



# 2026

## INDEPENDENT COMMUNITY PHARMACY LEGISLATIVE PRIORITIES

### PATIENTS BEFORE MONOPOLIES (PBM) ACT (H.R. 8879/S. 4509) ADDRESSING PBM/INSURER CONFLICTS OF INTEREST

#### Background

The three largest pharmacy benefit managers — CVS Caremark, Express Scripts, and Optum Rx — manage 80 percent of prescription drug claims. These PBMs are each owned by a parent company — CVS Health, Cigna, and UnitedHealth Group, respectively — that also owns one of the five largest health insurers and a massive retail, mail-order, and/or specialty pharmacy chain.

According to two recent Federal Trade Commission (FTC) reports, these conglomerates have exploited this market advantage to funnel prescriptions to their affiliated pharmacy chains, while using anti-competitive tactics to sideline competing pharmacies. This limits patient choice and access and has been shown to increase the cost patients pay for their health care. The *Patients Before Monopolies (PBM) Act* follows steps taken in several states to force these entities to choose between offering pharmacy services or acting as health insurers, recognizing that a competitive market that prioritizes patients cannot allow them to do both.

#### Legislation

The *PBM Act* (H.R. 8879/S. 4509), introduced by Reps. Diana Harshbarger (R-Tenn.) and Jake Auchincloss (D-Mass.) in the House and Sens. Josh Hawley (R-Mo.) and Elizabeth Warren (D-Mass.) in the Senate, would address unacceptable conflicts of interest by:

- Prohibiting the parent company of a PBM or an insurer from owning a pharmacy business;
- Requiring that a parent company in violation of the *PBM Act* divest its pharmacy business within one year of the bill's enactment;
- Enabling the FTC, the Department of Health and Human Services, the Antitrust Division of the Department of Justice (DOJ), and state attorneys general to bring lawsuits requiring violators of the *PBM Act* to divest their pharmacy business and disgorge any revenue received during the period of such violation;
- Enabling private parties, including independent pharmacists, to bring lawsuits against violators of the bill, and secure treble damages in successful lawsuits;
- Allowing the FTC and DOJ to review and block future actions that would recreate the anticompetitive conditions addressed by the bill or harm the public interest.



Founded in 1898, the National Community Pharmacists Association is the voice for the community pharmacist, representing over 18,900 pharmacies that employ more than 235,000 individuals nationwide. Community pharmacies are rooted in the communities where they are located and are among America's most accessible health care providers. To learn more, visit [www.ncpa.org](http://www.ncpa.org).