



## **SJR 26 – Urging Science-Based Guidelines for Blood Donation**

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Sponsor: Equality California

### **In Brief**

Senate Joint Resolution 26 calls on President Barack Obama to encourage the Secretary of Health and Human Services to direct the Food and Drug Administration (FDA) to develop science-based guidelines for blood donation that focus on risk-assessment of individuals instead of stigmatizing standards that continue to discriminate against gay and bisexual men.

### **The Issues**

When more than 50 people were injured in the shooting at the Pulse nightclub in Orlando in June of this year, thousands of gay and bisexual men nationwide came forward to donate blood to help members of their own community, but were turned away. It should not have taken this tragedy to call attention to the stigmatizing and unnecessary FDA policy still in place, which does not reflect modern detection methods of HIV.

The current FDA blood donor guidelines continue to discriminate against gay and bisexual men. Specifically, all men who have had sex with another man within the past 12 months are currently prohibited from donating blood. However, the FDA is in the process of again reevaluating and considering updating its blood donor deferral policies from the existing one year time-based deferral to alternate deferral options, such as the use of individual risk assessments.

### **The Solution**

SJR 26 responds to the FDA's pending reconsideration of the current guidelines by calling on President Obama to encourage the Secretary of Health and Human Services to direct the FDA to replace outdated standards that focus on sexual orientation with modern science-based guidelines that focus on risk factors associated with individual behavior.

This resolution would make clear that California's elected leaders join medical and community groups alike in urging development of science-based guidelines for blood donation that focus on risk-assessment of individuals instead of stigmatizing standards that continue to discriminate against gay and bisexual men.

### **Background**

In December 2015, the FDA revised its regulations to allow a man who has had sex with another man to donate blood only if he has not been sexually active for the past 12 months. Despite this policy change from the even more severe lifetime ban that was in place from 1983 until the end of 2015, the current policy still effectively discriminates against sexually active gay and bisexual men who pose no risk to the blood supply. Other countries, including Spain, Italy, Russia, South Africa, South Korea, Mexico and Portugal, have adopted blood donation policies that utilize assessments of risk of an individual's behavior, instead of the sex of a person's sexual partners.

The American Public Health Association has stated that the FDA has provided no scientific rationale to justify the 12-month deferral policy. Currently medical technology can identify within seven to 10 days with 99.9 percent accuracy whether or not a blood sample is HIV-positive. The chance of a blood test being inaccurate within the 10-day window is approximately one in 2,000,000.

### **Support**

Equality California (sponsor)

Access Support Network of San Luis Obispo and Monterey Counties

AIDS Services Foundation Orange County

APLA Health

Project Inform

### **For More Information**

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