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| <b>Title:</b> Antitrust                       | <b>Number:</b> N/A               |
| <b>Cross Reference:</b> N/A                   |                                  |
| <b>Approved by:</b> SD ENA Board of Directors | <b>Origination Date:</b> 12/2013 |
| <b>Revised by:</b>                            | <b>Approval Date:</b> 12/2013    |
| <b>Reviewed date:</b> 2020                    | <b>Revision Date:</b>            |

**I. POLICY PURPOSE:**

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

**II. POLICY BACKGROUND:**

- South Dakota ENA will adhere to federal and state antitrust laws and regulations applicable to 501(c)(3) organizations.

**III. PROTOCOL:**

**Standards/Criteria**

- Under federal and state antitrust laws, an association may be held liable for action that constitutes a restraint of trade.
- Thus, SD 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.
- SD ENA will base business decisions on stated, reasonable criteria that are applied objectively, consider all potential vendors and document the basis for decisions.

**Operational Procedure**

- SD ENA Board of Directors will understand the importance of compliance with antitrust laws and regulations and identify potential antitrust issues.
- SD ENA will consult appropriate legal counsel for approval in advance of all new programs or changes in existing programs that have potential antitrust implications.
- SD ENA Board of Directors may choose to consult and invite appropriate legal counsel to any meeting at which sensitive, legal or corporate issues will be discussed.
- Minutes of all SD ENA meetings should accurately reflect the business conducted and reflect ENA's policy of complying with the antitrust laws.