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## HOUSE 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, on December 21, 2015, the United States Food and  
2 Drug Administration (FDA) lifted a decades-long policy banning  
3 gay and bisexual men from donating blood and recommended a  
4 deferral on men who have sex with men (MSM) and women who have  
5 sex with MSM from donating blood within twelve months after last  
6 sexual contact; and  
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8           WHEREAS, the FDA cites the Centers for Disease Control and  
9 Prevention's (CDC) findings that in 2010, MSM accounted for  
10 seventy-eight percent of new human immunodeficiency virus (HIV)  
11 infections among American men, and sixty-three percent overall,  
12 as justification for its one-year deferral policy for MSM blood  
13 donations; and  
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15           WHEREAS, many other high risk groups or individuals listed  
16 within the cited CDC report do not have any restrictive  
17 deferrals put in place against them; and  
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19           WHEREAS, the FDA already rigorously tests blood from donors  
20 within several days, and the one-year deferral period of MSM  
21 does not align with the testing windows for any of the disease  
22 screening methods used by blood banks; and  
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24           WHEREAS, many MSM practice safe sex in the form of  
25 protected sex, monogamy, and other health-conscious practices;  
26 and  
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28           WHEREAS, fifteen countries have either lifted bans and  
29 deferrals on MSM or have maintained a no-deferral or no-ban  
30 policy on MSM, including Argentina, Italy, Mexico, Peru, Poland,  
31 and Spain; and  
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1 WHEREAS, in 2001, Italy changed its blood donor screening  
2 policy from a criteria-based deferral of MSM to an individual  
3 risk assessment method for all blood donors; and

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5 WHEREAS, a study on Italy's HIV rates found that the newer  
6 policy had no significant impact on HIV rates in the country;  
7 and

8  
9 WHEREAS, in the United Kingdom, the National Health  
10 Services Blood and Transplant authority is currently conducting  
11 research on making it possible for MSM to donate blood without a  
12 deferral in place; and

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14 WHEREAS, a study conducted in 2014 by The Williams  
15 Institute at the UCLA School of Law found that lifting  
16 restrictions on MSM blood donors could increase the total annual  
17 United States blood supply by two to four percent, thereby  
18 saving more lives; and

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20 WHEREAS, the consensus among lesbian, gay, bisexual, and  
21 transgender advocacy groups is that the current one-year  
22 deferral period is based on fear rather than medical sciences,  
23 and that the deferral continues to stigmatize MSM by  
24 perpetuating negative stereotypes of male homosexuality; now,  
25 therefore,

26  
27 BE IT RESOLVED by the House of Representatives of the  
28 Thirtieth Legislature of the State of Hawaii, Regular Session of  
29 2019, that the United States Food and Drug Administration is  
30 requested to eliminate its blood donor deferral policy on the  
31 collection of blood and blood components from men who have sex  
32 with men; and

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34 BE IT FURTHER RESOLVED that the United States Food and Drug  
35 Administration is requested to adopt a blood screening model of  
36 individual risk assessment for all blood donors in lieu of its  
37 current one-year, lifestyle-based deferral specific to men who  
38 have sex with men; and

39  
40 BE IT FURTHER RESOLVED that certified copies of this  
41 Resolution be transmitted to the Commissioner of Food and Drugs  
42 of the United States Food and Drug Administration, Chairperson



# H.R. NO. 197

1 of the Blood Products Advisory Committee of the United States  
 2 Food and Drug Administration, and Chairperson of the Advisory  
 3 Committee on Blood and Tissue Safety and Availability of the  
 4 United States Department of Health and Human Services.

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