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## FEDERAL ANTITRUST REFORM



**Please support legislation to repeal the McCarran-Ferguson Act's antitrust exemption for health insurers.**

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**Key details:** H.R. 372 is sponsored by Rep. Paul Gosar (R-Ariz.).  
It passed the House on March 22, 2017 by 416-7.

### About H.R. 372, the Competitive Health Insurance Reform Act of 2017:

- H.R. 372 would amend the McCarran-Ferguson Act to repeal the current exemption from federal antitrust laws enjoyed by health insurers.
- The bill only applies to health and dental insurance. It exempts other types of insurance, specifically property and casualty insurers.
- The issue has past bipartisan support. H.R. 372 passed the House with overwhelming support from both parties by 416-7 on March 22, 2017.

### Why Enact Antitrust Reform?

- Antitrust laws are designed to protect and foster competition in the marketplace; however, since 1945, the McCarran-Ferguson Act has provided the insurance industry with a statutory exemption from federal antitrust laws that apply to every other industry.
- The exemption was originally viewed as necessary to avoid overlap between federal and state insurance regulation as well as to clearly enable procompetitive activities, such as medical loss data sharing; however, **antitrust law has evolved, making the exemption unnecessary.**
- The exemption has likely contributed to a **lack of adequate competition in the nation's health insurance marketplace** to the detriment of healthcare providers and consumers by giving states, which do not have the resources to take action against health insurers that break state antitrust laws, the primary responsibility of regulating insurers' antitrust activities.
- **Involving the Federal Trade Commission and the Justice Department** in antitrust enforcement of health insurers, as provided in H.R. 372, **would very likely increase competition** in the health insurance arena that would, in turn, result in policies with lower premiums and robust benefits for consumers.
- Passage of H.R. 372 is an **important step** toward increased competition in the healthcare arena.



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