ATTORNEY GENERAL OF MISSOURI

CATHERINE L. HANAWAY

October 26, 2026

TO:
Eli Lilly and Company ("Lilly")
Lilly Corporate Center
Indianapolis, IN 46285

**RE: Unlawful Claims Data Submission Policy**

To Whom It May Concern:

We write concerning Lilly's unlawful claims data submission requirements for 340B hospitals. In January 2026, Lilly announced a new policy to require 340B covered entities to submit claims data for all dispensations of all Lilly drugs, regardless of setting. In July 2026, Lilly cut off University of Missouri Health Care ("MUHC") from 340B pricing for its products. To avoid ongoing harm and loss to MUHC and its patients, MUHC agreed to provide the demanded data while reserving its statutory right to 340B pricing without unreasonable and onerous conditions. MUHC now bears the heavy costs and burdens of complying with Lilly's requirements.

Lilly's claim-data submission requirements violate Missouri consumer protection law. The Missouri Merchandising Practices Act ("MMPA"), under Chapter 407, Revised Statutes of Missouri, makes unlawful "[t]he act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce." § 407.020, RSMo. Every time Lilly confirms its participation in the 340B program, it represents to the market that covered entities can purchase Lilly products at the requisite 340B ceiling price, by discounting its average wholesale price.

Lilly has also represented to the federal government, through its PPA with the Secretary of Health and Human Services, that covered entities' purchases of eligible products from Lilly would be discounted according to program rules. The 340B statute requires drug companies to "offer each covered entity covered outpatient

drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price." 42 U.S.C. § 256b(a)(1).

Lilly has broken these promises. Despite its representations, Lilly does not offer its products at the requisite 340B ceiling price to all covered entities. Instead, it has cut off those that do not comply with Lilly's extra-legal data demands. Lilly's representations regarding the availability of discounted pricing for covered entities are false and misleading to Missouri's consumers. And by denying MUHC 340B pricing, Lilly is abusing its market power to impose unfair commercial practices on covered entities in Missouri.

Missouri expects all commercial businesses to refrain from unfair, deceptive, or dishonest business practices in connection with the sale and advertisement of merchandise, and Elli Lilly is no exception. Accordingly, you are hereby directed to cease and desist from conditioning 340B pricing for covered entities in Missouri on the submission of claims data from in-house pharmacies and to cease any use of this data. Failing to do so may result in subsequent legal action under the MMPA, an injunction against you, imposition of civil penalties, and you being required to pay the Attorney General's costs of litigation, including attorney's fees.

We ask that you confirm Lilly's cessation of its January 2026 claims data submission policy in the State of Missouri and Lilly's use of the subject data within thirty days of the date of this letter.

Sincerely,

**CATHERINE L. HANAWAY**
ATTORNEY GENERAL

*/s/ Louis J. Capozzi III*
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