

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the sense of the Council in support of the use of science-based eligibility criteria for blood donation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of Using Science-Based Eligibility Criteria for Blood Donation Resolution of 2010."

Sec. 2. The Council finds that:

(1) The United States Food and Drug Administration (FDA) is the federal agency responsible for protecting the public health, and assures the safety of pharmaceutical and biologic products, including donated blood.

(2) In 1982, when there were no HIV tests or HIV treatments, and little was known about HIV and AIDS, the FDA imposed a lifetime deferment, or permanent ban, on blood donation by any man who has had sex with another man (MSM), at any time since 1977, from donating blood.

(3) The FDA justifies this policy by citing that 1977 was the beginning of the AIDS epidemic in the United States and that MSMs are at a greater risk of HIV, which can be transmitted by transfusion.

(4) In the almost 30 years since the FDA's decision to exclude MSMs from donating blood, the medical community has made great strides in preventing, diagnosing, treating, and understanding HIV/AIDS.

(5) The FDA's lifetime restriction on MSMs from donating blood fails to consider the potential donor's actual health status and whether the potential donor has actually engaged in high risk sexual activity.

(6) The only other groups permanently excluded from donating blood are intravenous drug users, people who have received animal tissue or organs, people who traveled to or live in certain countries due to the risk of transmitting malaria or variant Creutzfeldt-Jakob Disease, and people who have accepted money or drugs in exchange for sex.

(7) Nationally, an individual needs a life saving blood transfusion once every 3 seconds. Though 60 percent of Americans are eligible to donate blood, less than 5 percent of people, on average, actually donate. Each day approximately 4.5 million Americans benefit from life-saving blood transfusions each year. A single blood donation can save 3 lives.

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(8) Recipients of blood donation include cancer patients, burn and trauma victims, new born babies, transplant patients, mothers delivering babies, surgery patients, and patients suffering from sickle cell disease or thalassemia, among others. 1
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(9) Limiting the population of potential blood donors leaves numerous vulnerable individuals in need of receiving life-saving blood. 4
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(10) South Africa, Argentina, Australia, Hungary, Japan, Sweden, and New Zealand have all imposed a time period in which MSMs must wait before being allowed to donate, while Russia has completely lifted the ban. Other countries, such as Italy, Spain, and France, screen potential donors for high-risk sexual practices, rather than specific groups of people, and exclude all individuals who have engaged in risky sexual behavior from donating blood. 6
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(11) Numerous public health groups including the American Red Cross, the American Association of Blood Banks, America's Blood Centers, the American Medical Association, and the Gay Men's Health Crisis and other leading lesbian, gay, bisexual, and transgender organizations have urged that the FDA's lifetime restriction be revised. 12
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(12) The FDA recently announced that they will reexamine the restrictions on blood donation by MSMs and that the United States Department of Health and Human Services' blood safety committee will consider this issue in June 2010. 16
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Sec. 3. It is the sense of the Council of the District of Columbia calls upon the United States Food and Drug Administration to reverse the lifetime deferral for blood donation for men who have had sex with men since 1977 in favor of a policy that protects the safety and integrity of the blood supply that is based on an up-to-date scientific data. 19
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Sec. 4. This resolution shall take effect immediately. 24