

May 5, 2020

The Honorable Brian P. Kemp
Governor of the State of Georgia
203 State Capitol
Atlanta, GA 30334

The Honorable Geoff Duncan
240 State Capitol
Atlanta, GA 30334

The Honorable David Ralston
332 State Capitol SE
Atlanta, GA 30334

RE: Liability Protections to Support Strong Economic Recovery

Dear Governor Kemp, Lieutenant Governor Duncan and Speaker Ralston:

On behalf of Georgia's business community, we would like to thank you for your leadership implementing a measured approach to re-opening Georgia's economy. Prioritizing the safety of employees and customers remains the top priority as businesses re-open and assess operations. Businesses across the state are creating and adjusting to new protocols and procedures that incorporate social distancing as well as all other state and federal guidelines, however some risk remains for businesses that open. To bolster a full economic recovery, certain liability protections are needed as businesses work to respond to this unprecedented pandemic. This letter shares some suggestions for certain legal liability protections to support our state's economic recovery.

We would like to express our gratitude for the extension of Public Health State of Emergency as well as the extension of legal protections to healthcare workers and facilities as they continue to treat patients with COVID-19. Our healthcare workers and volunteers have made countless sacrifices to keep Georgians safe and healthy through this crisis. At the appropriate time, we would ask you to consider further extending the Public Health State of Emergency and the legal protections for healthcare workers to remain in place until the conclusion of the 2020 Session of the Georgia General Assembly. These protections are invaluable in supporting this critical industry and the individuals that remain on the frontline of this pandemic.

As businesses establish new procedures, processes, and acquire personal protective equipment (PPE) to support operations, a great deal of uncertainty poses challenges for re-opening. Employers are working diligently to protect employees and customers alike but need legal safeguards to operate safely and effectively. Safe harbor policies are needed for those acting in good faith to comply with available state and federal guidance from the Centers for Disease Control (CDC), the Occupational Safety & Health Administration (OSHA) and other entities for the duration of this pandemic. With this in mind, we

respectfully ask you to consider enacting both an executive order as well as legislation addressing civil liability protections which may include:

- Healthcare Worker Protections: Legal liability protections to healthcare workers, volunteers and facilities caring for patients with COVID-19.
- Exposure Liability: Legal liability protections to businesses as it pertains to exposure to COVID-19 for employees and customers.
- Product Liability: Legal liability protections to manufacturers of PPE to protect individuals from COVID-19. These protections allow for increased production and distribution to meet the needs of the medical community and critical infrastructure industries. Additionally, manufacturers (including non-traditional manufacturers) of non-medical PPE, such as cloth face masks, hand sanitizer, or other items for personal use should be protected.

We would not ask that any order or statute supersede the Governor's established executive orders and other official guidance. Civil liability protections should not be extended to businesses engaging in willful misconduct, reckless infliction of harm, or intentional infliction of harm. Nothing in these liability protections should diminish or supersede worker protections from OSHA, state worker's compensation, National Fair Labor Standards Act, the Georgia Department of Public Health, the Georgia Department of Labor, or any other state or federal agency power, regulation or law. Criminal penalties, regulatory fines, and agency oversight will capture bad actors and civil lawsuits will be available for any citizen hurt by a business or individual acting with reckless disregard for safety during this COVID-19 pandemic.

Thank you for your steadfast leadership through these challenging times. Georgia businesses have and will continue to benefit from your measured approach to re-opening our economy. We appreciate the opportunity to work together to get Georgians back to work and rebuilding our state's economy.

Respectfully submitted,

American Council of Engineering Companies of Georgia
American Hotel & Lodging Association
American Property Casualty Insurance Association
Building Owners and Managers Association of Georgia
Cadence Bank
Community Bankers Association of Georgia
C.W. Matthews Contracting Company
The Doctors Company
Emory University
Gateway 85 CID
Georgia Academy of Family Physicians
Georgia Agribusiness Council
Georgia Apartment Association
Georgia Association of Convenience Stores

Georgia Association of Convention & Visitors Bureaus
Georgia Association of Health Underwriters
Georgia Association of Manufacturers
Georgia Association of Property and Casualty Insurance Companies
Georgia Association of REALTORS
Georgia Bankers Association
Georgia Chamber of Commerce
Georgia Chapter of American Institute of Architecture
Georgia College of Emergency Physicians
Georgia Construction Suppliers Association
Georgia Food Industry Association
Georgia Forestry Association
Georgia Health Care Association
Georgia Highway Contractors Association
Georgia Hotel & Lodging Association, Inc.

Georgia Mining Association
Georgia Motor Trucking Association, Inc.
Georgia Orthopedic Society
Georgia Paper & Forest Products Association
Georgia Pest Control Association
Georgia Poultry Federation
Georgia Propane Gas Association
Georgia Psychiatric Physicians Association
Georgia Railroad Association
Georgia Restaurant Association
Georgia Retailers Association
Georgia Screen Entertainment Coalition
Georgia Senior Living Association
Georgia Society of Dermatology &
Dermatological Surgery
Georgia Society of Ophthalmology
Georgia Transportation Alliance
Georgia Workers' Compensation Association
Georgians for Lawsuit Reform
Home Builders Association of Georgia
Independent Insurance Agents of Georgia
Johnson & Johnson
Kaiser Permanente
MAGMutual Insurance Company
Medical Association of Georgia
Metro South CID
Professional Insurance Agents (PIA) Southern
Alliance
PruittHealth
National Association of Mutual Insurance
Companies
National Federation of Independent
Business/Georgia
Norfolk Southern Corporation
Tucker Summit CID
United Parcel Service (UPS)
Adel-Cook County Chamber of Commerce
Albany Area Chamber of Commerce
Alma-Bacon County Chamber of Commerce
Ashburn-Turner County Chamber of Commerce
Athens Area Chamber of Commerce
ATL Airport Chamber
Atlanta Black Chambers
Augusta Metro Chamber of Commerce

Bainbridge-Decatur County Chamber
Banks County Chamber of Commerce
Barnesville-Lamar County Chamber
Barrow County Chamber of Commerce
Baxley-Applying County Chamber of Commerce
Berrien County Chamber of Commerce
Blairsville-Union County Chamber of Commerce
Blakely-Early County Chamber of Commerce
Brantley County Chamber of Commerce
Brookhaven Chamber of Commerce
Brunswick-Golden Isles Chamber
Buena Vista/Marion County Chamber
Burke County Chamber of Commerce
Butts County Chamber of Commerce
Cairo-Grady County Chamber of Commerce
Camden County Chamber of Commerce
Camilla Chamber of Commerce
Carroll County Chamber of Commerce
Cartersville-Bartow County Chamber of
Commerce
Catoosa County Chamber of Commerce
Chamblee Chamber of Commerce
Chatsworth-Murray County Chamber of
Commerce
Chattooga Chamber of Commerce
Cherokee County Chamber of Commerce
Clay County Chamber of Commerce
Clayton County Chamber of Commerce
Clinch County Chamber of Commerce
Cobb Chamber of Commerce
Cochran-Bleckley Chamber of Commerce
Colquitt-Miller County Chamber of Commerce
Columbia County Chamber of Commerce
Conyers-Rockdale Chamber of Commerce
Cordele-Crisp Chamber of Commerce
Covington-Newton County Chamber of
Commerce
Cumming/Forsyth County Chamber of
Commerce
Dade County Chamber of Commerce
Dahlonega-Lumpkin County Chamber
Darien-McIntosh County Chamber of Commerce
Dawson County Chamber of Commerce
Donalsonville-Seminole County Chamber

Dooly County Chamber of Commerce
Douglas County Chamber
Douglas-Coffee County Chamber
Dublin-Laurens County Chamber
Dunwoody Perimeter Chamber of Commerce
Eastman-Dodge County Chamber of Commerce
Eatonton-Putnam Chamber of Commerce
Elbert County Chamber of Commerce
Ellaville-Schley County Chamber of Commerce
Fannin County Chamber of Commerce
Fayette Chamber of Commerce
Fitzgerald-Ben Hill Chamber of Commerce
Forsyth-Monroe County Chamber of Commerce
Franklin County Chamber of Commerce
Georgia Hispanic Chamber of Commerce
Georgia Women's Chamber of Commerce
Gilmer County Chamber of Commerce
Glennville Chamber of Commerce
Gordon County Chamber of Commerce
Greater Columbus Chamber of Commerce
Greater Dalton Chamber of Commerce
Greater Eastside Chamber of Commerce
Greater Hall Chamber of Commerce
Greater Lithonia Chamber of Commerce
Greater Macon Chamber of Commerce
Greater North Fulton Chamber of Commerce
Greater Tattnall Chamber of Commerce
Greene County Chamber of Commerce
Griffin-Spalding Chamber of Commerce
Gwinnett Chamber of Commerce
Habersham County Chamber of Commerce
Harris County Chamber of Commerce
Hart County Chamber of Commerce
Hawkinsville-Pulaski County Chamber of
Commerce
Hazlehurst-Jeff Davis Chamber of Commerce
Heard County Chamber of Commerce
Henry County Chamber of Commerce
Jackson County Area Chamber of Commerce
Jenkins County Chamber of Commerce
Johns Creek Chamber of Commerce
Jones County Chamber of Commerce
LaGrange - Troup County Chamber of
Commerce

Lakeland-Lanier County Chamber of Commerce
Lavonia Chamber of Commerce
Lee County Chamber of Commerce
Liberty County Chamber of Commerce
Lincolnton-Lincoln County Chamber of
Commerce
Long County Chamber of Commerce
Macon County Chamber of Commerce
Madison County Chamber of Commerce
Madison-Morgan County Chamber
Meriwether County Chamber of Commerce
Metter-Candler Chamber of Commerce
Milledgeville-Baldwin County Chamber
Monticello-Jasper County Chamber of
Commerce
Moultrie-Colquitt County Chamber of
Commerce
Newnan-Coweta Chamber
Ocilla/Irwin Chamber of Commerce
Oconee County Chamber of Commerce
Oglethorpe County Chamber of Commerce
Okefenokee Chamber of Commerce
Paulding County Chamber of Commerce
Peach Regional Chamber of Commerce
Pelham Chamber of Commerce
Perry Area Chamber of Commerce
Pickens County Chamber of Commerce
Pierce County Chamber of Commerce
Polk County Chamber of Commerce
Pooler Chamber of Commerce
Quitman-Brooks County Chamber of Commerce
Rabun County Chamber of Commerce
Randolph County Chamber of Commerce
Richmond Hill-Bryan County Chamber of
Commerce
Rome Floyd Chamber of Commerce
Robins Regional Chamber of Commerce
Sandy Springs Perimeter Chamber
Savannah Area Chamber of Commerce
Screven County Chamber of Commerce
South Fulton Chamber of Commerce
Statesboro-Bulloch Chamber of Commerce
Stonecrest Chamber of Commerce
Sumter County Chamber of Commerce

Swainsboro Emanuel County Chamber of
Commerce
Sylvester-Worth County Chamber of Commerce
Talbot County Chamber of Commerce
Taliaferro Chamber of Commerce
Taylor County Chamber of Commerce
Telfair County Chamber of Commerce
Terrell County Chamber of Commerce
Thomaston-Upson County Chamber
Thomasville-Thomas County Chamber
Thomson-McDuffie Chamber of Commerce
Tifton-Tift County Chamber of Commerce
Toccoa-Stephens County Chamber of
Commerce
Toombs-Montgomery Chamber of Commerce

Towns County Chamber of Commerce
Valdosta-Lowndes County Chamber of
Commerce
Walker County Chamber of Commerce
Walton County Chamber of Commerce
Warren County Chamber of Commerce
Washington County Chamber of Commerce
Washington-Wilkes Chamber of Commerce
Waycross-Ware County Chamber of Commerce
Wayne County Chamber of Commerce
Wheeler County Chamber of Commerce
White County Chamber of Commerce
Wilkinson County Chamber of Commerce
Wrightsville-Johnson County Chamber of
Commerce