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GSASC

Legislative Update

*from GSASC Lobbyists
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GOVERNOR PERDUE INTRODUCES TORT REFORM LEGISLATION TO IMPROVE BUSINESS ENVIRONMENT, PROTECT LANDOWNERS

Governor Sonny Perdue announced today that Sen. Bill Cowsert has introduced SB 101 and SB 108, to improve Georgia's business environment. Sen. Bill Heath introduced SB 75, the Landowner's Protection Act.

"This legislation will make plain that the threat of meritless litigation is not a viable business strategy in Georgia," said Governor Perdue.

"Through this tort reform package, Governor Perdue is sending an important signal that Georgia is committed to maintaining a strong pro-business environment and that companies who

locate here can expect a level playing field in the courts," said Jim Snyder, chair of the Georgia Chamber of Commerce Law & Judiciary Committee.

SB 101 will protect manufacturers and sellers of medical devices and drugs with a significant presence in Georgia from lawsuits if their product received approval from the federal Food and Drug Administration. The legislation covers defects in design, which undergo a strenuous FDA approval process, but it does not cover defects that occur in the manufacturing process.

"We will cement our position as a leader in the biotech industry by enacting laws that respect the role of the federal Food and Drug Administration as the regulator of the safety of drugs and medical devices," Governor Perdue said.

This summer, Georgia will host more than 15,000 energy innovators at the biggest bio-life science conference in the world - BIO 2009.

"At the same time the world's bio companies focus on our state, this legislation will show that Georgia welcomes the bio-tech industry and the high-paying jobs the industry brings," said Sen. Cowser. "It is an outstanding economic development tool."

SB 108 will provide relief to individuals and companies wrongly sued. Current law provides little deterrent for unfounded lawsuits and often makes it cheaper to settle even if a company is wrongly sued. Under SB 108, in most cases if a claim is dismissed at the earliest possible stage, the litigant bringing the claim will be responsible for the prevailing party's attorneys' fees. And if the attorney fails to notify the client of this provision, that attorney could pay the award. Last, the bill will make sure that the costly discovery process will not begin until the legal merits of a complaint have been tested.

"SB 108 will free up our courts to pursue justice in cases with merit, protect our existing businesses that provide jobs for

Georgians and attract new investment," the Governor said.

"This legislation will allow the judiciary to sweep out unfounded lawsuits so that cases with merit can receive the court's full attention and justice can be pursued," said Sen. Cowser.

The Landowner's Protection Act will protect landowners, who allow hunters to hunt on their property, from being sued for accidents arising during a hunt except those due to gross negligence on the part of the landowner. Likewise, visitors to an agri-tourism attraction (e.g., visiting a farm to pick peaches) would not be able to win lawsuits filed against the landowner for injuries during such a visit except in cases of gross negligence.

"Georgia is a premier agri-tourism destination," said Governor Perdue. "This legislation will make sure the threat of litigation does not prevent landowners from welcoming guests onto their property."

"We want to encourage landowners to open their hunting property and farms to visitors to enjoy Georgia's natural beauty as an agricultural and sportsman's paradise," said Sen. Heath. "The Georgia General Assembly is working to protect landowners and, again, stand up for the rights of private property owners."

[Click here](#) to view SB 101.

[Click here](#) to view SB 108.

LEGISLATIVE UPDATE FOR THE WEEK OF FEBRUARY 2-6, 2009

Friday marked the 15th legislative day of the 40 day session. The House and Senate passed a resolution to be in session three days a week through the week of March 25th. This would take us through to legislative day 35. The remaining 5 legislative days could occur in late June, but it all depends on

the timing and proceeds realized in the forthcoming federal stimulus package. The all important 30th day, cross over day for legislation to pass from one chamber to other and be eligible for passage this session, would fall sometime around the middle of March. To date, there have been 357 bills introduced in the House and 121 bills in the Senate.

Prompt Pay legislation is eligible for the Senate floor in the coming week. We have been meeting with members of the Senate and garnering support for SB 62; we have worked closely with MAG in talking with all Senators. We will know tomorrow if we need to have our doctors call their Senators. A second stakeholders meeting will be held today on the Silent / Rental Network reform legislation; the insurance lobby is preparing their compromise legislation.

Last week, we noted the meeting held with Chairman Cooper on the medical practice act re-write, no further action has been taken. We met with Brian Looby regarding a memo MAG is submitting to the medical board with several concerns. One area of concern to MAG involves changes in the PA scope of practice. The bill has not been introduced.

Please let us know if you have any questions or would like additional information on any of the bills. We are interested in your thoughts on the Governor's tort reform package.

Thank you,

Lasa & Travis