

Representative Ken Ivory proposes the following substitute bill:

UNLAWFUL ANTICOMPETITIVE ACTIVITY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill addresses unlawful activity under the Utah Antitrust Act.

Highlighted Provisions:

This bill:

- defines "monopolized company";
- modifies the definition of "attempt to monopolize" under the Utah Antitrust Act to include intentionally destroying a monopolized company by eliminating the viable options for the company to obtain a product or service; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-3103, as last amended by Laws of Utah 2015, Chapter 140

Be it enacted by the Legislature of the state of Utah:



Section 1. Section **76-10-3103** is amended to read:

76-10-3103. Definitions.

As used in this part:

(1) "Attempt to monopolize" means action taken;

(a) without a legitimate business purpose; and

(b) (i) with a specific intent of destroying competition or controlling prices to substantially lessen competition, or creating a monopoly, where there is a dangerous probability of creating a monopoly[-]; or

(ii) with specific intent of destroying a monopolized company by eliminating the viable options for the monopolized company to obtain a product or service.

(2) "Attorney general" means the attorney general of the state or one of the attorney general's assistants.

(3) "Commodity" includes any product of the soil, any article of merchandise or trade or commerce, and any other kind of real or personal property.

(4) "Manufacturer" means the producer or originator of any commodity or service.

(5) "Monopolized company" means an entity that:

(a) engages in, facilitates, or supports the manufacture, import, distribution, advertising, sale, or lawful use of a firearm, ammunition, or another component or accessory of a firearm or ammunition;

(b) does not meet or commit to meet:

(i) diversity, equity, or inclusion criteria, including corporate board, or employment, composition, compensation, or disclosure criteria that incorporates race, color, sex, religion, ancestry, or national origin;

(ii) environmental, social, or governance criteria in that the entity engages in the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based or nuclear energy, timber, mining, or agriculture; or

(iii) environmental standards, including standards for eliminating, reducing, offsetting, or disclosing greenhouse gas-emissions, beyond applicable state and federal law requirements;

or

(c) does not facilitate or commit to facilitate access to abortion or sex characteristic surgical procedures.

57 [~~(5)~~] (6) "Service" includes any activity that is performed in whole or in part for the
58 purpose of financial gain including, but not limited to, personal service, professional service,
59 rental, leasing or licensing for use.

60 [~~(6)~~] (7) "Trade or commerce" includes all economic activity involving, or relating to,
61 any commodity, service, or business activity, including the cost of exchange or transportation.