

1 [Urging Senators Boxer and Feinstein and Representative Pelosi]  
2 URGING SENATOR BARBARA BOXER, SENATOR DIANNE FEINSTEIN AND  
3 REPRESENTATIVE NANCY PELOSI TO WORK WITH THE U.S. FOOD AND DRUG  
4 ADMINISTRATION AND CONGRESS TO CREATE NEW BLOOD DONOR GUIDELINES  
5 THAT ALLOW HIV-NEGATIVE GAY MEN TO DONATE BLOOD AND HELP ALLEVIATE  
6 THE NATION'S CHRONIC BLOOD SHORTAGE.

7  
8 WHEREAS, Cities and states across the United States face chronic shortages of blood  
9 donations each year; and,

10 WHEREAS, These blood donations are used to save the lives of millions of Americans  
11 and are critical to our health care delivery system; and,

12 WHEREAS, Maximizing number of people who can safely donate blood is crucial to  
13 this system of care; and,

14 WHEREAS, Section 351 of the Public Health Services Act authorizes the United  
15 States Department of Health and Human Services' Food and Drug Administration to develop  
16 regulations on who may or may not donate blood; and,

17 WHEREAS, Title 21, Volume 7, section 640.3 of the Code of Federal Regulations  
18 (hereafter 21CFR640) was established to regulate blood donation; and,

19 WHEREAS, 21CFR640 does not specifically state that men who have sex with men  
20 may not donate blood; and,

21 WHEREAS, The Food and Drug Administration's Center for Biologics Evaluation and  
22 Research develops guidance memorandums for blood collection agencies, such as the  
23 American Red Cross, America's Blood Centers and Blood Centers of the Pacific, which are  
24 subsequently adhered to by the blood collection agency; and,

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1           WHEREAS, In a guidance memorandum dated April 23, 1992, the Food and Drug  
2 Administration establishes "Criteria for the Exclusion of Unsuitable Donors Who Are at  
3 Increased Risk for HIV" for determining the suitability of a donor; and,

4           WHEREAS, Persons are determined to be unsuitable if they are a person with a  
5 known status of HIV infected; and,

6           WHEREAS, Persons are determined to be unsuitable donors because of their  
7 increased risk for HIV if they are a past or present intravenous drug users; are a person with  
8 hemophilia or related disorder; are a person who has engaged in sex for money or drugs  
9 since 1977; are a person who has had sex with a person meeting the criteria of person who  
10 has engaged in sex for money or drugs since 1977 within the last 12 months; are a person  
11 who has been treated for gonorrhea or syphilis in the last 12 months; and,

12           WHEREAS, The aforementioned criteria are intended to exclude persons based on  
13 their known status as an HIV infected person or their behaviors which are known to spread  
14 HIV or they have had sex with someone whose behaviors are known to spread HIV; and,

15           WHEREAS, Persons are also determined to be unsuitable donors because of their  
16 increased risk for HIV if they are a man who has had sex with another man once since 1977;  
17 and,

18           WHEREAS, This criteria applies to almost every gay man and to many other men,  
19 including those who have always practiced safe sex; and,

20           WHEREAS, HIV can be spread by all persons who have "unsafe sex", to wit, anal or  
21 vaginal sexual activity between two persons without the use of a condom; and,

22           WHEREAS, A man who has had unsafe sex with a woman is at a higher risk of being  
23 HIV infected than a man who has had safe sex with a man; and,

24           WHEREAS, All potential blood donors are pre-screened prior to donating in hopes of  
25 excluding persons who have a high risk of HIV infection based on the above criteria; and,

1           WHEREAS, All units of blood are tested subsequent to donation to test for HIV in order  
2 to be certain that persons who are unknowingly infected with HIV have not donated blood;  
3 and,

4           WHEREAS, The Food and Drug Administration purports to determine the suitability of  
5 a donor based on the donor's behavior or their status as an HIV infected person; and,

6           WHEREAS, The Food and Drug Administration nonetheless allows persons whose  
7 sexual behaviors place them at high risk for HIV infection to donate blood yet categorically  
8 disallows almost all gay men from donating blood whether their sexual behavior is risky or  
9 not; and,

10           WHEREAS, This disallowance is not only discriminatory, it results in thousands of pints  
11 of useable blood not being donated and given to patients who desperately need it and  
12 unnecessarily puts these patients' lives jeopardy; and,

13           WHEREAS, The Food and Drug Administration Center for Biologics Evaluation and  
14 Research (CBER) has the task of reviewing the blood donor regulations it submits to the  
15 Department of Health and Human Services; and,

16           WHEREAS, The Food and Drug Administration should revise these guidelines in a  
17 way not to exclude the vast majority of gay men from blood donation; and,

18           WHEREAS, This change would increase the blood supply and help alleviate the  
19 nation's chronic blood shortage; now, therefore, be it

20           RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
21 urges Senator Barbara Boxer, Senator Dianne Feinstein and Representative Nancy Pelosi to  
22 work with the U.S. Food and Drug Administration and Congress to create new blood donor  
23 guidelines that allow HIV-negative gay men to donate blood and help alleviate the nation's  
24 chronic blood shortage.



# City and County of San Francisco

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

## Tails

### Resolution

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**File Number:** 000049

**Date Passed:**

Resolution urging Senator Barbara Boxer, Senator Dianne Feinstein and Representative Nancy Pelosi to work with the U.S. Food and Drug Administration and Congress to create new blood donor guidelines that allow HIV-negative gay men to donate blood and help alleviate the nation's chronic blood shortage.

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January 18, 2000 Board of Supervisors — ADOPTED

Ayes: 6 - Ammiano, Becerril, Bierman, Brown, Newsom, Yaki

Absent: 5 - Katz, Kaufman, Leno, Teng, Yee

File No. 000049

I hereby certify that the foregoing Resolution was ADOPTED on January 18, 2000 by the Board of Supervisors of the City and County of San Francisco.



Jean Lum  
Acting Clerk of the Board



Date Approved



Mayor Willie L. Brown Jr.