

HOUSE BILL No. 5327

November 19, 1991, Introduced by Rep. Profit 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; and to repeal certain acts and parts of acts.

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
8 organization 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~~ IF the unit of government is acting in a subject matter
4 area in which it is authorized by law to act, except for purposes
5 of conducting an investigation and the obtaining of appropriate
6 injunctive or other equitable relief, other than civil penalties,
7 pursuant to section 7.

8 (4) This act ~~shall~~ DOES not apply to a transaction or con-
9 duct 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 FOR A TRANSACTION OR CONDUCT OF AN INSURER
15 REGULATED BY THE INSURANCE CODE OF 1956, ACT NO. 218 OF THE
16 PUBLIC ACTS OF 1956, BEING SECTIONS 500.100 TO 500.8302 OF THE
17 MICHIGAN COMPILED LAWS, AND NOT PROVIDED FOR UNDER
18 SUBSECTION (6), A transaction or conduct made unlawful by this
19 act shall not be construed to violate this act ~~where~~ IF it is
20 the subject of a legislatively mandated pervasive regulatory
21 scheme ~~, including but not limited to, the insurance code of~~
22 ~~1956, being sections 500.100 to 500.8302 of the Michigan Compiled~~
23 ~~Laws,~~ which confers exclusive jurisdiction on a regulatory board
24 or officer to authorize, prohibit, or regulate the transaction or
25 conduct.

26 (6) This act ~~shall~~ DOES not apply to a transaction or
27 conduct of an authorized health maintenance corporation, health

1 insurer, ~~medical care corporation, or health service~~
2 ~~corporation~~ or health care corporation ~~when~~ IF the transaction
3 or conduct is to reduce the cost of health care and is permitted
4 by the commissioner. This subsection ~~shall~~ DOES not affect the
5 enforcement of the federal antitrust act by federal courts or
6 federal agencies.

7 Section 2. Section 122 of Act No. 218 of the Public Acts of
8 1956, being section 500.122 of the Michigan Compiled Laws, is
9 repealed.