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County Opposes FDA Ban of Lifetime Donations of Blood from Gay Men

Policy Deemed Discriminatory and Archaic

SAN JOSE, CALIF.—Today, the County of Santa Clara Board of Supervisors voted unanimously to oppose the Food and Drug Administration policy that places a lifetime ban on blood donations from any man who has had sexual contact with another man since 1977. The recommendation was advanced by Supervisor Ken Yeager, District 4. The Board’s action is consistent with its position to oppose discrimination in any form.

“There is absolutely no medical reason to continue this ban,” said Supervisor Yeager. “Current methods of testing of the blood supply make it possible to appropriately screen donations.”

The FDA policy was established in 1983, when much less was known about HIV/AIDS and blood testing was much less reliable. A similar lifetime ban is also in place for anyone who has injected IV drugs or anyone who has had sex for money or drugs, but for most other risk behaviors and conditions, there is normally a 12-month deferral from the time of said activity or conditional state. According to research, the guideline creating a lifetime ban on blood donations from gay men lack scientific basis and have a discriminatory effect on the group.

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“Maintaining an adequate volume of blood supply is extremely important,” said Supervisor Liz Kniss, Chair of the Board’s Health and Hospital Committee. “Nothing substitutes for blood when it is needed, and there shouldn’t be artificial barriers for people who can donate and be screened like everyone else.”

The Board decided not to ban blood drives at county facilities because it would have detrimental affect on the County’s ability to provide medical care for county residents.

“The region does not donate enough blood,” said County Executive Pete Kutras. “The majority of the blood we use is imported from other areas of the country. We don’t want to further impact this by banning donation activities at County facilities.”

All donated blood is screened to ensure safety to recipients.

Background

The first time this policy was seriously revisited by FDA was in September 2000. The international blood association AABB (formerly the American Association of Blood Banks) and America’s Blood Centers led an effort to ease the lifetime restriction for males who have sex with males (MSMs). They claimed that new and improved tests can detect HIV-positive donors within 10 to 21 days of infection, and that a lifetime ban is unnecessary. Unconvinced that new testing did enough to safeguard the blood supply and buoyed by a report claiming the unique lifestyle of MSMs as a group put them at higher risk for contracting HIV and other sexually transmitted disease, the American Red Cross led the charge against changing the rule. As a result, the Blood Products Advisory Committee of the FDA voted 8 to 7 to retain the ban. The Blood Products Advisory Committee is composed of experts that craft relevant “guidances” to FDA regulations. “Guidances” outline how regulations should be carried out and can be changed with fewer processes than regulations.

Since that time, testing has improved, and the American Red Cross has changed its opinion. At an FDA-convened conference on March 8, 2006, the American Red Cross along with AABB and America’s Blood Centers called again for a change in the policy. The groups recommended changing the deferral for MSMs to a period of 12 months from the time a man has had sex with another man instead of the current lifetime ban. The Blood Products Advisory Committee took no action, and the FDA posted a document on its website on May 23, 2007 affirming the 1983 guidance.