

until it's over

AIDS ACTION

June 8, 2010

Jerry A. Holmberg, PhD, Executive
Secretary, Advisory Committee on Blood Safety and Availability, Office
of Public Health and Science, Department of Health and Human Services,
1101 Wootton Parkway, Suite 250, Rockville, MD 20852

Dear Dr. Holmberg:

On behalf of AIDS Action Council, whose members provide or administer HIV/AIDS care, treatment, education, training and prevention services nationwide, I am writing to urge the Department of Health and Human Services (HHS) Advisory Committee on Blood Safety and Availability (ACBSA) to recommend making changes to the Food and Drug Administration's (FDA's) policy that men who have had sex with another man (MSM) even one time since 1977 be deferred indefinitely from donating blood.

The policy is discriminatory since it pertains only to MSM and excludes other populations at high-risk for HIV. It perpetuates injurious stereotypes of MSM and is based on outdated information about what actually constitutes risky sexual behavior. Additionally, the blood banks are required to use an inherently biased Donor History Questionnaire to identify high-risk donors. The questionnaire screens out large numbers of healthy prospective donors resulting in a loss of donors to contribute to our nation's chronic shortages in blood supply. Additionally, by relying heavily on this questionnaire, high-risk non-MSM individuals end up being allowed to donate blood.

It is also of concern that the current system of screening does not distinguish between higher or lower risk behaviors for any at-risk group. Within the current system, a non-MSM who has unprotected sex with an HIV positive partner more than one year ago may donate blood, but an MSM who has engaged in responsible sexual activity since 1977 is ineligible. Ultimately, the policy has become so discriminatory that some citizens' groups and institutions have started to boycott blood drives (AIDS Action does not support such boycotts), leading to a decreased pool of donors and facilities willing to host blood drives.

We believe that a thorough review will result in much stronger, non-discriminatory regulations. In particular screening should rely more on advanced blood testing, such as the Nucleic Acid Test, which can reveal HIV status of blood within 9-11 days. We additionally urge the FDA to revise its policy to distinguish between high-risk and low-risk categories of people and to treat everyone within the category the same. The policy should end the lifetime deferral for MSM and move towards a policy that would allow MSM at low or no risk for HIV to make blood donations. At the same time, the policy should work to identify people who are at high-risk of donating blood infected with HIV or other transmissible diseases and put in place policies that prevent donations from people in such high-risk categories.

We appreciate your willingness to review this policy and we look forward to engaging in the process. AIDS Action Council is committed to working with you to accomplish this important goal. Please do not hesitate to call on us.

Sincerely,

A handwritten signature in black ink that reads "William D. McColl". The signature is written in a cursive style with a large, prominent 'W' and 'M'.

William McColl
Political Director