

MAR 04 2021

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## SENATE RESOLUTION

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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  
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32 WHEREAS, the FDA already rigorously tests blood from donors  
33 within several days, and the one-year deferral period of MSM



1 does not align with the testing windows for any of the disease  
2 screening methods used by blood banks; and

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

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

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

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

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

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

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

38  
39 BE IT RESOLVED by the Senate of the Thirty-first  
40 Legislature of the State of Hawaii, Regular Session of 2021,  
41 that the United States Food and Drug Administration is requested  
42 to eliminate its blood donor deferral policy on the collection



1 of blood and blood components from men who have sex with men;  
2 and  
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4 BE IT FURTHER RESOLVED that certified copies of this  
5 Resolution be transmitted to the Commissioner of Food and Drugs  
6 of the United States Food and Drug Administration, Chairperson  
7 of the Blood Products Advisory Committee of the United States  
8 Food and Drug Administration, and Chairperson of the Advisory  
9 Committee on Blood and Tissue Safety and Availability of the  
10 United States Department of Health and Human Services.  
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12  
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OFFERED BY:

A handwritten signature in black ink, appearing to be "R. O. L.", is written over a horizontal line.