

## **Ikaria Statement regarding compliance with California Health & Safety Code § 119402**

**NOTICE: This information is provided pursuant to the requirements of California Health & Safety Code, Section 119402, which requires pharmaceutical companies doing business in California to make available their Compliance Program and annual written declaration of compliance with the Compliance Program.**

California Health & Safety Code, Sections 119400 – 119402 (“California Compliance Law”), requires pharmaceutical companies to adopt a compliance program in accordance with the April 2003 publication “Compliance Program Guidance for Pharmaceutical Manufacturers” (“OIG Compliance Guidance”) developed by the United States Department of Health and Human Services Office of Inspector General (“OIG”) and policies for compliance with the July 2008 Pharmaceutical Research and Manufacturers of America (“PhRMA”) “Code on Interactions with Health Care Professionals” (“PhRMA Code”).

Ikaria Holdings, Inc.<sup>1</sup> (“Ikaria” or the “Company”) has established a Compliance Program in accordance with the OIG Compliance Guidance and has policies for compliance with the PhRMA Code. For purposes of compliance with the requirements of the California Compliance Law and as part of its Compliance Program, Ikaria has established a specific annual aggregate dollar limit of **\$2000.00** on gifts, promotional materials, or items or activities that Ikaria may give or otherwise provide to an individual medical or health care professional in California. Such items or activities primarily include: medical textbooks and other items that principally entail a patient benefit or are related to the health care professional’s practice; modest meals associated with a substantive discussion of a Ikaria product or a disease state; and other items or activities permitted under the PhRMA Code and OIG Compliance Guidance. These items and activities are primarily directed to the dissemination or communication of medical and scientific information as a resource for health care professionals to assist in making clinical or other medical judgments. This limit may be revised from time to time, in which case the revised limit will be published in this section of the Ikaria website. This limit represents a spending cap, not a goal or average, and in many cases, the amount spent per physician may be substantially less than the cap amount.

The annual limit does not include the following:

- Drug samples given to physicians and health care professionals
- Financial support for continuing medical education forums
- Financial support for health educational scholarships
- Payments for legitimate professionals services, and any meals or expenses associated with the provision of such services
- Patient educational materials provided to patients by their physician with the purpose of educating the patient or enhancing the patient’s understanding or management of the condition

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<sup>1</sup> INO Therapeutics, LLC and Ikaria, Inc., are wholly owned subsidiaries of Ikaria Holdings, Inc.

## **Annual Declaration - 2009**

Ikaria is committed to conducting its business ethically and in compliance with all applicable laws. To the best of its knowledge and based on a good faith understanding of the statutory requirements, Ikaria has established a Compliance Program that meets the requirements set forth in California Health & Safety Code, Sections 119400-119402. Ikaria has tailored its Compliance Program to meet the specific needs of the company and continuously assesses the effectiveness of the Compliance Program. Ikaria has established an internal monitoring system designed to help ensure compliance with the annual spending limit in California and is working to establish additional corporate tracking and monitoring processes. Thus, subject to the limitations described above, Ikaria declares that, based upon current tracking and monitoring systems, the company is, in all material respects, in compliance with the Compliance Program and with the established annual spending limit.