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SMALL BUSINESS
AND ENTREPRENEURSHIP

November 23, 2026

David Ricks
Eli Lilly and Company
Lilly Corporate Center
893 South Delaware Street
Indianapolis, Indiana 46285

Mr. Ricks:

Your company, Eli Lilly, recently implemented a policy requiring hospitals, including their in-house pharmacies, that participate in the 340B drug-pricing program to submit vast amounts of claims-level data to you. If they fail to do so, your company threatens to revoke their access to 340B pricing of all drugs your company produces. Doing so will effectively paralyze the 340B program and, in doing so, may deny lifesaving medications to countless patients across Missouri and the nation. I request that your company cease its 340B claims-data requests and the implementation of the corresponding policy.

Since its creation, the 340B program has made prescription medications more affordable and more accessible for patients and hospitals, particularly in rural communities. In Missouri alone, hundreds of covered entities—including more than 70 hospitals—rely on 340B discounted pricing to dispense necessary medications and, oftentimes, lifesaving drugs. Without such pricing, which the law mandates, patients very well may not have access to critical medicines when they need them.

Your company's policy jeopardizes the 340B program's very existence. Neither the 340B statute nor the terms of the standard pharmaceutical pricing agreement authorize your company to implement such a sweeping data-collection regime. Nor does the Health Resources and Services Administration mandate such collection, either. Missouri law, on the other hand, prohibits precisely these sorts of impediments to the delivery of 340B drugs. It is entirely possible, in fact, that your company's policy violates Missouri's law prohibiting restrictions on the acquisition or delivery of 340B drugs to pharmacies that dispense 340B drugs on behalf of covered entities.

And we've already begun to see the fallout from these policies: numerous 340B entities, including some in my home state of Missouri, have made the difficult decision to forgo the 340B discount on your drugs. This will cost them millions. But your company's policy is really about one thing: profit. Yet in 2025, your company raked in more than $20 billion—marking a 95% *increase* over the previous year's sum. And if your company's fix for profit wasn't bad enough, other pharmaceutical manufacturers have followed suit with nearly identical policies. All told, at least a dozen drugmakers have rolled out data-collection policies just like your company's.

Instead of making more difficult Americans' access to lifesaving medications and squeezing already-strained hospitals, I hope that your company will end this policy immediately. Additionally, please provide detailed written responses to the following questions no later than December 7, 2026:

1. Since implementing your company's claims-level data policy, how many 340B covered entities located in Missouri have complied with the policy?

2. Since implementing your company's claims-level data policy, how many 340B covered entities located in Missouri have refused to comply with the policy?

3. Of the 340B covered entities located in Missouri that have refused to comply, how many has Eli Lilly threatened to revoke—or successfully revoked—their access to 340B discounted pricing?

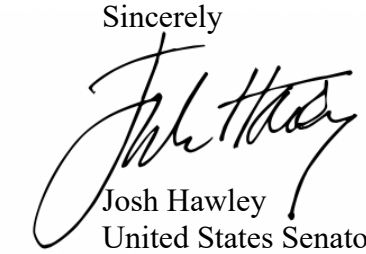
4. How much additional revenue will full compliance with your policy by 340B covered entities located in Missouri generate for Eli Lilly?

5. How much additional revenue will full compliance with your policy by 340B covered entities located in the United States generate for Eli Lilly?

6. Aside from your company's stated goal of "root[ing] out fraud, waste, and abuse in the 340B program," has your company evaluated how its policy, and 340B covered entities' inability to comply with it, may effectively deny medications to vulnerable patients across the country and specifically in Missouri?

7. What statute or regulation gives your company the affirmative authority to impose a sweeping data-collection obligation on 340B covered entities? Please explain all applicable legal justifications.

Sincerely



Josh Hawley
United States Senator