

Title: Antitrust Policy	Number:
Cross Reference:	
Approved by: Texas State Council Board of Directors (BOD)	Origination Date:
Revised by: Bylaws, Policy & Procedure Committee	Approval Date: 12/2025
	Revision Date: 10/10/2020

I. POLICY PURPOSE:

To ensure monitoring of organization activities in order to prevent violations of the antitrust laws. Texas State Council will adhere to federal and state antitrust laws and regulations applicable to 501(c)(3) organizations, not engaging in any activity that may result in an unreasonable restraint of trade.

II. POLICY BACKGROUND/DEFINITIONS:

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.

Under federal and state antitrust laws, Texas State Council may be held liable for action that constitutes a restraint of trade.

III. PROTOCOL/PROCEDURE:

1. Texas State Council exercises extreme caution regarding its business decisions and does not engage in any activity that may result in an unreasonable restraint of trade.
2. Texas State Council bases business decisions on stated, reasonable criteria that are applied objectively, considers all potential vendors, and documents the basis for decisions.
3. Texas State Council consults legal counsel in advance of all new programs or changes in existing programs that have potential antitrust implications. The BOD will approve all new programs or changes in existing programs that may have potential antitrust implications.
4. Minutes of all Texas State Council meetings will accurately reflect the business conducted and reflect compliance with antitrust laws.
5. Any Texas State Council member with concerns regarding antitrust should immediately contact the Texas State Council President, with initial or follow up communication in writing. The Texas State Council President will speak with legal counsel at the National ENA about concerns as warranted.