

# SUPPLEMENTAL TERMS AND CONDITIONS OF SALE UNDER THE LILETTA® VOLUME DISCOUNT PROGRAM<sup>1</sup>

## PRODUCT AND PRICING<sup>2,3,4</sup>

Under the LILETTA (levonorgestrel-releasing intrauterine system) 52 mg Volume Discount Program (the “LILETTA VDP”), a customer may purchase LILETTA (as described below in **TABLE 1**) from Allergan at the quantity-based discounts from Wholesale Acquisition Cost (“WAC”) listed below in **TABLE 2**. For the purpose of calculating the price applicable to a customer order, WAC shall be the WAC in effect at the time the order is received by Allergan.

Allergan, in its sole discretion and without prior notice, may at any time discontinue the LILETTA VDP, modify these LILETTA VDP terms, including discounts and volume requirements, or change the WAC for LILETTA.

**TABLE 1**

PRODUCT DESCRIPTION	NDC	STRENGTH	SIZE
LILETTA (levonorgestrel-releasing intrauterine system) 52 mg with single-handed inserter	00023-5858-01	52 mg LNG (levonorgestrel)	1 System

**TABLE 2**

NUMBER OF UNITS*	VOLUME DISCOUNT	ILLUSTRATIVE ACQUISITION COST†
5-9	8.0%	\$629.63
20-49	15.0%	\$581.72
50-99	28.0%	\$492.75
100-199	32.0%	\$465.38
200-299	36.0%	\$438.00

For purchases of 300 or more units, please contact LILETTA AccessConnect<sup>SM</sup> at 1-855-LILETTA for more information.

\* Number of units in a single purchase order, as fulfilled and invoiced by Allergan.

† Illustrative acquisition cost based on a WAC of \$684.38 (effective January 1, 2017 and subject to change). Actual acquisition cost for a LILETTA VDP order may vary depending on WAC in effect at the time the customer’s order is received by Allergan. WAC is a list price that may not reflect the actual price paid by an individual purchaser after discounts.

## PAYMENT TERMS

Payment for LILETTA units must be remitted within 90 days from the date of invoice. For additional payment terms, please see the Allergan Direct Terms and Conditions of Sale available at <https://epgateway.allergan.com/AllerganWebAuth/tnc.jsp>, and updated from time to time at Allergan’s sole discretion.

## RETURNS

Products may be returned in accordance with the Allergan U.S. Brand Return Goods Policy, available at <http://www.allergan.com/products/key-products/specialty-products>, and which may be amended from time to time at the sole discretion of Allergan.

## REPLACEMENT POLICY

Please visit <http://www.lilettahcp.com/resources/practice> for information about Allergan’s LILETTA Replacement Policy, which may be amended from time to time at the sole discretion of Allergan.

## GENERAL

LILETTA VDP discounts may be subject to reporting requirements under state and federal Medicaid and Medicare laws, including but not limited to, the Federal Anti-Kickback Act, SSA § 1128B(b)(3) and the discount safe harbor, 42 C.F.R. 1001.952(h). LILETTA VDP discounts are not intended in any way to limit or otherwise affect the objectivity or professional judgment of the purchaser or to interfere with the objectivity or professional discretion of any prescriber. Purchases of Product under the LILETTA VDP are for the purchaser’s “own use” and not for sale or resale to any person other than its own patients or for distribution or dispensation outside of the United States. Purchaser and Allergan shall comply with all applicable laws in respect of all transactions under the LILETTA VDP.

<sup>1</sup> These Supplemental Terms and Conditions of Sale constitute a supplement for purposes of the LILETTA VDP to the Allergan Direct Terms and Conditions of Sale, available at <https://epgateway.allergan.com/AllerganWebAuth/tnc.jsp>, and updated from time to time at Allergan’s sole discretion.

<sup>2</sup> These Supplemental Terms and Conditions of Sale do not apply to purchases made pursuant to a pricing agreement with Allergan. Purchases of LILETTA made pursuant to such an agreement are not eligible for LILETTA VDP discounts.

<sup>3</sup> These Supplemental Terms and Conditions of Sale do not apply to purchases made pursuant to the 340B Drug Pricing Program. Purchases of LILETTA made pursuant to the 340B Drug Pricing Program are not eligible for LILETTA VDP discounts.

<sup>4</sup> These Supplemental Terms and Conditions of Sale do not apply to purchases made pursuant to a Group Purchasing Organization (“GPO”) agreement with Allergan. Purchases of LILETTA made by GPO members pursuant to a GPO agreement are not eligible for LILETTA VDP discounts.