§ 16-17A-18. Legislative findings: University Authority Act of 2016

In support of and in furtherance of the powers granted in Section 16-17A-8, the Legislature hereby finds and declares all of the following:

(1) Authorities organized under this chapter and its university affiliates are performing essential public functions on behalf of the state, the sponsoring university, and other governmental entities in the state.

(2) The nature and scope of the powers conferred on authorities and their university affiliates by this chapter are such as may compel each authority and each university affiliate, in the course of exercising its powers or by virtue of such exercise of such powers, to engage in activities itself or in collaboration with public or private entities and individuals that may be characterized as anticompetitive or may result in the acquisition or maintenance of monopoly power within the meaning of state and federal antitrust laws or otherwise may have the effect of displacing competition in the provision of hospital, physician, or other health care-related services.

(3) In carrying out its public health mission through the exercise of the powers granted by this chapter, including, without limitation, the collaborative activities expressly authorized by this chapter, an authority and its university affiliates, as well as the public or private entities and individuals with which they collaborate, shall be immunized from liability under the federal and state antitrust laws to the fullest extent allowed by law.

(4) As an expression of the public policy of the state with respect to the displacement of competition in the field of health care, each authority and each university affiliate, when exercising its powers under this chapter, acts as an agency or instrumentality of its university and as a political subdivision of the state, and as such, neither an authority nor its university affiliate shall be subject to what has come to be known in relevant antitrust jurisprudence as active supervision by the state in order to enjoy immunity from the application of state and federal antitrust laws.