



INSIGHTS

Georgia 2020 Legislative Session Wrap Up

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The end of one of most unconventional and consequential legislative sessions in Georgia history concluded on June 26, 2020. House and Senate leadership suspended the session earlier in the year on a crossover day to combat the slow and steady march of COVID-19, forcing legislators to return to the Capitol mid-June with much left to tackle including the FY 2021 budget and the fates of the film tax credit and hate crimes legislation.

Below is breakdown of the hot button and pressing issues tackled during the 2020 Georgia Legislative Session.

Film

[House Bill 1037](#) requires mandatory audits on the productions that receive the film tax credit. It also authorizes the Department of Revenue to certify third-party auditors to perform the required audits. In addition, HB 1037 changes the carryforward period to three years from the date of the production's film tax credit certification

Auto renewal

[House Bill 1039](#), which goes into effect on Jan. 1, 2021, changes current provisions for consumers who opt-in to auto renewal service contracts with designated companies. Companies who choose to use auto renewal for subscription services over 24 months must notify consumers regarding the auto renewal of their services. Georgia consumers must respond to the company's notification (either electronically or in writing) to acknowledge that the notification was received, and to continue the

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service contract, consumers must also either affirm that they would like the service to continue or terminate the service.

FY 2021 Budget

Coming in at \$26 billion, the FY 2021 budget spares state employees from furloughs but cuts 10 percent from overall state spending, eliminates nearly \$950 million from basic K-12 education and cuts spending by \$2.2 billion to meet the expected decline in revenue due to the COVID-19 pandemic related state tax collection decline. Where education is concerned, House and Senate leadership indicated that most school systems have reserves and federal money to help make up for state funding cuts.

Lawmakers and state agencies had forecasted 14 percent cuts, but the Kemp Administration amended the mandated budget cut to 10 percent and levied \$250 million in state rainy day funds to mitigate the hit to critical state programs and staff.

Hate Crimes Legislation

[House Bill 426](#) allows for enhanced criminal penalties to be imposed against those who target their victims on the basis of race, gender, sexual orientation, sex, national origin, religion, or physical or mental disability.

Senior Care

[House Bill 987](#) was born out of a large public outcry over reports of rampant and unreported abuse and neglect in many of Georgia's senior care homes. Among the particulars, HB 987 mandates that:

- Memory care units must be certified, with additional staff
- Home directors must be licensed
- Homes that break the rules would face higher fines
- Assisted living homes are required to have nurse staffing
- Homes must disclose financial problems to residents and families

Surprise Billing

[House Bill 888](#) bans surprise medical bills for emergency care, but not for non-emergency hospital charges. For non-emergency care, patients must still determine which hospitals and care providers are in their network.

COVID-19 Business Liability

[Senate Bill 359](#) protects businesses from legal liability due to customer exposure to COVID-19, unless the company shows "gross negligence, willful and wanton misconduct, reckless infliction of harm, or intentional infliction of harm."

Home Alcohol Delivery

[House Bill 879](#) allows grocery retailers, liquor stores and select restaurants to deliver beer, wine and liquor directly to customers.

To obtain more information, please contact the Barnes & Thornburg attorney with whom you work or Stephen Weizenecker at 404-264-4038 or stephen.weizenecker@btlaw.com, or Zach Johnson at 404-264-4022 or zach.johnson@btlaw.com.

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