

HOUSE BILL No. 4490

March 21, 1989, Introduced by Reps. Gagliardi and Power and referred to the Committee on Consumers.

A bill to amend section 4 of Act No. 274 of the Public Acts of 1984, entitled as amended

"Michigan antitrust reform act,"

being section 445.774 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 4 of Act No. 274 of the Public Acts of
2 1984, being section 445.774 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 4. (1) Labor of a human being is not a commodity or an
5 article of commerce.

6 (2) This act shall not be construed to forbid the existence
7 and operation of any labor, agricultural, or horticultural orga-
8 nization instituted for the purpose of mutual help, while
9 lawfully carrying out its legitimate objects.

1 (3) This act shall not be construed to prohibit, invalidate,
2 or make unlawful any act or conduct of any unit of government,
3 when the unit of government is acting in a subject matter area in
4 which it is authorized by law to act, except for purposes of con-
5 ducting an investigation and the obtaining of appropriate injunc-
6 tive or other equitable relief, other than civil penalties, pur-
7 suant to section 7.

8 (4) This act shall not apply to a transaction or conduct
9 specifically authorized under the laws of this state or the
10 United States, or specifically authorized under laws, rules, reg-
11 ulations, or orders administered, promulgated, or issued by a
12 regulatory agency, board, or officer acting under statutory
13 authority of this state or the United States.

14 (5) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A
15 transaction or conduct made unlawful by this act shall not be
16 construed to violate this act ~~where~~ IF it is the subject of a
17 legislatively mandated pervasive regulatory scheme ~~, including~~
18 ~~but not limited to, the insurance code of 1956, being sections~~
19 ~~500.100 to 500.8302 of the Michigan Compiled Laws,~~ which confers
20 exclusive jurisdiction on a regulatory board or officer to autho-
21 rize, prohibit, or regulate the transaction or conduct. THIS
22 SUBSECTION SHALL NOT APPLY TO A TRANSACTION OR CONDUCT OF A
23 HEALTH MAINTENANCE ORGANIZATION REGULATED BY THE PUBLIC HEALTH
24 CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS
25 333.1101 TO 333.25211 OF THE MICHIGAN COMPILED LAWS, AN INSURER
26 REGULATED BY THE INSURANCE CODE OF 1956, ACT NO. 218 OF THE
27 PUBLIC ACTS OF 1956, BEING SECTIONS 500.100 TO 500.8302 OF THE

1 MICHIGAN COMPILED LAWS, OR A HEALTH CARE CORPORATION REGULATED BY
2 ACT NO. 350 OF THE PUBLIC ACTS OF 1980, BEING SECTIONS 550.1101
3 TO 550.1704 OF THE MICHIGAN COMPILED LAWS.

4 (6) This act shall not apply to a transaction or conduct of
5 an authorized health maintenance corporation, health insurer,
6 ~~medical care corporation, or health service corporation~~ or
7 health care corporation ~~when~~ IF the transaction or conduct is
8 to reduce the cost of health care and is permitted by the
9 commissioner. This subsection shall not affect the enforcement
10 of the federal antitrust act by federal courts or federal
11 agencies.

12 Section 2. This amendatory act shall not take effect unless
13 all of the following bills of the 85th Legislature are enacted
14 into law:

15 (a) Senate Bill No. _____ or House Bill No. 4492 (request
16 no. 02451'89).

17 (b) Senate Bill No. _____ or House Bill No. 4491 (request
18 no. 02470'89).

19 (c) Senate Bill No. _____ or House Bill No. 4488 (request
20 no. 02471'89).

21 (d) Senate Bill No. _____ or House Bill No. 4489 (request
22 no. 02472'89).

23 (e) Senate Bill No. _____ or House Bill No. 4493 (request
24 no. 02473'89).

25 (f) Senate Bill No. _____ or House Bill No. 4494 (request
26 no. 02474'89).

1 (g) Senate Bill No. _____ or House Bill No. 4496 (request
2 no. 02475'89).

3 (h) Senate Bill No. _____ or House Bill No. 4495 (request
4 no. 02476'89).

5 (i) Senate Bill No. _____ or House Bill No. 4487 (request
6 no. 01344'89 a *).