

DOUG LAMBORN
5TH DISTRICT, COLORADO

COMMITTEE ON ARMED SERVICES

COMMITTEE ON NATURAL RESOURCES

CHAIRMAN,
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COMMITTEE ON VETERANS' AFFAIRS



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July 17, 2015

Via Email (presofc@colostate.edu) and U.S. Mail

Dr. Tony Frank
President
Colorado State University
102 Administration Building
0100 Campus Delivery
Fort Collins, CO 80523-2001

Re: CSU's Alleged Purchase of Aborted Baby Body Parts

Dear President Frank:

I was shocked by the allegation, following the publication of videos and other documents released by the Center for Medical Progress, that, on January 10, 2013, Colorado State University purchased, directly or indirectly from the California affiliate of Planned Parenthood Federation of America, aborted babies' body parts for experimentation or other purposes.

If these allegations are true, Colorado State University appears to have violated or aided and abetted in the violation of Colorado law. Specifically, C.R.S. § 25-2-111.5, enacted in 2000 and resulting from a bill I introduced when I served in the Colorado State Senate, prohibiting the purchase of fetal tissue from induced termination of pregnancy. A copy of this law is enclosed.

Because of the extreme and outrageous nature of these allegations, irrespective of whether federal or state laws were violated, Colorado State University must be transparent and immediately explain to the people of the State of Colorado whether there is any basis to these allegations. I therefore respectfully request that, within fifteen (15) days of the date of this letter, you or another authorized representative of Colorado State University provide me with an explanation, including all relevant documents, of Colorado State University's acquisition of aborted babies' body parts for experimentation or for other purposes. I expect this explanation to include the date of any such purchase, the body parts purchased, the source of the body parts purchased (including the abortion clinic which performed the abortion), the price paid by Colorado State University for the body parts, and all other relevant information about the purchase by Colorado State University of these body parts.

I also respectfully request that, should it be true that the policy of Colorado State University permits the purchase or acquisition of aborted babies' body parts for experimentation or for other purposes, Colorado State University immediately revoke any such policy and thereafter refrain, cease, and desist from any further purchases of aborted babies' body parts.

For your information, because Colorado State University's alleged purchase of aborted babies' body parts appears to have violated C.R.S. § 25-2-111.5 and may have violated other state and federal laws, I have provided a copy of this letter to Colorado Attorney General Cynthia S. Coffman with the request that her Department launch a civil and criminal investigation into these allegations.

Please let me know if you have questions. I expect to hear from you within fifteen (15) days from the date of this letter.

Sincerely,

A handwritten signature in blue ink that reads "Doug Lamborn". The signature is written in a cursive, flowing style.

Doug Lamborn
Member of Congress

cc: Honorable Cynthia S. Coffman (with enclosures)

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25-2-111.5. Transfer of fetal tissue from induced termination of pregnancy - legislative declaration.

(1) The general assembly hereby finds, determines, and declares that the United States congress enacted 42 U.S.C. sec. 289g-2, prohibiting the acquisition, receipt, or other transfer of human fetal tissue for valuable consideration if the transfer affects interstate commerce. The general assembly determines and declares that the acquisition, receipt, or other transfer of human fetal tissue for valuable consideration affects intrastate commerce and is not in the public interest of the residents of Colorado. Therefore, the general assembly finds, determines, and declares that the exchange for valuable consideration of human fetal tissue should be prohibited.

(2) (a) No physician or institution that performs procedures for the induced termination of pregnancy shall transfer such tissue for valuable consideration to any organization or person that conducts research using fetal tissue or that transplants fetal tissue for therapeutic purposes. For the purposes of this section, "valuable consideration" includes, but is not limited to:

(I) Any lease-sharing agreement in excess of the current market value for commercial rental property for the area in which the physician's or institution's place of business is located;

(II) Any lease-sharing agreement that is based on the term or number of induced terminations of pregnancy performed by such physician or institution;

(III) Any moneys, gifts in lieu of money, barter arrangements, or exchange of services that do not constitute reasonable payment associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue as defined in 42 U.S.C. sec. 289g-2; or

(IV) Any agreement to purchase fetal tissue for a profit.

(b) Nothing in this subsection (2) shall prevent the disposition of fetal tissue from an induced termination of pregnancy pursuant to part 4 of article 15 of this title.

(3) Any physician or institution that violates subsection (2) of this section shall be fined by the state registrar not more than ten thousand dollars, depending upon the severity of the violation.

(4) The department of public health and environment may promulgate rules related to enforcement activities necessary to implement subsections (2) and (3) of this section.

Source: L. 2000: Entire section added, p. 1073, 2, effective August 2.

Colorado General Assembly

**Session Laws of Colorado 2000
Second Regular Session, 62nd General Assembly**

CHAPTER 240

HEALTH AND ENVIRONMENT

HOUSE BILL 00-1468 [Digest]

BY REPRESENTATIVES Paschall, May, Fairbank, Hefley, Mitchell, Nuñez, Scott, Sinclair, Clapp, Dean, Decker, Lee, and McKay;
also SENATORS Lamborn, Andrews, Arnold, Congrove, Hillman, Teck, Chlouber, Epps, Musgrave, Nichol, Owen, Sullivant, and Tebedo.

AN ACT

CONCERNING THE USE OF FETAL TISSUE FROM INDUCED TERMINATION OF PREGNANCY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 25-2-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-2-102. Definitions. As used in this article, unless the context otherwise requires:

(2.7) "INDUCED TERMINATION OF PREGNANCY" MEANS THE PURPOSEFUL INTERRUPTION OF A PREGNANCY WITH AN INTENTION OTHER THAN PRODUCING A LIVE-BORN INFANT OR REMOVING A DEAD FETUS AND THAT DOES NOT RESULT IN A LIVE BIRTH.

SECTION 2. Article 2 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-2-111.5. Transfer of fetal tissue from induced termination of pregnancy - legislative declaration.
(1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THE UNITED STATES CONGRESS ENACTED 42 U.S.C. SEC. 289g-2, PROHIBITING THE ACQUISITION, RECEIPT, OR OTHER TRANSFER OF HUMAN FETAL TISSUE FOR VALUABLE CONSIDERATION IF THE TRANSFER AFFECTS INTERSTATE COMMERCE. THE GENERAL ASSEMBLY DETERMINES AND DECLARES THAT THE ACQUISITION, RECEIPT, OR OTHER TRANSFER OF HUMAN FETAL TISSUE FOR VALUABLE CONSIDERATION AFFECTS INTRASTATE COMMERCE AND IS NOT IN THE PUBLIC INTEREST OF THE RESIDENTS OF COLORADO. THEREFORE, THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT THE EXCHANGE FOR VALUABLE CONSIDERATION OF HUMAN FETAL TISSUE SHOULD BE PROHIBITED.

(2) (a) NO PHYSICIAN OR INSTITUTION THAT PERFORMS PROCEDURES FOR THE INDUCED TERMINATION OF PREGNANCY SHALL TRANSFER SUCH TISSUE FOR VALUABLE CONSIDERATION TO ANY ORGANIZATION OR PERSON THAT CONDUCTS RESEARCH USING FETAL TISSUE OR THAT TRANSPLANTS FETAL TISSUE FOR THERAPEUTIC PURPOSES. FOR THE PURPOSES OF THIS SECTION, "VALUABLE CONSIDERATION" INCLUDES, BUT IS NOT LIMITED TO:

(1) ANY LEASE-SHARING AGREEMENT IN EXCESS OF THE CURRENT MARKET VALUE FOR COMMERCIAL RENTAL PROPERTY FOR THE AREA IN WHICH THE PHYSICIAN'S OR INSTITUTION'S PLACE OF BUSINESS IS LOCATED;

(II) ANY LEASE-SHARING AGREEMENT THAT IS BASED ON THE TERM OR NUMBER OF INDUCED TERMINATIONS OF PREGNANCY PERFORMED BY SUCH PHYSICIAN OR INSTITUTION;

(III) ANY MONEYS, GIFTS IN LIEU OF MONEY, BARTER ARRANGEMENTS, OR EXCHANGE OF SERVICES THAT DO NOT CONSTITUTE REASONABLE PAYMENT ASSOCIATED WITH THE TRANSPORTATION, IMPLANTATION, PROCESSING, PRESERVATION, QUALITY CONTROL, OR STORAGE OF HUMAN FETAL TISSUE AS DEFINED IN 42 U.S.C. SEC. 289 g-2; OR

(IV) ANY AGREEMENT TO PURCHASE FETAL TISSUE FOR A PROFIT.

(b) NOTHING IN THIS SUBSECTION (2) SHALL PREVENT THE DISPOSITION OF FETAL TISSUE FROM AN INDUCED TERMINATION OF PREGNANCY PURSUANT TO PART 4 OF ARTICLE 15 OF THIS TITLE.

(3) ANY PHYSICIAN OR INSTITUTION THAT VIOLATES SUBSECTION (2) OF THIS SECTION SHALL BE FINED BY THE STATE REGISTRAR NOT MORE THAN TEN THOUSAND DOLLARS, DEPENDING UPON THE SEVERITY OF THE VIOLATION.

(4) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT MAY PROMULGATE RULES RELATED TO ENFORCEMENT ACTIVITIES NECESSARY TO IMPLEMENT SUBSECTIONS (2) AND (3) OF THIS SECTION.

SECTION 3. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to all induced terminations of pregnancy on or after the applicable effective date of this act.

Approved: May 26, 2000

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

Session Laws of Colorado

Digest of Bills

General Assembly

State of Colorado

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