

The Honorable Marsha Blackburn
United States Senate
357 Dirksen Senate Office Building
Washington, D.C. 20510

February 21, 2023

Senator Blackburn,

I'm writing to you today to respectfully request that you oppose legislation that would undermine competition and innovation in the prescription drug market and hand an out-of-control Federal Trade Commission (FTC) a blank check to persecute private businesses.

As a small business owner myself, it's of utmost importance to me that we prevent any unnecessary government overreach into the private dealings of businesses.

The Pharmacy Benefit Manager Transparency Act (S. 127) goes against a free and fair prescription drug market by granting the Biden administration, via the FTC, the authority to target and dismantle the business practices of a single part of the supply chain based on false pretenses.

Pharmacy benefit companies provide employers with choice and flexibility when it comes to drug benefits and help save Tennessee patients more than \$1,000 per person per year on their prescription drug costs.

S. 127 bans the common business practices of these companies that allow them to secure savings, making the prescription drug market less competitive. Subverting the marketplace will do nothing to help make drugs more affordable. We should be focused on encouraging competition and preserving free market forces.

"Creating unnecessary regulatory hurdles on PBMs will ultimately result in higher drug prices for consumers," the Competitive Enterprise Institute (CEI) recently wrote on the legislation.

CEI also highlighted the dangerous precedent set by handing the current FTC new expansive authority to target private businesses:

"More broadly, the FTC is currently in the midst of an unprecedented attempt to expand its regulatory reach into many corners of the U.S. economy. It's throwing out well-established consumer welfare precedent, ignoring gains in economic analysis, and attacking companies in the interest of their competitors, not for the benefit of consumers. If successful, all of this will result in more government red tape, higher compliance costs, and increased uncertainty for American industries and the citizens who depend on them for jobs, products and services. Ultimately, all of those costs will be borne by the consumer in the form of higher prices and less innovation."

I respectfully urge you to oppose and work with your colleagues to defeat S. 127. Thank you in advance for your time and consideration on this important matter.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'J' and 'D' followed by a long horizontal flourish.

Justin Davis
(Cookeville, TN)