



***Via Electronic Mail***

October 1, 2025

Co-Chair Mary M. Kwei  
Maryland Insurance Administration  
Market Regulation and Professional Licensing  
200 St. Paul Place, Suite 2700  
Baltimore, MD 21202

Co-Chair Athos P. Alexandrou  
Maryland Department of Health  
Office of Pharmacy Services  
201 West Preston Street  
Baltimore, MD 21201

**Re: Comments from the Maryland Chamber of Commerce**

Dear Pharmacy Benefits Managers Workgroup:

On behalf of The Maryland Chamber of Commerce, which represents more than 7,000 Maryland employers, we appreciate the opportunity to submit written comments following the first meeting of Maryland's Pharmacy Benefits Manager (PBM) Workgroup.

As this process moves forward, we strongly urge the Workgroup to keep the needs of Maryland's employers, public institutions, and plan sponsors at the forefront, with a particular focus on those that offer self-funded health plans to their employees and beneficiaries.

Our members depend on self-funded plans to provide affordable and accessible healthcare. These plans are structured under the Employee Retirement Income Security Act of 1974 (ERISA), which has served as the foundation for employer-sponsored healthcare in Maryland and across the country for more than five decades.

We are particularly attentive to the Workgroup's charge to "review ERISA exemptions for pharmacy benefits management regulation," as outlined in House Bill 813 of 2025. Any discussion of ERISA-related matters must account for the significant value that flexibility and uniformity bring to employer-sponsored plans. Maryland's diverse employers rely on consistent federal standards to manage benefits across jurisdictions and to design coverage that balances cost and care for their employees.

As the Workgroup reviews the structure of pharmacy benefit management, we encourage continued inclusion of employer and plan sponsor voices. Given the central role employers play in administering coverage, this perspective must be actively considered throughout the Workgroup's work.

Additionally, as was made clear during Workgroup meeting on September 17, 2025, issues surrounding the ERISA preemption are unsettled law and will take time to resolve as litigation proceeds through the courts. Therefore, it stands to reason that now is *not* the time to make decisions impacting ERISA exemptions.

We support a data-driven policy review that ensures transparency, accountability, and fair competition, but reforms that restrict formulary management, weaken an employer's rebate negotiation authority, or duplicate existing ERISA protections risk doing more harm than good, particularly on employers providing coverage in a challenging and uncertain economic environment.

Thank you again for the opportunity to comment. We look forward to continued participation and thoughtful dialogue as the Workgroup completes its 2025 agenda and begins drafting its interim report.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Kane", written in a cursive style.

Mary Kane  
CEO & President  
Maryland Chamber of Commerce