

Current rules ban gay men, though permit high-risk donors

WASHINGTON – Today, U.S. Reps. Mike Quigley (D-IL), Sam Farr (D-CA), Jerrold Nadler (D-NY), and Anthony Weiner (D-NY) called for Health and Human Services (HHS) to revise the Food and Drug Administration's (FDA) discriminatory blood donation policy. The current policy forbids men from donating life-saving blood if they have engaged in even a single sexual act with another man since 1977.

“Science, technology, and education have advanced since the inception of this policy, and it’s time that it, too, evolved,” said Quigley. **“By adjusting our restrictions on blood donation, we have an opportunity to demonstrate our commitment to equality and offer those in need of life-saving blood transfusions much-needed help.”**

“We've seen great advances on securing our blood supply safe over the past 20 years, but our policies haven't kept up,” said Farr. **“My hope is that the ACBSA meeting will begin the process of applying current science to this outdated, discriminatory policy.”**

“Since 1985, when the misguided policy barring gay men from blood donation was adopted, we have come leaps and bounds as a society in our awareness of discrimination against the LGBT community, of HIV/AIDS and how it is transmitted, and of safe blood screening and transfusion,” said Nadler. **“Our society and its laws must move beyond the offensive and incorrect stereotype that automatically links gay men to risky sexual practices and, therefore, to HIV/AIDS. If we are serious about addressing the national blood shortage, then we must repeal the FDA’s ban on gay blood donors now.”**

“We have chronic shortages of blood donations in this country, yet the FDA continues to cling to an outdated policy that prevents hundreds of thousands of donations from reaching those in need every year,” said Weiner. **“Overturning this antiquated ban isn't just a step in the right direction for equality – it's a commonsense move that will save lives.”**

Quigley and Sen. John Kerry (D-MA) have spearheaded an effort to send a bi-cameral letter to

the FDA encouraging the revision of its blood donor policy. The letter is co-signed by 33 representatives and nine senators, and members of Congress have sent an additional letter from the House.

“I’m pleased that the Department of Health and Human Services is meeting this week to address the ban on gay Americans donating blood,” said Kerry. **“The medical and scientific communities have been crystal clear that there is no longer any scientific evidence to warrant a lifetime ban. I commend Congressman Quigley for spearheading this essential effort in the House, and we look forward to hearing HHS’s recommendations and working with the Administration to ensure that this outdated policy is brought into line with the world we live in today.”**

Hospitals expect blood shortages over the summer months, and blood advocacy groups have stressed the importance of adjusting the existing policy, which has been in place since 1985. The same policy allows heterosexual men and women who have had sexual contact with an HIV-positive partner to give blood after only a one-year waiting period.

Among the many organizations calling for a revision of the discriminatory FDA policy are the American Red Cross, America’s Blood Centers, and the American Medical Association. These organizations have stated that the exclusion of homosexuals from the national community of blood donors is “medically and scientifically unwarranted.”

The Health and Human Services Advisory Committee on Blood Safety and Availability will hear testimony from FDA officials on June 10-11 at The Universities at Shady Grove in Rockville, Maryland. The meeting will focus on key questions regarding the current FDA policy and will seek to determine if the policy should be revised.

Text of the bi-cameral letter is below:

June 9, 2010

Mr. Arthur W. Bracey, M.D.

Chair
Advisory Committee on Blood Safety and Availability
Department of Health and Human Services
1101 Wootton Parkway, Suite 250
Rockville, Maryland 20852

Dear Dr. Bracey:

We are writing to express our support for your upcoming meeting of the Department of Health and Human Services (HHS) Advisory Committee on Blood Safety and Availability on June 10th and 11th

to review the Federal policy that prohibits men who have had sex with other men (MSM) from ever donating blood. We join with medical experts at the American Red Cross, America's Blood Centers, AABB, and the American Medical Association, among others, in calling for a change in policy that better reflects the science of high risk behavior for HIV. The time has clearly come to review and modify this policy to strengthen the safety of the blood supply and remove any needless discriminatory rules from the process.

In the wake of the major blood donor organizations stating that the lifetime ban on MSM blood donors is "medically and scientifically unwarranted," we urge you to utilize the most up to date and comprehensive medical and scientific data regarding high risk behaviors in your considerations. In order to improve the integrity of the blood supply, we believe it is imperative that all high risk behaviors be appropriately targeted in the screening process and that similar deferral periods are established for similar risks.

As the policy currently stands, a number of potential oversights and medically unjustifiable double standards seem apparent. For instance, there is no prescribed consideration of safer sex practices, individuals who routinely practice unsafe heterosexual sex face no deferral period at all while monogamous and married homosexual partners who practice safe sex are banned for life. In fact, a woman who has sexual relations with an HIV positive male is deferred for one year, while a man who has had sexual relations with another man, even a monogamous partner, is deferred for life. Even individuals who have paid prostitutes for heterosexual sex face a deferral period of one year while gay men face a lifetime ban. These do not strike us as scientifically sound conclusions.

The safety of our blood supply is of the utmost importance. With the advances in medicine over the course of the last three decades, we encourage you to look beyond blanket deferrals and consider screening based on real high risk behavior so we can update our blood donation policies from their early 1980's origins. By keeping discriminatory policies on the books, and denying willing donors the opportunity to help others we put the integrity of the blood donation system at risk.

Thank you for your consideration of these concerns. We look forward to the Committee's recommendations for modifying this policy.

Sincerely,

Sen. John F. Kerry

Sen. Jeff Bingaman

Sen. Roland W. Burris

Sen. Sherrod Brown

Sen. Maria Cantwell

Sen. Robert P. Casey

Sen. Kirsten Gillibrand

Sen. Russ Feingold

Sen. Sheldon Whitehouse

Rep. Mike Quigley

Rep. Tammy Baldwin

Rep. Shelley Berkley

Rep. Lois Capps

Rep. Michael Capuano

Rep. Judy Chu

Rep. Joseph Crowley

Rep. Susan Davis

Rep. Diana DeGette

Rep. Sam Farr

Rep. Barney Frank

Rep. John Garamendi

Rep. Raul Grijalva

Rep. Luis Gutierrez

Rep. Alcee Hastings

Rep. Maurice D. Hinchey

Rep. Rush Holt

Rep. Mike Honda

Rep. Hank Johnson

Rep. Barbara Lee

Rep. Carolyn B. Maloney

Rep. Ed Markey

Rep. Gwen Moore

Rep. Jim Moran

Rep. Jerrold Nadler

Rep. John Olver

Rep. Chellie Pingree

Rep. Jared Polis

Rep. Steven Rothman

Rep. Jan Schakowsky

Rep. Jose E. Serrano

Rep. Debbie Wasserman Schultz

Rep. Anthony Weiner

Rep. Lynn Woolsey