

HOUSE BILL No. 5338

November 20, 1991, Introduced by Rep. Gagliardi 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~~ 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 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 health insurer, ~~medical care corporation, or health service~~
 24 ~~corporation~~ DENTAL CARE CORPORATION, or health care corporation
 25 ~~when the~~ IF IT IS THE SUBJECT OF A LEGISLATIVELY MANDATED PER-
 26 VASIVE REGULATORY SCHEME, INCLUDING A transaction or conduct ~~is~~
 27 to reduce the cost of health care ~~and~~ THAT is permitted by the

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

4 Section 2. This amendatory act shall not take effect unless
5 all of the following bills of the 86th Legislature are enacted
6 into law:

7 (a) Senate Bill No. _____ or House Bill No. 5340 (request
8 no. 00706'91).

9 (b) Senate Bill No. _____ or House Bill No. 5335 (request
10 no. 00707'91).

11 (c) Senate Bill No. _____ or House Bill No. 5334 (request
12 no. 00708'91).

13 (d) Senate Bill No. _____ or House Bill No. 5339 (request
14 no. 00710'91).

15 (e) Senate Bill No. _____ or House Bill No. 5336 (request
16 no. 00711'91).

17 (f) Senate Bill No. _____ or House Bill No. 5337 (request
18 no. 00712'91).

19 (g) Senate Bill No. _____ or House Bill No. 5333 (request
20 no. 00713'91).

21 (h) Senate Bill No. _____ or House Bill No. 5331 (request
22 no. 00714'91).

23 (i) Senate Bill No. _____ or House Bill No. 5332 (request
24 no. 00715'91).