

108TH CONGRESS
1ST SESSION

S. 352

To ensure that commercial insurers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2003

Mr. LEAHY (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. EDWARDS, Mr. ROCKEFELLER, Mr. REID, Mrs. BOXER, Mr. FEINGOLD, and Mr. CORZINE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To ensure that commercial insurers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medical Malpractice
5 Insurance Antitrust Act of 2003”.

6 **SEC. 2. PROHIBITION ON ANTI-COMPETITIVE ACTIVITIES.**

7 Notwithstanding any other provision of law, nothing
8 in the Act of March 9, 1945 (15 U.S.C. 1011 et seq., com-
9 monly known as the “McCarran-Ferguson Act”) shall be

1 construed to permit commercial insurers to engage in any
2 form of price fixing, bid rigging, or market allocations in
3 connection with the conduct of the business of providing
4 medical malpractice insurance.

5 **SEC. 3. APPLICATION TO ACTIVITIES OF STATE COMMIS-**
6 **SIONS OF INSURANCE AND OTHER STATE IN-**
7 **SURANCE REGULATORY BODIES.**

8 This Act does not apply to the information gathering
9 and rate setting activities of any State commissions of in-
10 surance, or any other State regulatory body with authority
11 to set insurance rates.

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