The New York City Council

City Hall
New York, NY 10007

Legislation Details (With Text)

File #:	Res 0080-2010	**Version:** A	**Name:**	FDA to reverse their longstanding prohibition on homosexual men donating blood.
Type:	Resolution		**Status:**	Adopted
			Committee:	Committee on Health
On agenda:	3/25/2010		**Final action:**	4/29/2010
Enactment date:			**Law number:**	

Title: Resolution calling upon the United States Food and Drug Administration to reverse their longstanding prohibition on homosexual men donating blood.

Sponsors: Christine C. Quinn, Maria Del Carmen Arroyo, Rosie Mendez, Daniel Dromm, James G. Van Bramer, Deborah L. Rose, Gale A. Brewer, Lewis A. Fidler, Robert Jackson, G. Oliver Koppell, Karen Koslowitz, Brad S. Lander, Melissa Mark-Viverito, Annabel Palma, Ydanis A. Rodriguez, Joel Rivera, Inez E. Dickens, Julissa Ferreras, Elizabeth S. Crowley, James Sanders, Jr., Jumaane D. Williams

Indexes:

Attachments: Res. No. 80 - 3/25/10, Committee Report 4/13/10, Hearing Testimony 4/13/10, Hearing Transcript 4/13/10, Committee Report 4/27/10, Hearing Transcript 4/27/10, Hearing Transcript - Stated Meeting 4/29/10

Date	Ver.	Action By	Action	Result
3/25/2010	*	City Council	Introduced by Council	
3/25/2010	*	City Council	Referred to Comm by Council	
4/13/2010	*	Committee on Health	Hearing Held by Committee	
4/13/2010	*	Committee on Health	Laid Over by Committee	
4/27/2010	*	Committee on Health	Hearing Held by Committee	
4/27/2010	*	Committee on Health	Amendment Proposed by Comm	
4/27/2010	*	Committee on Health	Amended by Committee	
4/27/2010	A	Committee on Health	Approved by Committee	Pass
4/29/2010	A	City Council	Approved, by Council	Pass

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Res. No. 80-A

Resolution calling upon the United States Food and Drug Administration to reverse their longstanding prohibition on homosexual men donating blood.

By The Speaker (Council Member Quinn) and Council Members Arroyo, Mendez, Dromm, Van Bramer, Rose, Brewer, Fidler, Jackson, Koppell, Koslowitz, Lander, Mark-Viverito, Palma, Rodriguez, Rivera, Dickens, Ferreras, Crowley, Sanders Jr. and Williams

Whereas, The United States Food and Drug Administration (FDA) is responsible for protecting the public health; and

Whereas, Inasmuch, the FDA regulates blood donation in the United States and explicitly bars any man who has had sex with another man, at any time since 1977, from donating blood; and

Whereas, The FDA justifies this policy by citing that 1977 was the beginning of the United States' AIDS epidemic and that men who have sex with men (MSM) are at a greater risk of HIV, hepatitis B and other infections that can be transmitted by transfusion; and

Whereas, This lifetime restriction on men who have had sex with men even once since 1977 from donating blood fails to consider the individual's HIV status and represents the FDA's policy since 1982; and

Whereas, The only other groups on the FDA's lifetime deferral list for blood donation 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 had sex for drugs or money; and

Whereas, The FDA last reconsidered this issue in 2006 but decided not to alter its existing policy; and

Whereas, Despite the FDA's lifetime ban on MSM, nationally, an individual needs a life saving blood transfusion once every 3 seconds; and

Whereas, Yet, while 60 percent of Americans are eligible to donate blood, on average less than 5 percent of people actually donate; and

Whereas, This figure is less in New York and New Jersey, where it is estimated that less than 2 percent of the eligible population donate blood; and

Whereas, Each day in New York City, the New York Blood Center (NYBC) estimates that 4.5 million Americans benefit from life-saving blood transfusions each year; and

Whereas, The NYBC requires more than 2,000 donors every day to meet the existing need of patients in approximately 200 hospitals in New York and New Jersey; and

Whereas, A single blood donation can save 3 lives, following component separation; and

Whereas, Recipients of blood donation include cancer patients, accident, burn and trauma victims, new born babies, transplant patients, mothers delivering babies, surgery patients, chronically transfused patients suffering from sickle cell disease or thalassemia, among others in need; and

Whereas, Limiting the population of potential blood donors leaves numerous vulnerable individuals in need of receiving life-saving blood; and

Whereas, The Gay Men's Health Crisis (GMHC) recently released a report entitled "A Drive for Change: Reforming U.S. Blood Donation Policies;" and

Whereas, This report advocates for a revision on the lifetime restriction of MSM from donating blood and cite both action taken by other countries and advances in medicine and blood screening; and

Whereas, South Africa, Argentina, Australia, Hungary, Japan, Sweden and New Zealand have all imposed a time period in which an MSM must wait before being allowed to donate, while Russia completely lifted the ban; and

Whereas, Other countries, such as Italy, Spain and France screen potential donors for high-risk sexual practices, rather than MSM behavior, and as such these countries defer all individuals who have engaged in risky sexual behavior; and

Whereas, GMHC's report also indicates that advancements in medical technology and blood screening lend further credence that the risk is minimal; and

Whereas, There are two methods of testing for HIV, the antibody test and the nucleic acid test; and

Whereas, Both tests seek to determine whether the individual is infected with HIV and the nucleic test allows for a significantly shorter window period, the period when HIV is undetectable, of approximately 9 to

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allows for a significantly shorter window period, the period when HIV is undetectable, of approximately 9 to 11 days; and

Whereas, The FDA recently announced that they will reexamine the restrictions on blood donation by gay men and that the United States Department of Health and Human Services' blood safety committee will look into this issue in June; and

Whereas, 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 GMHC and leading LGBT organizations have urged that the FDA's lifetime restriction be revised; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Food and Drug Administration to reverse their longstanding prohibition on homosexual men donating blood.

LS # 713
4/19/10
JM