

Oral Remarks – Open Commission Meeting

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2011,¹⁵ and entry and supply chain dynamics in prescription drug markets in¹⁶ 2017e recently, in 2018, the FTC joined HHS, the Department of the Treasury, and the Department of Labor in issuing a report on “Reforming America’s Healthcare System Through Choice and Competition”¹⁷ and launched studies on physician group and health care facility mergers¹⁸ and certificates of public advantage¹⁹.

On June 7, 2022, the Commission launched a 6(b) study of the PBM industry²⁰. That study will examine insulin and other prescription drugs, including the costs and fees associated with these drugs and how the use of formulary lists and other mechanisms impacts consumers who depend on these prescriptions.²¹ I look forward to the results of that study.

I want to thank FTC staff for their unsung work in the health care space generally, and in the pharma industry specifically. Resources are scarce, and the requests from the Comm Congress, and other stakeholders can seem limitless. But the FTC is blessed with seasoned and dedicated professionals who choose to devote their time to protecting consumers and competition, and I have no doubt staff will continue to rise to the challenges ahead.

I also want to thank Chair Khan for facilitating a collaborative drafting process for this policy statement. The document underwent multiple rounds of edits and was the subject of many internal discussions. I believe that process matters, and that the work of the FTC is stronger when all views and thoughts are considered.

¹⁵ FED. TRADE COMM’N, AUTHORIZED GENERIC DRUGS SHORT-TERM EFFECTS AND LONG-TERM IMPACT (Aug. 2011), <https://www.ftc.gov/sites/default/files/documents/reports/authorized-generic-drugs-short-term-effects-and-long-term-impact-report-federal-trade-commission/authorized-generic-drugs-short-term-effects-and-long-term-impact-report-federal-trade-commission.pdf>

¹⁶ Understanding Competition in Prescription Drug Markets: Entry and Supply Chain Dynamics, FED. TRADE COMM’N (Nov. 8 2017), <https://www.ftc.gov/news-events/events/2017/11/understanding-competition-prescription-drug-markets-entry-supply-chain-dynamics>

¹⁷ U.S. DEP’T OF HEALTH & HUMAN SERVICES, REFORMING AMERICA’S H

take any other appropriate action necessary to address” a wide variety of specified “online harms.” Congress also sought recommendations from the FTC regarding legislation to “advance the adoption and use of AI for these purposes.”²⁵ Specifically, Congress asked the FTC to recommend laws that would “advance the adoption and use of artificial intelligence to address” the enumerated online harms.²⁶

In response to this specific Congressional request, today’s Report makes the following recommendation: Congress should generally steer clear of laws that require, assume the

With respect to this Report, I again commend the staff for their extensive analysis and their work in combing through a vast array of source material for inclusion in the Report. While I disagree with certain aspects of the Report, I support the narrow recommendation described above and the provision of this Report to Congress.