

House Bill 230

By: Representatives Powell of the 171<sup>st</sup>, Channell of the 120<sup>th</sup>, Shaw of the 176<sup>th</sup>, Smith of the 134<sup>th</sup>, Rynders of the 152<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 65 of Title 36 of the Official Code of Georgia Annotated, relating to  
2 immunity from antitrust liability, so as to express and clarify by declaration of the General  
3 Assembly of Georgia that, in the exercise of the powers specifically granted to them in  
4 Article 4 of Chapter 7 of Title 31, hospital authorities created thereunder are acting pursuant  
5 to state policy; to articulate clearly and express affirmatively, and to clarify that it is and has  
6 been, the policy of the State of Georgia that such hospital authorities in the exercise of the  
7 powers specifically granted to them in Article 4 of Chapter 7 of Title 31 shall be immune  
8 from antitrust liability to the same degree and extent as enjoyed by the State of Georgia; to  
9 provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 65 of Title 36 of the Official Code of Georgia Annotated, relating to immunity from  
14 antitrust liability, is amended by revising Code Section 36-65-1, relating to statement of  
15 policy with regard to immunity from antitrust liability, as follows:

16 "36-65-1.

17 It is declared by the General Assembly of Georgia that in the exercise of powers  
18 specifically granted to them by law, local governing authorities of cities and counties and  
19 hospital authorities created under Article 4 of Chapter 7 of Title 31 are acting pursuant to  
20 state policy."

21 style="text-align:center">**SECTION 2.**

22 Said chapter is further amended by revising Code Section 36-65-2, relating to immunity of  
23 local governments from antitrust liability, as follows:

24 "36-65-2.

25 This chapter is intended to articulate clearly and express affirmatively the policy of the  
26 State of Georgia that in the exercise of such powers, such local governing authorities and  
27 such hospital authorities shall be immune from antitrust liability to the same degree and  
28 extent as enjoyed by the State of Georgia and that such immunity shall extend to all actions  
29 of hospital authorities taken in accordance with powers specifically granted to them in  
30 Article 4 of Chapter 7 of Title 31 on or prior to the effective date of this Code section."

31 **SECTION 3.**

32 This Act shall become effective upon its approval by the Governor or upon its becoming law  
33 without such approval.

34 **SECTION 4.**

35 All laws and parts of laws in conflict with this Act are repealed.