

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 3170**  
**103RD GENERAL ASSEMBLY**

6936H.02C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

To amend chapter 172, RSMo, by adding thereto one new section relating to the powers of the curators of the University of Missouri.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 172, RSMo, is amended by adding thereto one new section, to be  
2 known as section 172.975, to read as follows:

**172.975. 1. In exercising the powers granted under section 172.020 and other  
2 powers granted by statute or the Constitution of Missouri, the curators of the University  
3 of Missouri are hereby authorized and empowered to acquire, manage, lease, purchase,  
4 sell, or otherwise acquire an interest in or participate in the ownership or operation of  
5 hospital, medical, or other health care facilities or providers located within the twenty-  
6 five county area described in subsection 3 of this section in accordance with agreements  
7 entered into by the curators of the University of Missouri and third parties, including  
8 but not limited to through the acquisition of entities engaged in the provision of health  
9 care services or the acquisition of assets of such entities, regardless of the competitive  
10 consequences of these activities. Nothing in this section requires any entity to enter into  
11 an agreement with the curators of the University of Missouri.**

**12 2. The state finds that the benefits of the university engaging in the activities  
13 described in this section outweigh any adverse impact on competition, and the state  
14 affirmatively expresses a policy to allow the curators of the University of Missouri to  
15 engage in the activities described in this section, notwithstanding that such activities  
16 may have the effect of displacing competition in the provision of hospital, physician, or  
17 other health care-related services. The engagement in such activities shall otherwise**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 remain subject to any applicable state certificate of need laws, including the provisions  
19 of sections 197.300 to 197.367 and any other similar laws.

20       **3. The board of curators of the University of Missouri and any public or private**  
21 **entities and individuals with which the board collaborates shall be immunized from**  
22 **liability under all federal and state antitrust laws, including section 416.031 or any**  
23 **similar law, with respect to the activities described in this section within the following**  
24 **twenty-five-county area: Adair, Audrain, Boone, Callaway, Camden, Chariton, Cole,**  
25 **Cooper, Gasconade, Howard, Linn, Macon, Maries, Miller, Moniteau, Monroe,**  
26 **Montgomery, Morgan, Osage, Pettis, Phelps, Pike, Pulaski, Randolph, and Saline.**

27       **4. Nothing in this section shall be construed to grant immunity for:**

28       **(1) Price-fixing, bid-rigging, or market-allocation schemes deemed unlawful**  
29 **under the Sherman Act, 15 U.S.C. Section 1, without any inquiry into their alleged**  
30 **reasonableness; or**

31       **(2) Any other anticompetitive conduct for which no defense or justification is**  
32 **allowed under applicable antitrust laws.**

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