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OFFICE OF THE ATTORNEY GENERAL STATE OF FLORIDA

Florida Attorney General's Office News Release

Attorney General James Uthmeier Takes Legal Action Against Prime Therapeutics and Express Scripts for Price-Fixing Scheme Threatening Floridians' Access to Affordable Medications



Courtesy of the Office of the Attorney General

TALLAHASSEE, Fla.—Attorney General James Uthmeier filed a lawsuit against Prime Therapeutics LLC and Express Scripts, Inc., alleging the two competing pharmacy benefit managers entered into an illegal horizontal price-fixing agreement that threatens Floridians' access to affordable medications.

"Floridians—especially our seniors and families—depend on local pharmacies for the medications that keep them healthy," **said Attorney General James Uthmeier**. "Prime and Express Scripts colluded to fix prices and underpay those pharmacies, forcing many to fill prescriptions at a loss. When pharmacies struggle or close, patients lose local options and access to care. My office is holding them accountable to protect Florida patients."

According to the complaint filed in the Circuit Court of the Tenth Judicial Circuit in and for Polk County, the competitors announced a "collaboration" in December 2019 under which Prime

adopted Express Scripts' significantly lower reimbursement rates. The agreement took effect in April 2020, has been extended multiple times, and remains in effect today. Prior to the deal, Prime's reimbursement rates were roughly 20% higher. Afterward, reimbursement rates declined for around 80% of branded drugs and 70% of generic drugs, turning many prescriptions into losses for the pharmacies patients rely on.

These cuts jeopardize pharmacies' ability to serve their communities. For example, a pharmacy outside Orlando saw its reimbursement for one drug drop 45%, turning a profit into a $15.45 loss per prescription—increasing the risk that Floridians will face fewer local options for critical medications. Prime valued the first three years of the arrangement at $2.5 billion in "cost savings" extracted from those pharmacies.

The lawsuit alleges a per se violation of the Florida Antitrust Act as horizontal price-fixing, as well as unfair methods of competition under the Florida Deceptive and Unfair Trade Practices Act. The Attorney General seeks injunctive relief, civil penalties, disgorgement, damages, and other remedies to stop the ongoing harm and protect patients' access to care.

This action reinforces Attorney General Uthmeier's commitment to enforcing Florida's antitrust and consumer protection laws, promoting fair competition, and protecting Floridians' access to the local pharmacies and essential, affordable medications they depend on every day.

To read the as-filed complaint, click here.

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