

\_\_\_\_\_ offers the following  
substitute to HB 167:

A BILL TO BE ENTITLED  
AN ACT

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

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 The General Assembly finds that:

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

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

15 **SECTION 2.**

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

18 **SECTION 3.**

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

21 "51-1-29.7.

22 (a) As used in this Code section, the term:

23 (1) 'COVID-19' means the novel coronavirus identified as SARS-CoV-2, the disease  
24 caused by SARS-CoV-2, any mutation or viral fragments thereof, any disease or  
25 condition caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

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

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

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

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

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

57 (1) Such health care facility, health care provider, entity, or other person is arranging for  
58 or providing COVID-19 related health care services; or

