



August 6, 2020

## COVID-19 Business Liability Bill

**\*Please note, this explainer is for general business. For information about healthcare and/or business civil liability, reach out to the Georgia Chamber's Government Affairs team or the Georgia Hospital Association\***

[SB 359](#), which was signed into law by Governor Kemp on August 5, 2020, creates protections for businesses from frivolous lawsuits regarding COVID-19 transmission. Under this law, set to expire next July, a claimant must prove that an entity engaged in *gross negligence* leading to the transmission of COVID-19 in order to be held civilly liable.

Additionally, the bill allows a rebuttable presumption of risk in a civil case when an entity, either by way of signage and/or disclaimer on an event ticket, informs individuals of the risk of entering. This means that if the prescribed sign is posted, a court will presume that the claimant accepted the risks of entering the premises and the claimant would have to prove otherwise.

If an entity chooses not to post signs, the gross negligence standard of care still holds. *The decision to post or not post warnings only effects the rebuttable presumption of risk.*

[SB 359](#) says the following about the requirements for signage for entities wanting a rebuttable presumption of risk. The legislation is edited for clarity and emphasis added:

“Except for gross negligence... in an action involving a COVID-19 liability claim against an individual or entity for transmission... or potential exposure of COVID-19 ... there shall be a rebuttable presumption of assumption of the risk by the claimant when:

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

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



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

‘Warning under Georgia law, there is no liability for injury or death of an individual entering these premises if such injury or death results from the inherent risks of contracting COVID-19. You are assuming this risk by entering these premises.’

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