



State of California  
Office of the Attorney General

XAVIER BECERRA  
ATTORNEY GENERAL

March 26, 2020

President Donald J. Trump  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Secretary Alex M. Azar II  
U.S. Department of Health & Human Services  
200 Independence Ave., S.W.  
Washington, DC 20201

Director Francis S. Collins, M.D., Ph.D.  
National Institutes of Health  
9000 Rockville Pike  
Bethesda, MD 20892

Dear President Trump, Secretary Azar, and Director Collins:

We write to you out of concern that the current Fetal Tissue Ban that took effect in June 2019 is hampering our Nation's ability to address COVID-19. Scientists at the National Institutes of Health working on potential therapies for COVID-19 have been appealing to this administration for permission to work with fetal tissue, arguing that this pandemic warrants an exemption to your Ban.<sup>1</sup> We urge you to grant their request and end the Ban.

Allowing our Nation's scientists to use fetal tissue can help accelerate vaccine development to combat COVID-19 and help us study the impact to pregnant women and children. Research using fetal tissue has led to the development of other vaccines to combat

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<sup>1</sup> See Amy Goldstein, *Trump Ban on Fetal Tissue Research Blocks Coronavirus Treatment Effort*, Washington Post (March 18, 2020), [https://www.washingtonpost.com/health/trump-ban-on-fetal-tissue-research-blocks-coronavirus-treatment-effort/2020/03/18/ddd9f754-685c-11ea-abef-020f086a3fab\\_story.html](https://www.washingtonpost.com/health/trump-ban-on-fetal-tissue-research-blocks-coronavirus-treatment-effort/2020/03/18/ddd9f754-685c-11ea-abef-020f086a3fab_story.html).



diseases like poliovirus, rubella, measles, and rabies.<sup>2</sup> Fetal tissue has also been an essential tool in studies geared towards finding treatments and cures for some of the most debilitating diseases, including HIV/AIDS and Alzheimer's.<sup>3</sup> Additionally, the use of fetal tissue has been instrumental in studying the transmission of the Zika virus from mother to baby through the placenta using humanized mouse models.<sup>4</sup> According to the American Medical Association, "[f]etal tissue has also been used to study the mechanism of viral infections and to diagnosis viral infections and inherited diseases, as well as to develop transplant therapies for a variety of conditions, for example, parkinsonism."<sup>5</sup> For these reasons, the American Medical Association's Code of Ethics permits physicians to work with and study fetal tissue. Recognizing the importance of these scientific contributions, in 1993 members of Congress on both sides of the aisle voted to legalize fetal tissue research. *See* 42 U.S.C. § 289g-1.

We agree with the scientists at the National Institutes of Health. The present moment is not a time for politics. Our country is facing an unprecedented crisis. As you know, all residents of California, Connecticut, Delaware, Hawaii, Massachusetts, Michigan, New York, Oregon, Vermont, Virginia, and Wisconsin are ordered to shelter-in-place or are under similar restrictions, as are other Americans around the country, and our economy is feeling those immediate impacts. If we are going to rise as a Nation to overcome this pandemic, then we need to utilize all the tools in our toolbox, including allowing our scientists to develop a vaccine and treatment to COVID-19. This means we need to permit research on all fronts. Science-based decision making should be at the forefront when addressing this issue and the scientists' position on this issue has been clear: currently, there are no alternatives to human fetal tissue that have been shown to be as powerful in conducting these important studies across a broad range of research topics.<sup>6</sup>

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<sup>2</sup> Susan Jaffe, *Trump Administration Limits Fetal Tissue Research*, 393 *The Lancet* 2381 (June 15, 2019), [https://doi.org/10.1016/S0140-6736\(19\)31400-X](https://doi.org/10.1016/S0140-6736(19)31400-X).

<sup>3</sup> *Id.*

<sup>4</sup> Andrea Du Toit, *Restrictions on Fetal Tissue Research*, 17 *Nature Reviews Microbiology* 462 (June 18, 2019) <https://doi.org/10.1038/s41579-019-0228-z>.

<sup>5</sup> *Research Using Human Fetal Tissue*, American Medical Association, <https://www.ama-assn.org/delivering-care/ethics/research-using-human-fetal-tissue>.

<sup>6</sup> Andrea Du Toit, *Restrictions on Fetal Tissue Research*, 17 *Nature Reviews Microbiology* 462 (June 18, 2019) <https://doi.org/10.1038/s41579-019-0228-z>.

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We ask you to end your Fetal Tissue Ban to allow our top scientists the ability to solve this global health crisis.

Sincerely,



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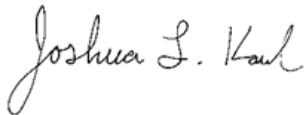
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