

A Private Membership Association (PMA) is an organization that operates under the concept of private contract rights. PMAs are formed by individuals who come together to exercise their rights to freely associate and engage in private activities without government interference, provided they do not engage in illegal activities. Here's an overview of their functions and characteristics:

### ### Functions of a Private Membership Association

#### 1. **Private and Voluntary Membership**:

- **Exclusive Membership**: PMAs are composed of members who voluntarily join and agree to the terms and conditions set by the association. Membership is typically restricted and governed by a private contract.
- **Member Benefits**: Members gain access to services, products, or activities that are available exclusively within the association. These can include healthcare, education, social clubs, or business activities.

#### 2. **Autonomy and Self-Governance**:

- **Internal Rules**: PMAs establish their own rules and regulations, which members agree to abide by. These internal rules are often detailed in bylaws or membership agreements.
- **Leadership and Management**: The association is typically managed by a board of directors or a similar governing body elected by the members.

#### 3. **Privacy and Confidentiality**:

- **Non-Public Activities**: Activities and transactions within a PMA are conducted privately among members. This confidentiality is a key appeal for those seeking to maintain privacy in their affairs.
- **Limited Disclosure**: PMAs are not required to disclose their internal operations to the public or to the government, as long as they comply with applicable laws.

#### 4. **Protection from Government Regulation**:

- **Legal Framework**: PMAs operate on the premise that private contracts among consenting adults are protected under constitutional rights to freedom of association, speech, and contract.

- **Minimized Oversight**: Because PMAs are private entities, they often face less government oversight and fewer regulatory requirements compared to public entities. However, this does not exempt them from complying with laws that protect public health, safety, and welfare.

## 5. **Types of Services and Activities**:

- **Healthcare Services**: Some PMAs provide alternative healthcare services, allowing practitioners to offer treatments and advice outside of conventional regulatory frameworks.

- **Educational Services**: PMAs can operate educational institutions or homeschooling cooperatives that function independently of state educational requirements.

- **Social and Recreational Clubs**: Many PMAs are formed for social, recreational, or cultural purposes, providing a private space for members to engage in shared interests.

- **Business and Professional Networks**: PMAs can also facilitate business and professional networking, offering services and products to members without the same level of public commercial regulation.

## ### Legal Considerations

### 1. **Compliance with Laws**:

- **Non-Exemption from Illegal Activities**: While PMAs enjoy certain protections, they are not exempt from laws prohibiting illegal activities. They must still comply with criminal laws, health and safety regulations, and other applicable statutes.

- **Regulatory Challenges**: PMAs sometimes face legal challenges regarding their status and operations, particularly if their activities are seen to overlap with areas subject to public regulation.

### 2. **Contracts and Liability**:

- **Membership Agreements**: The terms and conditions of membership are typically laid out in detailed contracts that members must agree to. These contracts outline the rights and responsibilities of the members and the association.

- **Liability Issues**: PMAs must carefully manage liability issues, ensuring that their activities do not expose members or the organization to legal risks.

### ### Conclusion

Private Membership Associations offer a way for individuals to associate privately and engage in shared activities with reduced government oversight. They are governed by private contracts among members and enjoy certain constitutional protections. However, they must still operate within the bounds of the law. PMAs can serve a variety of functions, from providing alternative healthcare and education to fostering social and business networks.