

HR 14 - AS INTRODUCED

2025 SESSION

25-0914
09/05

HOUSE RESOLUTION ***14***

A RESOLUTION relative to litigation concerning healthcare monopolies.

SPONSORS: Rep. McFarlane, Graf. 18; Rep. Farrington, Straf. 8; Rep. Cambrils, Merr. 4;
Rep. Mazur, Hills. 44; Rep. McGrath, Rock. 40

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This resolution urges the attorney general to more vigorously investigate anticompetitive practices in the healthcare industry, and to consider bringing enforcement actions or publicly explain why certain actions are not brought.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

A RESOLUTION relative to litigation concerning healthcare monopolies.

1 Whereas the United States Supreme Court has twice before rejected attempts to exempt
2 participants in the healthcare industry, including pharmaceutical firms, from immunity from
3 enforcement of antitrust laws in *Group Life & Health Insurance Company v. Royal Drug Company,*
4 *Inc.*, 440 U.S. 205 (1979) and *Arizona v. Maricopa County Medical Society*, 457 U.S. 332 (1982); and

5 Whereas chapter 356 of the RSA provides that any combination of persons or entities that act
6 together to fix prices or restrain trade have committed a criminal and civil offense, irrespective of the
7 means or effectiveness of the attempt, and provides that the attorney general may investigate and
8 bring charges; and

9 Whereas prices charged in this state for some pharmaceuticals have been observed to be
10 dramatically higher than is charged for the same product in other places; and whereas prices
11 charged for healthcare services vary from patient to patient for the identical service, and are in some
12 cases substantially higher than free-market prices observed elsewhere; and, in fact, some of these
13 pricing practices are already illegal under both federal antitrust law, 15 U.S.C. section 1, and state
14 antitrust law under chapter 356 of the RSA; and

15 Whereas healthcare costs have risen such that approximately one dollar in 5 in the economy
16 generally, including in our state, is spent on healthcare in all regards, and whereas we have seen
17 this spending grow from about 4 percent of gross domestic product ("GDP") a few decades ago to over
18 20 percent of GDP today; and thus it is critical to ensure that the healthcare and pharmaceutical
19 industries which provide goods and services in this space are acting in accordance with the rule of
20 law; now, therefore, be it

21 Resolved by the House of Representatives:

22 That the house of representatives urges the attorney general to more vigorously investigate
23 price-fixing, market allocation, and other anticompetitive practices in the healthcare sector within
24 the state and consider bringing enforcement actions, and urges the attorney general to make public
25 with its reasons for inaction any allegation of price-fixing, market allocation, or other
26 anticompetitive practice in the healthcare sector for which he or she does not pursue legal remedies.