



# Office of the City Clerk

City Hall  
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## Legislation Text

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**File #:** R2017-1036, **Version:** 1

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### RESOLUTION

WHEREAS in 1983 the Food and Drug Administration (FDA) implemented a blood donor policy that permanently prohibited donations by men who have had sex with men (MSM), even once, to prevent the spread of HIV; and

WHEREAS the FDA partially lifted this ban in 2015, but still maintains a discriminatory prohibition against donations by men who have had sex with men within the last year, regardless of HIV status or individual risk; and

WHEREAS this means, for example, that a married, monogamous gay man who is not HIV positive cannot donate blood unless he has been celibate for a year-which is a de facto lifetime ban on blood donations for many MSM; and

WHEREAS while certain racial and age groups make up a larger proportion of new HIV infections than MSM, these groups are not banned from donating blood unless they meet a much higher threshold of exposure risk criteria; and

WHEREAS the one-year ban on sexual activity by MSM blood donors is the same as for people who are known to have increased risk, such as those who have had sex with someone who is HIV-positive or with a sex worker; and

WHEREAS blood testing technology has advanced significantly since 1983, and all blood donations are already tested for HIV; and

WHEREAS countries such as Argentina and Italy have updated their blood donation policies and deferral lengths based on individual risk for both men and women, regardless of sexual orientation; and

WHEREAS there have been numerous instances of blood shortages, such as after the mass shooting at the Pulse nightclub in Orlando, yet the one-year deferral for MSM has remained in place; and

WHEREAS this past summer, the donated blood supply in Chicago reached critically low levels, putting people in need of blood transfusions, surgery, transplants or other health issues at risk; and

WHEREAS the City Council sponsored a blood drive on November 28 at City Hall in response to this blood shortage; and

WHEREAS the restrictions on MSM blood donations perpetuates stigma and discrimination against MSM in particular and the LGBT community in general; and

WHEREAS if the one-year deferral for MSM blood donations is lifted, an estimate from the Williams Institute suggests the donated blood supply in the United States could increase by 2 to 4% annually and potentially save the lives of hundreds of thousands of people; now, therefore,

BE IT RESOLVED that the City Council calls upon the FDA to remove its ban on blood donations by men who have had sex with men within the last year; and

BE IT FURTHER RESOLVED that the City Council calls upon the FDA to base all bans on blood donations not on stigma but on an assessment of each individual's risk as measured by blood tests and recent exposure to diseases such as HIV that can be transmitted through blood.

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