Press Release

WASHINGTON LEGAL FOUNDATION
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Media Contact: Glenn Lammi | glammi@wlf.org | 202-588-0302

In WLF Victory, Court Dismisses 340B Provider's Attempt to End-Run Federal Enforcement Scheme

(*Tampa General Hospital v. Eli Lilly and Company*)

"Today's ruling soundly affirms that Congress entrusted enforcement of the 340B program to HHS, not private entities pursuing state-law claims."

— Jay DeSanto, WLF Senior Litigation Counsel

WASHINGTON, DC—The U.S. District Court for the Middle District of Florida today dismissed Tampa General Hospital's effort to use Florida's consumer protection law to thwart Eli Lilly's administration of 340B prescription-drug discounts. The ruling is a victory for Washington Legal Foundation (WLF), which argued in an amicus brief that the suit was foreclosed by the Supreme Court's decision in *Astra USA, Inc. v. Santa Clara County* and amounted to an impermissible attempt to enforce alleged 340B obligations through state law.

The case arises from Lilly's requirement that healthcare providers participating in the 340B program provide certain claims data to receive program discounts. Lilly adopted this requirement to help verify compliance with federal rules designed to prevent duplicate discounts and improper diversion of discounted drugs. After Tampa General declined to provide the requested data, Lilly suspended the hospital's access to 340B pricing, prompting it to sue Lilly under Florida law.

In its amicus brief, WLF explained that Tampa General sought to circumvent Astra by using state law to pursue 340B pricing outside the dispute-resolution process that Congress established. The court's decision closely tracks WLF's reasoning and explains that there is "simply no private remedy" in court to enforce 340B pricing. If Tampa General wishes to pursue enforcement of alleged 340B obligations, it must use the statutory process administered by HHS.

Celebrating its 49th year, WLF is America's premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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