

MOTION BY SUPERVISORS HILDA L. SOLIS
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Calling for an End to Discriminatory Practices in Blood Donations

The United States’ national blood supply has dwindled amidst the COVID-19 pandemic. Approximately 36,000 units of red blood cells, 7,000 units of platelets, and 10,000 units of plasma are needed every day for blood transfusions during major surgeries to treat serious illnesses.¹ However, the American Red Cross, which supplies about 40 percent of the nation’s blood products, only had less than a five-day blood supply on hand as of April 9, 2020.² Thousands of cancelled blood drives and fears about COVID-19 have led to a supply shortage. Closures of schools and restrictions on gatherings have also made it more difficult to solicit blood donations.

In 1983, the Food and Drug Administration (FDA) placed a ban on gay men, bisexual men, and men who have sex with men (MSM) from ever being eligible to donate blood. In 2015, the FDA replaced the lifetime ban with a waiting period, only allowing gay, bisexual men, and MSM to donate blood if they have not had sex in the

¹ American Red Cross, Blood Needs and Blood Supply, <https://www.redcrossblood.org/donate-blood/how-to-donate/how-blood-donations-help/blood-needs-blood-supply.html/> (last visited April 9, 2020).

² American Red Cross, Critical Blood Shortage: Red Cross Urges Blood and Platelet Donors to Give Now, <https://www.redcrossblood.org/local-homepage/news/article/critical-blood-shortage-3A-red-cross-urges-blood-and-platelet-donors-to-give-now-1.html/> (last visited April 9, 2020).

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last twelve months. On April 2, 2020 and during the COVID-19 pandemic, the FDA revised its own rule once again to shorten that waiting period to three months, thus confirming the arbitrary and biased nature of this policy.

Gay and bisexual men who want to contribute to our nation's critical blood supply should be able to do so without restrictions that are clearly intended to discriminate against them. These bans and waiting periods have unfairly prevented too many people from contributing to the blood supply for far too long. According to the UCLA School of Law Williams Institute, eliminating the bans and waiting periods altogether would produce over 2 million additional eligible blood donors, including nearly 175,000 likely blood donors, and would produce nearly 300,000 pints of additional donated blood annually.³

Additionally, at a time when anti-body rich plasma is being researched as a potential treatment option for COVID-19, gay and bisexual who recovered from COVID-19 could still be barred from donating their plasma to further that research.

Internationally, Mexico, Spain, Italy, Portugal, and other countries have no bans or waiting periods for gay and bisexual men to give blood. Instead, they have adopted risk-based alternatives that have proven to work, ensuring safety and dignity for both their blood donors and receivers.⁴ It is time for us to do the same.

WE, THEREFORE, MOVE that the Board of Supervisors direct the Chief Executive Officer, through the Legislative Affairs and Intergovernmental Relations Branch, to send a five-signature letter to the U.S. Department of Health and Human

³ See Ayako Miyashita & Gary Gates, Williams Institute, *Update: Effect of Lifting Blood Donation Bans on Men Who Have Sex With Men 2* (2014).

⁴ Christopher McAdam & Logan Parker, *An Antiquated Perspective: Lifetime Ban for MSM Blood Donations No Longer Global Norm*, 16 DePaul J. Health Care L. 21, 44 (2014).

Services Secretary Alex M. Azar II and the Food and Drug Administration

Commissioner Stephen M. Hahn, M.D., calling on the agencies to eliminate the three-month waiting period for gay men, bisexual men, and men who have sex with men donating blood and to immediately and explicitly allow gay men, bisexual men, and men who have sex with men who have recovered from COVID-19 to donate plasma.

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