

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

November 2, 2016

VIA EMAIL

The Honorable Leslie Carol Rutledge
Attorney General
State of Arkansas
323 Center Street, Suite 200
Little Rock AR 72201

Dear Attorney General Rutledge:

On October 7, 2015, the U.S. House of Representatives passed H. Res. 461, which created the Select Investigative Panel (the “Panel”) and empowered it to conduct a full and complete investigation regarding the medical practices of abortion providers and the practices of entities that procure and transfer fetal tissue.

Over the course of our investigation, we have uncovered documents and received testimony from confidential informants indicating that StemExpress, LLC (“StemExpress”), a firm that procures(d) fetal tissue from abortion clinics and transfers it to research customers,¹ violated state law, including but not limited to the Arkansas Anatomical Gift Act (“A.C.A.”) § 120-17-802 (2)(c), which forbid the transfer of fetal tissue for valuable consideration.

Among the abortion clinics from which StemExpress sought to procure fetal tissue was Little Rock Family Planning Services,² which is located at [REDACTED].³

The A.C.A. makes it a five-year felony if a person “for valuable consideration, knowingly purchases or sells a part for transplantation or therapy if removal of a part from an individual is

¹ See Select Investigative Panel of the H. Comm. on Energy and Commerce, Interim Update to the U.S. House of Representatives, Jul. 14, 2016, https://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/documents/114/analysis/20160714Interim_Update.pdf.

² See Letter from [REDACTED], counsel for Little Rock Family Planning Services, to Matthew Tallmer, Investigator, Select Investigative Panel on Infant Lives [sic], Oct. 10, 2016.

³ Little Rock Family Planning Services Website, <https://lrfps.com/>, last accessed Oct. 11, 2016.

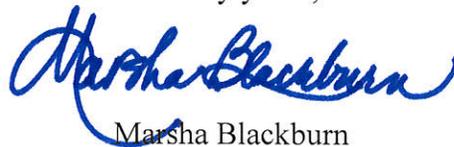
intended to occur after the individual's death . . .”⁴ The A.C.A. goes on to state that an individual “may charge a reasonable amount for the removal, processing, preservation, quality control, storage, transportation, implantation, or disposal of a part.”⁵

Another section of the A.C.A., however, states that: “A person shall not buy, sell, give, exchange, or barter or offer to buy, sell, give, exchange, or barter any fetus born dead as a result of a legal abortion or any organ, member, or tissue of fetal material resulting from a legal abortion.”⁶

In a letter to the Panel, the counsel for Little Rock Family Planning Services (“LRFPS”) wrote: “In 2015, LRFPS entered into a contract with StemExpress In June 2015, LRFPS collected two fetal tissue samples pursuant to appropriate written patient consents. Both samples were sent to StemExpress.”⁷

Based on the facts outlined above and the supporting documentation, I urge your office to conduct a thorough investigation into whether StemExpress violated these statutes and regulations, and, if you agree that such violations occurred, to take all appropriate action. If you have any questions about this request, please contact T. March Bell at (202) 226-9027, March.Bell@mail.house.gov.

Sincerely yours,



Marsha Blackburn
Chair
Select Investigative Panel

Attachment

cc: The Honorable Jan Schakowsky
Ranking Member
Select Investigative Panel

⁴ A.C.A. § 20-17-1216 (a).

⁵ A.C.A. § 20-17-1216 (b).

⁶ A.C.A. § 20-17-802(c)

⁷ *Supra* note 2.