



March 20, 2024

Subject: Notice Regarding Update to EMD Serono's 340B Contract Pharmacy Policy

Dear Distributor,

I write to inform you that, effective March 20, 2024, EMD Serono ("EMD Serono") will modify its 340B Contract Pharmacy Policy (the "Policy") to comply with the state-imposed requirements under Arkansas Code § 23-92-604(c) ("Act 1103"). Consistent with Act 1103 and the Eighth Circuit's recent decision in *PhRMA v. McClain*, No. 22-3675, EMD Serono will exempt Arkansas-based covered entities using Arkansas contract pharmacies from the Policy. Accordingly, EMD Serono requests your assistance with ensuring that Arkansas-based covered entities' are able to order 340B products and or/place "Bill to/Ship to" replenishment orders with respect to any Arkansas-based contract pharmacy (assuming such pharmacy is properly registered with HRSA and are properly licensed to dispense EMD Serono's products). EMD Serono will neither require the submission of data to be eligible for shipment to contract pharmacies in Arkansas, nor will EMD Serono impose any other restrictions or limitations on contract pharmacy use.

Please contact John Quigley, Director, Corporate Accounts if you have any questions regarding the change to our Policy as described in this notice.

Best regards,

DocuSigned by:

Daniel Van Horn

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Daniel Van Horn

Senior Vice President, Market Access & Patient Solutions



The Healthcare business of Merck KGaA, Darmstadt, Germany operates as EMD Serono in the U.S. and Canada.

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EMD Serono

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