

111TH CONGRESS  
1ST SESSION

# S. 1681

To ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2009

Mr. LEAHY (for himself, Mr. FEINGOLD, Ms. CANTWELL, Mr. DURBIN, Mr. SCHUMER, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Health Insurance In-  
5 dustry Antitrust Enforcement Act of 2009”.

6 **SEC. 2. PURPOSE.**

7 It is the purpose of this Act to ensure that health  
8 insurance issuers and medical malpractice insurance

1 issuers cannot engage in price fixing, bid rigging, or mar-  
2 ket allocations to the detriment of competition and con-  
3 sumers.

4 **SEC. 3. PROHIBITION OF ANTI-COMPETITIVE ACTIVITIES.**

5 Notwithstanding any other provision of law, nothing  
6 in the Act of March 9, 1945 (15 U.S.C. 1011 et seq., com-  
7 monly known as the “McCarran-Ferguson Act”), shall be  
8 construed to permit health insurance issuers (as defined  
9 in section 2791 of the Public Health Service Act (42  
10 U.S.C. 300gg–91) or issuers of medical malpractice insur-  
11 ance to engage in any form of price fixing, bid rigging,  
12 or market allocations in connection with the conduct of  
13 the business of providing health insurance coverage (as de-  
14 fined in such section) or coverage for medical malpractice  
15 claims or actions.

16 **SEC. 4. APPLICATION TO ACTIVITIES OF STATE COMMIS-**  
17 **SIONS OF INSURANCE AND OTHER STATE IN-**  
18 **SURANCE REGULATORY BODIES.**

19 Nothing in this Act shall apply to the information  
20 gathering and rate setting activities of any State commis-  
21 sion of insurance, or any other State regulatory entity  
22 with authority to set insurance rates.

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