



California State Council

# POLICY AND PROCEDURE

<b>Title:</b> Antitrust Policy	<b>Number:</b>
<b>Cross Reference:</b>	
<b>Approved by:</b> California ENA Board of Directors	<b>Origination Date:</b> 08/2014
<b>Revised by:</b>	<b>Approval Date:</b> 01/12/2017
	<b>Revision Date:</b> 08/13/2016

**I. POLICY PURPOSE:**

To ensure monitoring of organization activities in order to prevent violations of the antitrust law.

**II. POLICY BACKGROUND:**

Antitrust laws are also referred to as “competition laws” and are statutes developed by the government to protect consumers from predatory business practices by ensuring that fair competition exists in an open market economy and seeks to make businesses compete fairly.

**III. PROTOCOL:**

1. Cal ENA will adhere to federal and state antitrust laws and regulations applicable to 501(c) (3) organizations.
2. Under federal and state antitrust laws, an association may be held liable for action that constitutes a restraint of trade.
3. Accordingly, Cal ENA must exercise extreme caution regarding its business decisions and will not engage in any activity that may result in an unreasonable restraint of trade.
4. Cal ENA will base business decisions on stated, reasonable criteria that are applied objectively, consider all potential vendors and document the basis for decisions.
5. Cal ENA will comply with antitrust laws and regulations and identify changes in the antitrust laws in consultation with National ENA legal counsel.
6. Board of Directors will approve all new programs or changes in existing programs that may have potential antitrust implications.
7. Minutes of all Cal ENA meetings shall accurately reflect the business conducted and reflect Cal ENA’s policy of complying with the antitrust laws.
8. A Cal ENA member who has concerns regarding antitrust should speak immediately to the Cal ENA President. The Cal ENA President will speak with the national ENA legal counsel regarding these concerns as warranted.



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