

Building Fair Markets: The Top Ten Policies Your State Can Use to Target Monopoly Harms that Hurt Small Businesses, Consumers, and Communities

State leaders are increasingly standing up for small businesses, workers, and citizens by taking on overreaching corporate power. While **some states** are pursuing legislation to update their broad state-level antitrust laws, this list spotlights 10 targeted antimonopoly policies across states. For more information, check out ILSR's resources or **contact us**.

1. Ban backroom deals in the grocery sector that disadvantage independent retailers

For decades, powerful big-box stores and supermarket chains have used their power to demand sweetheart deals and low prices from suppliers — leaving small, independent stores to pay more for the same goods in the same quantity.

Known as price discrimination, buyer power, or predatory buying, this illegal practice violates the 1936 Robinson-Patman Act. Several states are reviving this enforcement tool. **Rhode Island, New York, Minnesota, and California** have proposed legislation to stop big-box retailers from coercing these pricing deals from suppliers in the grocery sector.

2. Curb credit card swipe fees

Credit card companies impose costly, ever-increasing swipe fees that are a top expense for small businesses. Visa and Mastercard control more than **85% of the swipe-fee market**, yielding a high profit with a **2-3% hidden monopoly tax** on every small business transaction, adding up to roughly **\$1,200 per year** for American families.

States like **Illinois** are banning swipe fees on taxes and tips, and **11 states** have active bills targeting swipe fees. **Colorado's** bill would cap the swipe-fee rate on charitable donations and allow small businesses to sue credit card networks for their abusive business practices.

3. Pass a "Right-to-Repair" law

From John Deere to Apple, many corporations leverage their power to compel customers to use their repair services. For example, John Deere forces farmers to use its repair services instead of fixing their own equipment, leading to inefficiencies.

The "Right-to-Repair" movement fights these restrictive contents nationally, joined by farmers, consumers, sustainability advocates, and others. **Minnesota, Massachusetts, and Colorado** have passed laws that require manufacturers of phones, laptops, appliances, vehicles, powered wheelchairs, and farm equipment to share parts and information, allowing individuals or independent shops to more easily make repairs.

4. Block big box retailers' use of "dark store" tax loopholes

"Dark Store theory" is a tax avoidance strategy in which powerful retailers like Walmart challenge their property tax assessments on the basis that their properties would be worth less if they were empty. This reduces their tax burden and shortchanges the communities.

Lawmakers and courts in several states have curbed Dark Store tactics. In **New York**, a 2021 state law **established clear guidelines** for tax assessors to determine comparable properties with similar use, size, location, and other characteristics. A 2023 **Wisconsin** Supreme Court decision brought by Lowe's, as well as the **Kansas** Supreme Court, ruled that certain Walmart and Sam's Club stores were not allowed to lower their tax valuation.

5. Save independent pharmacies from corporate middlemen

Positioned between drug companies, public and private health insurance providers, pharmacies, and corporate middlemen, Pharmacy Benefit Managers (PBMs) are using their power across the health care industry to **steer patients to their own pharmacy chains** and muscle independent pharmacies out. Merely three PBMs control more than **80%** of the market, and such consolidation has led to reduced patient choice and limited independent pharmacies, resulting in **many closing their doors** and creating “**pharmacy deserts**.”

To mitigate such harm, **Arkansas** passed a law banning PBMs from owning pharmacies in the state. **Florida’s** comprehensive law addresses transparency, patient steering, reimbursement, and oversight. **North Dakota** requires pharmacy owners to be licensed pharmacists.

6. Regulate third-party food delivery apps to support local restaurants

National delivery apps like DoorDash, Uber Eats, and Grubhub employ **predatory tactics** that squeeze local restaurants, such as charging **30% commission**, capturing customer information that restaurants typically collect, and listing restaurants without their consent. Reform is needed as many independent restaurants still rely on these platforms to reach a broader audience.

Wisconsin, California, and **Florida** have passed laws regulating third-party delivery platforms. Other states considering some version of these laws include: Texas, New Hampshire, Colorado, and New York.

7. Ban restrictive covenants that limit future uses for commercial properties

With restrictive covenants, large retailers bully communities into banning future competitors from filling open storefronts if they decide to leave, resulting in empty grocery stores, pharmacies, and big-box stores.

Laws are primarily at the municipal level, though at least one state has introduced a bill. **Washington, D.C.**, banned the use of restrictive covenants used by corporations to prevent future competitors. In 2025, **Seattle** proposed an “anti-competitive” emergency restriction on restrictive covenants on grocery stores and pharmacies. A bill prohibiting restrictive covenants on grocery stores passed the **Rhode Island Senate** this year.

8. Limit private equity investment in Main Street industries

Private equity roll-ups of **Main Street industries** are on the rise across supermarkets, nursing homes, veterinary practices, and increasingly in trades. Private equity investment in small businesses often leads to negative results down the road, including declines in service or quality, bankruptcies, job losses, and reduced competition. Local ownership, however, **recirculates a higher share** of revenue back into the local economy, thereby supporting public goods.

Oregon, Massachusetts, and **Maine** have restricted the harmful impacts of private equity investment in hospitals or healthcare, and at least **18 states** have banned non-veterinarians from owning vet practices (with **proposed legislation** to address loopholes). **Pennsylvania** introduced legislation to restrict tax breaks for big corporate investors in housing.

9. Prohibit corporations from hiding their identities in secret economic development deals

When large corporations site new facilities, they often seek the best deal from states and municipalities and often sign Non-Disclosure Agreements (NDAs) to protect corporate identity. Communities deserve to know which corporations are eyeing their communities during the process, particularly when public money is leveraged.

States are beginning to introduce legislation that bans NDAs for economic development deals. The **Michigan** State House passed a bill in 2025 by wide margins with bipartisan support. **Illinois, Florida, and New York** introduced bills in 2022, but have not advanced since. However, amid rising stories of **communities pushing back** against new big-tech facilities and data centers, the moment is ripe to enact policies that spotlight corporate identities in local and state dealmaking.

10. Limit ownership of farmland by corporate and foreign investors

Large corporations and foreign speculators are **buying up** American farmland to build out their investment portfolios. These land grabs by financial players with no ties to local places are driving up the cost of farmland, limiting its supply, and pushing family farmers out of business.

Kansas, Missouri, Nebraska, Oklahoma, and South Dakota all ban corporations from holding a title for farmland, though the laws have problematic exceptions. In addition, **22 states** currently have laws regulating foreign ownership of agricultural land.