

HR 1839

Community Pharmacy Fairness Act of 2011

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Commerce

Introduced: May 11, 2011

Current Status: Referred to the Subcommittee on Intellectual Property, Competition and the Internet.

Latest Action: Referred to the Subcommittee on Intellectual Property, Competition and the Internet. (Aug 25, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/house-bill/1839>

Sponsor

Name: Rep. Weiner, Anthony D. [D-NY-9]

Party: Democratic • **State:** NY • **Chamber:** House

Cosponsors (16 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Aderholt, Robert B. [R-AL-4]	R · AL		May 13, 2011
Rep. Baldwin, Tammy [D-WI-2]	D · WI		May 13, 2011
Rep. Chu, Judy [D-CA-32]	D · CA		May 13, 2011
Rep. Hinojosa, Ruben [D-TX-15]	D · TX		May 13, 2011
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		May 13, 2011
Rep. Nadler, Jerrold [D-NY-8]	D · NY		May 13, 2011
Rep. Paul, Ron [R-TX-14]	R · TX		May 13, 2011
Rep. Roybal-Allard, Lucille [D-CA-34]	D · CA		May 13, 2011
Rep. Barletta, Lou [R-PA-11]	R · PA		May 23, 2011
Rep. Ross, Mike [D-AR-4]	D · AR		May 25, 2011
Rep. Welch, Peter [D-VT-At Large]	D · VT		May 25, 2011
Rep. Bachus, Spencer [R-AL-6]	R · AL		May 26, 2011
Rep. Coble, Howard [R-NC-6]	R · NC		May 26, 2011
Rep. Wittman, Robert J. [R-VA-1]	R · VA		May 26, 2011
Rep. Doggett, Lloyd [D-TX-25]	D · TX		May 31, 2011
Rep. Owens, William L. [D-NY-23]	D · NY		Jun 2, 2011

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred to	Aug 25, 2011

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
112 HR 1946	Related bill	Mar 29, 2012: Subcommittee Hearings Held.

Summary (as of May 11, 2011)

Community Pharmacy Fairness Act of 2011 - Entitles independent pharmacies negotiating contract terms with a health plan for the provision of health care items or services to the same treatment under the antitrust laws as the treatment to which bargaining units recognized under the National Labor Relations Act are entitled. Treats such a pharmacy as an employee engaged in concerted activities in connection with such negotiations.

Exempts actions taken in good faith reliance on this Act from being subject to criminal sanctions or civil penalties beyond actual damages incurred.

Provides that this Act does not exempt from application of antitrust laws any agreement or unlawful conspiracy that: (1) would have the effect of boycotting any independent pharmacy; (2) would exclude, limit the participation or reimbursement of, or otherwise limit the scope of services to be provided by any independent pharmacy or group of independent pharmacies with respect to the performance of services that are within their scope of practice as defined or permitted by relevant law or regulation; (3) allocates a market among competitors; (4) unlawfully ties the sale or purchase of one product or service to the sale or purchase of another product or service; or (5) monopolizes or attempts to monopolize a market.

Provides that this Act shall not apply to negotiations between pharmacies and health plans regarding benefits provided under specified federal programs, including Medicaid, veterans' medical care, and the federal employees' health benefits program.

Requires the Comptroller General to study the impact of this Act after five years.

Provides that this Act does not preclude the Federal Trade Commission (FTC) or the Department of Justice (DOJ) from overseeing the conduct of independent pharmacies covered under this Act.

Actions Timeline

- **Aug 25, 2011:** Referred to the Subcommittee on Intellectual Property, Competition and the Internet.
- **May 11, 2011:** Introduced in House
- **May 11, 2011:** Referred to the House Committee on the Judiciary.