

## MEMORANDUM

**To:** Dr. Tony Frank, CSU President  
**From:** Bioethics Advisory Committee  
**Date:** July 22, 2015  
**Re:** CSU Research Using Fetal Tissues

### **Background:**

The committee met during the week of July 13, 2015 in response to a press release from Lifenews.com alleging that a CSU researcher ( [REDACTED] ) had acquired tissue from fetal sources, specifically stating allegations of impropriety with respect to one vendor, StemExpress. The committee convened to attempt to determine the facts of the matter and to discuss key issues that the allegations presented. As a public institution, we are bound to scrupulously work within the law.

### **Facts known to the committee:**

Only one investigator at CSU is using fetal tissue in research ( [REDACTED] ) and has been doing so for over 15 years. CSU is ranked 145th nationally (by number of papers and investigators) of all Universities doing fetal tissue research. The research is supported by the National Institutes of Health Institute of Allergy and Infectious Disease. The model used by the investigator requires the use of fetal tissue to construct hematopoietic (blood) stem cells derived from different tissues (liver and thymus) and is used to induce a human-like immune system in an immune-deficient mouse to study HIV. The research has produced significant results regarding HIV infection, pathogenesis, and treatments, and has resulted in many research publications over the lifetime of the projects. In the course of the research, many students have been trained and supported as part of the land grant mission of CSU. All of the research performed was executed under the appropriate human and animal use committee requirements and reviewed by relevant CSU committees to assure compliance with federal regulations. The research is regulated by the NIH and is frequently reviewed by federal sponsors through the use of detailed reports the investigator provides on the execution of the sponsored research. The committee encourages federal oversight of current fetal tissue vendors to result in greater transparency of their sources.

The procurement of fetal tissue for the research has used various vendors through the years of its execution. The procurement of fetal tissue is supported by NIH through research grants and execution of the research and is reimbursed as part of the sponsored research grants. In the acquisition of fetal tissue from vendors, neither the researchers nor their staff involved in procurement from vendors are provided information regarding the source of fetal tissue. There is no way for them to know if the source is from spontaneous or elected abortions, or other causes related to the mother or unborn baby.

The committee is aware that federal law dictates the practice of acquisition and use of fetal tissue. The committee is also aware that Colorado State law extended aspects of this law for vendors selling such materials within the state. The committee has no information that suggests that CSU violated any federal or state laws in the procurement of the fetal tissue in question for the research project by [REDACTED]. The committee is also aware of CSU's long history of human research fully compliant with all federal and state laws.

The committee is also aware that congressional investigations are pending to investigate the practices of vendors that are supplied fetal tissue from Planned Parenthood.

### **Committee Recommendations:**

The committee recommends that CSU suspend acquisition of fetal tissue from StemExpress or any other vendor in question with Planned Parenthood until the congressional investigations are concluded and there is affirmation that all vendors used by CSU under NIH support are in compliance with federal law regarding the acquisition and use of fetal tissue.

The committee recommends that if vendor sources of fetal materials can be determined that this information is provided to any investigator executing fetal tissue research. All efforts should be made to seek alternatives to aborted fetal tissue sources where such alternatives allow key research discoveries to proceed.

### **Bioethics Advisory Committee:**

Bernie Rollin, PhD, University Distinguished Professor, Professor of Philosophy,  
Professor of Animal Sciences, Professor of Biomedical Sciences, University Bioethicist

Mark Stetter, Dean, College of Veterinary Medicine & Biomedical Sciences

C. Wayne McIlwraith, BVSc, PhD, DSc, FRCVS, Diplomate ACVS, Diplomate ACVSMR,  
University Distinguished Professor, Clinical Sciences, College of Veterinary Medicine &  
Biomedical Sciences

R. Kraig Peel, PhD, Associate Professor, Department of Animal Sciences, College of  
Agricultural Sciences

Matthew S. Hickey, PhD, University Distinguished Teaching Scholar, Professor, Dept. of  
Health and Exercise Science, College of Health & Human Sciences

Jennifer Nyborg, PhD, Professor, Department of Biochemistry & Molecular Biology, College  
of Natural Sciences

Alan S. Rudolph, PhD, MBA, Vice President for Research, Institutional Official (ex officio)