



THE AIDS INSTITUTE

PUBLIC COMMENT

by

JAMES SYKES

DIRECTOR OF GLOBAL PROGRAMS, POLICY AND ADVOCACY

THE AIDS INSTITUTE

before the

ADVISORY COMMITTEE ON BLOOD SAFETY AND AVAILABILITY

June 11, 2010

Good morning. I am James Sykes, Director of Global Programs, Policy and Advocacy of The AIDS Institute. We greatly appreciate the Committee's review of the Food and Drug Administration's current policy of deferring all men who have had sex (MSM) as far back as 1977 with another man from ever donating blood.

This ban was implemented in 1985, when there were true concerns and technology was just starting to be able to detect the HIV virus. In the past 25 years, technology has advanced greatly. Currently, nucleic acid testing is used to screen donated blood with great accuracy. Though technology has advanced, this policy has not. It is now time to lift this antiquated and highly discriminatory practice. No one should feel at risk for receiving HIV infected blood through a blood transfusion, but this blanket ban does not adequately address this public health concern.

This ban increases stigma of gay and bisexual men and the entire gay community. Gay men are not permitted to participate in community events and are essentially being told that their behavior is risky and wrong. It is basically saying that all gay men have HIV, which we know is far from the truth.

The FDA's blanket ban does not effectively address this public health concern. Despite a blood shortage, many would be eligible blood donors are banned from donating. Gay men who are HIV negative and in long term monogamous relationships, men who have only had sexual contact with another man once, or gay men who do not engage in any sex are still not eligible to donate blood.

The FDA does not apply a universal lifetime ban equally for other groups who engage in high risk behavior. For example, a heterosexual woman can donate blood one year after sexual contact with a man infected with HIV.

The policy also puts gay people further into the closet. Anyone can lie about their past; any man wanting to donate blood can simply state that they are not gay while a married heterosexual individual can state they are monogamous. No one knows who is telling the truth. That is why all blood, no matter who it is donated by, is screened for HIV, Hepatitis and other agents.

As the epidemic has grown and changed, so have the risk groups. Though MSM remain highly impacted by HIV, other groups are also highly impacted but they are not discriminated against.

Screening for donating blood needs to focus on all potential donors' behavior, regardless of sexual orientation. The window period between infection and when the virus is detectable by a test is an issue for all who donate blood. As a result, a deferral period must be instituted for anyone who participates in a behavior that puts a person at risk of being infected with a blood borne virus. Decisions should not be made based on one's sexual orientation. Ultimately, this is a much better way to combat the risk of HIV infection via blood transfusion.

The AIDS Institute urges you to repeal this antiquated ban on gay men from donating blood. The change will reflect the changing face of the epidemic, help reduce stereotypes and stigma, and overall be better for public health. We are pleased that organizations such as the American Red Cross, America's Blood Centers and the American Association of Blood Banks, along with many members of Congress, all support changing this discriminatory practice. Other nations have done it, with your help; the United States can change as well. Thank you.

James Sykes
Director of Global Programs, Policy and Advocacy
202/835-8873
jsykes@theaidsinstitute.org