

HOUSE BILL No. 4918

June 8, 1989, Introduced by Reps. Saunders, Clack, Joe Young, Sr., Watkins, Kosteva, Martin, Nye, Gire, Kilpatrick, Wallace, Gubow, Owen, Murphy, Emerson, DeMars, Varga, Stupak, Webb, Stallworth, Berman, Scott, Keith, Hunter, Hart, Pitoniak, Ostling, Perry Bullard, Leland, Joe Young, Jr., Porreca, Spaniola, Jondahl, Hollister, Bennane, Bankes, Barns and Runco and referred to the Committee on Insurance.

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 transaction or conduct made unlawful by this act~~
 15 ~~shall not be construed to violate this act where it is the~~
 16 ~~subject of a legislatively mandated pervasive regulatory scheme,~~
 17 ~~including but not limited to, the insurance code of 1956, being~~
 18 ~~sections 500.100 to 500.8302 of the Michigan Compiled Laws, which~~
 19 ~~confers exclusive jurisdiction on a regulatory board or officer~~
 20 ~~to authorize, prohibit or regulate the transaction or conduct.~~

21 (5) ~~(6)~~ This act ~~shall~~ DOES not apply to a transaction
 22 or conduct of an authorized health maintenance ~~corporation~~
 23 ORGANIZATION, health insurer, ~~medical care corporation, or~~
 24 ~~health service corporation~~ DENTAL CARE CORPORATION, or health
 25 care corporation ~~when the~~ IF IT IS THE SUBJECT OF A LEGISLA-
 26 TIVELY MANDATED PERVASIVE REGULATORY SCHEME INCLUDING A
 27 transaction or conduct ~~is~~ to reduce the cost of health care

1 ~~and~~ THAT is permitted by the commissioner. This subsection
2 ~~shall~~ DOES not affect the enforcement of the federal antitrust
3 act by federal courts or federal agencies.

4 Section 2. This amendatory act shall take effect January 1,
5 1990.