

MAR 04 2021

SENATE CONCURRENT RESOLUTION

REQUESTING THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO
ELIMINATE ITS BLOOD DONOR DEFERRAL POLICY ON THE COLLECTION
OF BLOOD AND BLOOD COMPONENTS FROM MEN WHO HAVE SEX WITH
MEN.

1 WHEREAS, lesbian, gay, bisexual, transgender, and other
2 individuals have historically been rejected as blood donors
3 furthering the stigma, humiliation, and emotional pain
4 experienced by some LGBTQ+ persons and perpetuating false
5 associations between gender identity, sexuality, and disease;
6 and

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8 WHEREAS, in 1977, the United States Food and Drug
9 Administration (FDA) issued a lifetime ban on blood donation for
10 men who have had male sexual partners (MSM); and

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12 WHEREAS, the FDA determines gender identity only by the
13 gender assigned at birth, so this ban included transgender women
14 with opposite-sex partners; and

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16 WHEREAS, on December 21, 2015, the FDA lifted the policy
17 banning gay and bisexual men from donating blood and recommended
18 a deferral on MSM and women who have sex with MSM from donating
19 blood within twelve months after the last sexual contact; and

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21 WHEREAS, the FDA cites the Centers for Disease Control and
22 Prevention's (CDC) findings that in 2010, MSM accounted for
23 seventy-eight percent of new human immunodeficiency virus (HIV)
24 infections among American men, and sixty-three percent overall,
25 as justification for its one-year deferral policy for MSM blood
26 donations; and

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28 WHEREAS, many other high-risk groups or individuals listed
29 within the cited CDC report do not have any restrictive
30 deferrals put in place against them; and



1 WHEREAS, the FDA already rigorously tests blood from donors
2 within several days, and the one-year deferral period of MSM
3 does not align with the testing windows for any of the disease
4 screening methods used by blood banks; and

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6 WHEREAS, many MSM practice safe sex in the form of
7 protected sex, monogamy, and other health-conscious practices;
8 and

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10 WHEREAS, fifteen countries have either lifted bans and
11 deferrals on MSM or have maintained a no-deferral or no-ban
12 policy on MSM, including Argentina, Italy, Mexico, Peru, Poland,
13 and Spain; and

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15 WHEREAS, in 2001, Italy changed its blood donor screening
16 policy from a criteria-based deferral of MSM to an individual
17 risk assessment method for all blood donors; and

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19 WHEREAS, a study on Italy's HIV rates found that the newer
20 policy had no significant impact on HIV rates in the country;
21 and

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23 WHEREAS, in the United Kingdom, the National Health
24 Services Blood and Transplant authority is currently conducting
25 research on making it possible for MSM to donate blood without a
26 deferral in place; and

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28 WHEREAS, a study conducted in 2014 by The Williams
29 Institute at the University of California, Los Angeles School of
30 Law found that lifting restrictions on MSM blood donors could
31 increase the total annual United States blood supply by two to
32 four percent, thereby saving more lives; and

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34 WHEREAS, the consensus among lesbian, gay, bisexual, and
35 transgender advocacy groups is that the current one-year
36 deferral period is based on fear rather than medical sciences,
37 and that the deferral continues to stigmatize MSM by
38 perpetuating negative stereotypes of male homosexuality; now,
39 therefore,

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41 BE IT RESOLVED by the Senate of the Thirty-first
42 Legislature of the State of Hawaii, Regular Session of 2021, the



S.C.R. NO. 60

1 House of Representatives concurring, that the United States Food
2 and Drug Administration is requested to eliminate its blood
3 donor deferral policy on the collection of blood and blood
4 components from men who have sex with men; and
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6 BE IT FURTHER RESOLVED that certified copies of this
7 Concurrent Resolution be transmitted to the Commissioner of Food
8 and Drugs of the United States Food and Drug Administration,
9 Chairperson of the Blood Products Advisory Committee of the
10 United States Food and Drug Administration, and Chairperson of
11 the Advisory Committee on Blood and Tissue Safety and
12 Availability of the United States Department of Health and Human
13 Services.
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OFFERED BY:

A handwritten signature in black ink, appearing to be "JBL", written over a horizontal line.