

## HR 1946

Preserving Our Hometown Independent Pharmacies Act of 2011

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Health

**Introduced:** May 23, 2011

**Current Status:** Subcommittee Hearings Held.

**Latest Action:** Subcommittee Hearings Held. (Mar 29, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/1946>

### Sponsor

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**Name:** Rep. Marino, Tom [R-PA-10]

**Party:** Republican • **State:** PA • **Chamber:** House

**Cosponsors** (40 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Gohmert, Louie [R-TX-1]	R · TX		May 23, 2011
Rep. Coble, Howard [R-NC-6]	R · NC		May 24, 2011
Rep. Paul, Ron [R-TX-14]	R · TX		Jun 1, 2011
Rep. Barletta, Lou [R-PA-11]	R · PA		Jun 3, 2011
Rep. Ellmers, Renee L. [R-NC-2]	R · NC		Jun 14, 2011
Rep. Fortenberry, Jeff [R-NE-1]	R · NE		Jun 16, 2011
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Jun 22, 2011
Rep. Gerlach, Jim [R-PA-6]	R · PA		Jul 6, 2011
Rep. Ross, Dennis A. [R-FL-12]	R · FL		Jul 6, 2011
Rep. Smith, Adrian [R-NE-3]	R · NE		Jul 19, 2011
Rep. McMorris Rodgers, Cathy [R-WA-5]	R · WA		Aug 5, 2011
Rep. Platts, Todd Russell [R-PA-19]	R · PA		Aug 19, 2011
Rep. Fitzpatrick, Michael G. [R-PA-8]	R · PA		Aug 23, 2011
Rep. Boren, Dan [D-OK-2]	D · OK		Sep 12, 2011
Rep. Roby, Martha [R-AL-2]	R · AL		Sep 12, 2011
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Sep 15, 2011
Rep. Herrera Beutler, Jaime [R-WA-3]	R · WA		Sep 15, 2011
Rep. Welch, Peter [D-VT-At Large]	D · VT		Sep 20, 2011
Rep. Lucas, Frank D. [R-OK-3]	R · OK		Oct 5, 2011
Rep. Rogers, Mike D. [R-AL-3]	R · AL		Oct 12, 2011
Rep. Bartlett, Roscoe G. [R-MD-6]	R · MD		Oct 25, 2011
Rep. Hinojosa, Ruben [D-TX-15]	D · TX		Oct 25, 2011
Rep. McIntyre, Mike [D-NC-7]	D · NC		Oct 26, 2011
Rep. Aderholt, Robert B. [R-AL-4]	R · AL		Nov 2, 2011
Rep. Butterfield, G. K. [D-NC-1]	D · NC		Nov 2, 2011
Rep. Scott, Austin [R-GA-8]	R · GA		Nov 17, 2011
Rep. Posey, Bill [R-FL-15]	R · FL		Nov 30, 2011
Rep. Crawford, Eric A. "Rick" [R-AR-1]	R · AR		Dec 7, 2011
Rep. Emerson, Jo Ann [R-MO-8]	R · MO		Feb 14, 2012
Rep. Kissell, Larry [D-NC-8]	D · NC		Feb 29, 2012
Rep. Schiff, Adam B. [D-CA-29]	D · CA		Mar 29, 2012
Rep. Andrews, Robert E. [D-NJ-1]	D · NJ		Apr 18, 2012
Rep. Young, Todd [R-IN-9]	R · IN		Apr 19, 2012
Rep. Bishop, Timothy H. [D-NY-1]	D · NY		May 31, 2012
Rep. Palazzo, Steven M. [R-MS-4]	R · MS		May 31, 2012
Rep. Michaud, Michael H. [D-ME-2]	D · ME		Jun 19, 2012
Rep. Westmoreland, Lynn A. [R-GA-3]	R · GA		Jul 19, 2012
Rep. Boswell, Leonard L. [D-IA-3]	D · IA		Aug 2, 2012
Rep. Bachus, Spencer [R-AL-6]	R · AL		Sep 13, 2012
Rep. Perlmutter, Ed [D-CO-7]	D · CO		Sep 14, 2012

## Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Hearings By (subcommittee)	Mar 29, 2012

## Subjects & Policy Tags

### Policy Area:

Health

## Related Bills

Bill	Relationship	Last Action
112 HR 1839	Related bill	<b>Aug 25, 2011:</b> Referred to the Subcommittee on Intellectual Property, Competition and the Internet.

## Summary (as of May 23, 2011)

Preserving Our Hometown Independent Pharmacies Act of 2011 - Treats independent pharmacies negotiating contract terms with a health plan for the provision of health care items or services the same under the antitrust laws as an employee engaged in concerted activities, and not as an employer, independent contractor, managerial employee, or supervisor, only 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

- **Mar 29, 2012:** Subcommittee Hearings Held.
- **Jul 11, 2011:** Referred to the Subcommittee on Intellectual Property, Competition and the Internet.
- **May 23, 2011:** Introduced in House
- **May 23, 2011:** Referred to the House Committee on the Judiciary.