

AMENDMENTS TO HOUSE BILL NO. 2012

Sponsor: REPRESENTATIVE BRIGGS

Printer's No. 2971

1 Amend Bill, page 2, line 8, by striking out "PROVIDING FOR"

2 and inserting

3 establishing

4 Amend Bill, page 18, line 4, by striking out "AND OTHER

5 STATES" and inserting

6 , other states and state agencies

7 Amend Bill, page 18, by inserting between lines 4 and 5

8 913. Agency cooperation.

9 Amend Bill, page 18, line 5, by striking out "913" and

10 inserting

11 914

12 Amend Bill, page 18, line 6, by striking out "914" and

13 inserting

14 915

15 Amend Bill, page 18, line 7, by striking out "915" and

16 inserting

17 916

18 Amend Bill, page 18, by inserting between lines 8 and 9

19 917. Construction.

20 Amend Bill, page 18, line 9, by striking out "916" and

21 inserting

22 918

23 Amend Bill, page 18, line 26, by striking out "FIRM" and

24 inserting

1 person

2 Amend Bill, page 19, line 1, by striking out "ENTITIES" where
3 it occurs the first time and inserting

4 persons

5 Amend Bill, page 19, line 1, by striking out "ENTITIES" where
6 it occurs the second time and inserting

7 persons

8 Amend Bill, page 19, line 3, by striking out "ENTITY" and
9 inserting

10 person

11 Amend Bill, page 19, line 4, by striking out "ENTITY" and
12 inserting

13 person

14 Amend Bill, page 19, line 9, by striking out "103" and
15 inserting

16 802.1

17 Amend Bill, page 19, line 14, by striking out "AN ENTITY" and
18 inserting

19 a person

20 Amend Bill, page 19, line 16, by striking out "AN ENTITY" and
21 inserting

22 a person

23 Amend Bill, page 19, line 17, by striking out "OWNERSHIP" and
24 inserting

25 direct or indirect ownership, including a private equity
26 fund

27 Amend Bill, page 19, line 21, by inserting after

28 "OPTOMETRIC,"

29 dental treatment,

30 Amend Bill, page 19, line 30, by striking out "ORGANIZATIONS"
31 and inserting

1 persons

2 Amend Bill, page 20, line 1, by striking out "ORGANIZATIONS"
3 and inserting

4 persons

5 Amend Bill, page 20, lines 9 through 12, by striking out all
6 of said lines

7 Amend Bill, page 20, line 22, by striking out "AN ENTITY" and
8 inserting

9 A person

10 Amend Bill, page 21, line 3, by inserting after "MONOPSONIZE"
11 , to maintain a monopoly or monopsony

12 Amend Bill, page 21, lines 10 and 11, by striking out "IS
13 SUBSTANTIALLY TO" in line 10 and all of line 11 and inserting

14 may be substantially to lessen competition in any part
15 of trade or commerce.

16 Amend Bill, page 21, lines 14 through 17, by striking out all
17 of said lines

18 Amend Bill, page 21, line 25, by striking out "ACTION" and
19 inserting

20 act

21 Amend Bill, page 22, line 15, by striking out "ITS AGENCIES
22 THAT ARE" and inserting

23 Commonwealth agencies

24 Amend Bill, page 23, line 18, by striking out "A"

25 Amend Bill, page 23, line 19, by inserting after "LAW"

26 that

27 Amend Bill, page 23, line 20, by striking out "AND" and
28 inserting a comma

29 Amend Bill, page 23, line 20, by inserting after "STATES"

30 and state agencies

1 Amend Bill, page 23, by inserting between lines 22 and 23

2 (f) Presumptions.--In an action brought by the Attorney
3 General under this chapter and the act of October 15, 1980
4 (P.L.950, No.164), known as the Commonwealth Attorneys Act:

5 (1) The Attorney General is the sole party for discovery
6 purposes and is deemed to lack possession, custody or control
7 over documents possessed by the General Assembly, other
8 Commonwealth officers or other Commonwealth agencies.

9 (2) If the action is asserted on behalf of a
10 Commonwealth agency, the Attorney General may facilitate
11 nonparty discovery from the Commonwealth agency but is not
12 otherwise obligated under section 913 (relating to agency
13 cooperation) or section 208 of the Commonwealth Attorneys
14 Act.

15 (3) If the Attorney General does not seek to recover
16 damages for an injury suffered by a Commonwealth agency,
17 nonparty discovery of the Commonwealth agency is
18 presumptively unreasonable and unduly burdensome.

19 Amend Bill, page 23, line 24, by inserting after "CHAPTER"
20 in which the plaintiff prevails

21 Amend Bill, page 23, line 25, by striking out "PARTY" and
22 inserting

23 plaintiff

24 Amend Bill, page 25, line 14, by striking out "ENTITIES" and
25 inserting

26 persons

27 Amend Bill, page 25, line 19, by striking out "ENTITY" and
28 inserting

29 person

30 Amend Bill, page 25, line 20, by striking out "ENTITY" where
31 it occurs the first time and inserting

32 person

33 Amend Bill, page 25, line 20, by striking out "ENTITY" where
34 it occurs the second time and inserting

35 person

36 Amend Bill, page 25, line 23, by striking out "ENTITIES" and
37 inserting

1 persons

2 Amend Bill, page 27, line 1, by inserting after

3 "NOTIFICATION.--A"

4 health care facility, health care facility system,

5 Amend Bill, page 30, line 6, by striking out "WHO" and

6 inserting

7 shall be liable for a civil penalty as provided in this
8 subsection if the person

9 Amend Bill, page 30, line 9, by striking out "WHO"

10 Amend Bill, page 30, lines 15 through 17, by striking out

11 "SHALL BE" in line 15, all of line 16 and "SUBSECTION" in line

12 17

13 Amend Bill, page 30, line 29, by inserting a comma after

14 "INFORMATION"

15 Amend Bill, page 30, line 30, by inserting after "LAW"

16 , in the enforcement of this chapter including
17 presentation before a court

18 Amend Bill, page 31, line 4, by inserting after

19 "CONFIDENTIAL"

20 except as provided in this section

21 Amend Bill, page 31, line 26, by striking out "AN INDIVIDUAL

22 OR ENTITY WHO" and inserting

23 A person that

24 Amend Bill, page 32, line 17, by striking out "AND OTHER

25 STATES" and inserting

26 , other states and state agencies

27 Amend Bill, page 32, line 21, by striking out "AND" where it

28 occurs the first time and inserting a comma

29 Amend Bill, page 32, line 21, by inserting after "STATES"

30 and state agencies

1 Amend Bill, page 32, by inserting between lines 22 and 23

2 § 913. Agency cooperation.

3 (a) General rule.--All Commonwealth agencies shall assist
4 the Attorney General in the enforcement of this chapter, if
5 requested, and shall promptly comply with any request for
6 documents, testimony or information.

7 (b) Attorney General.--The Attorney General shall provide
8 notice to:

9 (1) The Department of Health of any enforcement action
10 initiated under section 905 (relating to enforcement by
11 Attorney General) as well as the resolution of any action
12 initiated under section 905 that involves a health care
13 facility or a health care facility system.

14 (2) The Insurance Department of any enforcement action
15 initiated under section 905 as well as the resolution of any
16 action initiated under section 905 that involves an insurer.

17 Amend Bill, page 32, line 23, by striking out "913" and

18 inserting

19 914

20 Amend Bill, page 32, line 27, by striking out "914" and

21 inserting

22 915

23 Amend Bill, page 32, lines 28 through 30; page 33, lines 1
24 through 3; by striking out all of said lines on said pages and
25 inserting

26 This chapter shall not apply to:

27 (1) a cooperative association or an employee-owned
28 enterprise, corporate or otherwise, of farmers, gardeners or
29 dairy producers, including livestock farmers and fruit
30 growers, nor to a contract, agreement or arrangement made by
31 the association or enterprise, nor to a bona fide labor
32 union; or

33 (2) the business of insurance to the extent that the
34 business:

35 (i) does not constitute a boycott, coercion or
36 intimidation or an agreement to boycott, coerce or
37 intimidate; and

38 (ii) does not relate to the business of health
39 insurance, including the business of dental insurance and
40 limited-scope dental benefits.

41 Amend Bill, page 33, line 4, by striking out "915" and

42 inserting

1 916

2 Amend Bill, page 33, by inserting between lines 8 and 9

3 § 917. Construction.

4 This chapter shall be construed in harmony with judicial
5 interpretations of comparable Federal antitrust statutes insofar
6 as practicable.

7 Amend Bill, page 33, line 9, by striking out "916" and

8 inserting

9 918