

1 [Rescind FDA Sperm Donor Recommendations]

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3 **Resolution urging the Federal Food and Drug Administration (FDA) to rescind its policy**  
4 **recommendations for anonymous sperm donors which bar gay and bisexual men from**  
5 **being prospective donors, and further urging the FDA to adopt community**  
6 **recommendations to institute a non-discriminatory policy based on sexual behavior**  
7 **rather than sexual orientation.**

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9 WHEREAS, The Federal Food and Drug Administration (FDA) announced new policy  
10 guidelines that will take effect on May 25, 2005 which recommend prohibition of any man who  
11 has engaged in homosexual sex during the previous five years, from being an anonymous  
12 sperm donor; and,

13 WHEREAS, The FDA has repeatedly rejected community recommendations to adopt a  
14 non-discriminatory screening protocol that focuses on high-risk sexual behavior by potential  
15 donors, regardless of sexual orientation; and

16 WHEREAS, The FDA bases its latest recommendations on unscientific claims that all  
17 gay men pose a higher-than-average risk for carrying HIV; and

18 WHEREAS, The FDA recommendation would permit as sperm donors self-proclaimed  
19 heterosexual men who had unprotected sex with any man or woman who is HIV positive, but  
20 would prohibit from being sperm donors gay and bisexual men who are in monogamous  
21 relationships unless they were celibate for five years; and

22 WHEREAS, Although the FDA guidelines are not mandatory, sperm banks and fertility  
23 clinic throughout the nation have already instituted practices which decline gay and bisexual  
24 sperm donors; and

1           WHEREAS, The FDA recommendations are based not only on baseless scientific  
2 grounds, but are also repugnant for their overt and unnecessary exclusion of gay and bisexual  
3 men as viable potential donors; and

4           WHEREAS, The FDA recommendations pose a potential health threat in that the  
5 agency itself ignores the increasing risk of heterosexual transmission of HIV, especially in  
6 communities of color; now, therefore, be it

7           RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
8 condemns the discriminatory policy recommendations set forth by the Federal Food and Drug  
9 Administration barring gay and bisexual men from being anonymous sperm donors; and be it

10          FURTHER RESOLVED, That the Board of Supervisors urges the FDA to adopt  
11 community recommendations to institute a non-discriminatory policy based on sexual  
12 behavior rather than sexual orientation in which prospective donors would be rejected if they  
13 engaged in unprotected sex in the previous 12 months with an HIV-positive person, an  
14 intravenous drug user or any individuals of unknown HIV status.



City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tails  
Resolution

File Number: 050831

Date Passed:

Resolution urging the Federal Food and Drug Administration (FDA) to rescind its policy recommendations for anonymous sperm donors which bar gay and bisexual men from being prospective donors, and further urging the FDA to adopt community recommendations to institute a non-discriminatory policy based on sexual behavior rather than sexual orientation.

May 17, 2005 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050831

I hereby certify that the foregoing Resolution was ADOPTED on May 17, 2005 by the Board of Supervisors of the City and County of San Francisco.

05.20.05

Date Approved

Gloria L. Young  
Clerk of the Board

Mayor Gavin Newsom