury to
48 or death of a claimant there shall be a rebuttable presumption of assumption of the risk by
49 the claimant. ~~when a healthcare facility or a healthcare provider has posted at a point of~~
50 ~~entry, if present, to the premises, a sign in at least one-inch Arial font placed apart from any~~
51 ~~other text, a written warning stating the following:~~

52

Warning

53 ~~Under Georgia law, there is no liability for an injury or death of an individual entering~~
54 ~~these premises if such injury or death results from the inherent risks of contracting~~
55 ~~COVID-19. You are assuming this risk by entering these premises.'~~

56 (b) The provisions in this Code section shall not be construed so as to limit or restrict the
57 immunities from liability provided in Code Section 51-16-2; ~~further failure to participate~~
58 ~~as provided in subsection (a) of this Code section shall in no way limit or restrict the~~
59 ~~immunities from liability provided in Code Section 51-16-2 nor shall such failure to~~
60 ~~participate be admissible."~~

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SECTION 3.

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