



May 11, 2023

Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Honorable Lina Khan
Chair
Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, DC 20580

Dear Attorney General Garland and Chair Khan:

As the chief insurance regulators in 50 states, the District of Columbia, and U.S. territories, we seek updates on the Federal Trade Commission's antitrust investigations into health insurance carriers, and inquiry into the practices of Pharmacy Benefit Managers (PBMs),

As Congress debated amending

December 2,

2020]

When Congress amended McCarran-Ferguson in 2020, the author of the legislative language, Senator Daines, and Senator Collins entered into a colloquy to the Department of Justice and the Federal Trade Commission must notify State bureaus of insurance and attorneys general of any complaints or

However, to date, no state regulators have reported any such notification from the Department of Justice or FTC. Insight into any anti-competitive behavior by our regulated entities and the impact that may have on consumers is vitally important to our work. With that in mind, please provide an update on any health insurer antitrust investigations, a list of which states may be impacted, and records of any notifications made to those states.

Section 6(b) Study of the contracting practices of PBMs. States have become increasingly active in their oversight of PBMs with the passage of new laws and rules, especially following the **Rutledge** decision. The NAIC is currently in the process of developing a

