

# HOUSE BILL No. 4595

April 29, 2003, Introduced by Reps. Bradstreet and Rivet and referred to the Committee on Energy and Technology.

A bill to amend 1984 PA 274, entitled  
"Michigan antitrust reform act,"  
by amending section 4 (MCL 445.774).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3       (2) This act ~~shall not be construed to forbid~~ **does not**  
4 **prohibit** the existence and operation of ~~any~~ **a** labor,  
5 agricultural, or horticultural organization ~~instituted~~ **created**  
6 for the purpose of mutual help, while lawfully carrying out its  
7 legitimate objects.

8       (3) This act ~~shall not be construed to~~ **does not** prohibit,  
9 invalidate, or make unlawful ~~any~~ **an** act or conduct of any unit  
10 of government, ~~when~~ **if** the unit of government is acting in a  
11 ~~subject matter area in which it is~~ authorized by law, ~~to~~

1 ~~act,~~ except for ~~purposes of~~ conducting an investigation and  
 2 the obtaining of ~~appropriate~~ injunctive or other equitable  
 3 relief, other than civil penalties, ~~pursuant to~~ **under** section  
 4 7.

5 (4) ~~This act shall~~ **Except for the provision of**  
 6 **telecommunication services, this act does** not apply to a  
 7 transaction or conduct specifically authorized ~~under the laws of~~  
 8 ~~this state or the United States, or specifically authorized under~~  
 9 ~~laws,~~ **by law or the** rules, regulations, or orders ~~administered,~~  
 10 ~~promulgated, or issued by~~ **of** a regulatory agency, board, or  
 11 officer acting under statutory authority. ~~of this state or the~~  
 12 ~~United States.~~

13 (5) ~~A~~ **Except for the provision of telecommunication**  
 14 **services, a** transaction or conduct made unlawful by this act  
 15 ~~shall not be construed to~~ **does not** violate this act ~~where~~ **if**  
 16 it is the subject of a legislatively mandated pervasive  
 17 regulatory scheme, including, but not limited to, the insurance  
 18 code of 1956, ~~being sections 500.100 to 500.8302 of the Michigan~~  
 19 ~~Compiled Laws, which~~ **1956 PA 218, MCL 500.100 to 500.8302, that**  
 20 confers exclusive jurisdiction on a regulatory board or officer  
 21 to authorize, prohibit, or regulate the transaction or conduct.

22 (6) This act ~~shall~~ **does** not apply to a transaction or  
 23 conduct of an authorized health maintenance corporation, health  
 24 insurer, medical care corporation, or health service corporation  
 25 or health care corporation when the transaction or conduct is to  
 26 reduce the cost of health care and is permitted by the  
 27 commissioner. This subsection ~~shall~~ **does** not affect the

1 enforcement of the federal antitrust act by federal courts or  
2 federal agencies.

3       (7) As used in this section, "telecommunication services"  
4 means that term as defined in section 102 of the Michigan  
5 telecommunications act, 1991 PA 179, MCL 484.2102.