

# MIAMIBEACH

OFFICE OF THE CITY MANAGER

**NO. 327-2012**

LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Kathie G. Brooks, Interim City Manager



DATE: December 12, 2012

**SUBJECT: TRANSMITTAL OF MIAMI BEACH HUMAN RIGHTS COMMITTEE RESOLUTION 2012-002 – Repeal FDA Prohibition Regarding Blood Donation**

This LTC is to inform you that the Miami Beach Human Rights Committee (MBHRC) adopted the enclosed resolution at their December 11, 2012 meeting, pertaining to FDA regulations for blood donation.

The MBHRC is urging the Mayor and City Commission to pass a resolution calling upon the United States Food and Drug Administration (FDA) to repeal their longstanding prohibition on men who have sex with men from donating blood, so as not to deny Miami Beach residents the privilege of donating screened blood, which unnecessarily limits the nation's blood supply.

If you have any questions, please contact the City Clerk's Office at 305.673.7411.

kGB/REG/lh



Enclosure: Resolution 2012-002

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2012 DEC 18 AM 11:54  
CITY CLERK'S OFFICE

**MBHRC RESOLUTION NO. 2012-002**

**RESOLUTION OF THE CITY OF MIAMI BEACH HUMAN RIGHTS COMMITTEE URGING THE MAYOR AND CITY COMMISSION TO PASS A RESOLUTION CALLING UPON THE UNITED STATES FOOD AND DRUG ADMINISTRATION (FDA) TO REPEAL THEIR LONGSTANDING PROHIBITION ON MEN WHO HAVE SEX WITH MEN FROM DONATING BLOOD.**

**WHEREAS**, the United States Food and Drug Administration (FDA) is responsible for protecting the public health; and

**WHEREAS**, the FDA regulates blood donation in the United States and explicitly bars any man who has had sex with another man, at any time since 1977, from donating blood; and

**WHEREAS**, the FDA justifies this policy by citing that 1977 was the beginning of the United States' AIDS epidemic and that men who have sex with men are at a greater risk of HIV, hepatitis B and other infections that can be transmitted by transfusion; and

**WHEREAS**, this lifetime restriction on men who have had sex with men, even once since 1977, from donating blood fails to consider the individual's HIV status and represents the FDA's policy since 1982; and

**WHEREAS**, in 1982, there were no HIV tests or HIV treatments, and little was known about HIV and AIDS; and

**WHEREAS**, in the almost 30 years since the FDA's decision to exclude men who have sex with men from donating blood, the medical community has made great strides in preventing, diagnosing, creating, and understanding HIV/AIDS; and

**WHEREAS**, the FDA's lifetime restriction on men who have sex with men from donating blood fails to consider the potential donor's actual health status and whether the potential donor has actually engaged in high risk sexual activity; and

**WHEREAS**, the only other groups on the FDA's lifetime deferral list for blood donation are intravenous drug users, people who have received animal tissue or organs, people who traveled to or live in certain countries due to the risk of transmitting malaria or variant Creutzfeldt-Jakob Disease (vCJD) and people who had sex for drugs or money; and

**WHEREAS**, despite the FDA's lifetime ban on men who have sex with men, nationally, an individual needs a life-saving blood transfusion once every 3 seconds; yet, while 60% of Americans are eligible to donate blood, on average less than 5% of people actually donate; and

**WHEREAS**, a single blood donation can save 3 lives, following component separation; and

**WHEREAS**, limiting the population of potential blood donors leaves numerous vulnerable individuals in need of receiving life-saving blood; and

**WHEREAS**, the greater the donor base, the easier it will be to meet the nation's demand for blood, especially when there is a blood shortage; and

**WHEREAS**, Argentina, Australia, Hungary, Japan, New Zealand, South Africa, Sweden and the United Kingdom have all imposed a time period in which men who have sex with men must wait before being allowed to donate, while Russia completely lifted the ban; and

**WHEREAS**, other countries, such as France, Italy and Spain screen potential donors for high-risk sexual practices, rather than men who have sex with men behavior, and as such these countries defer all individuals who have engaged in risky sexual behavior; and

**WHEREAS**, the FDA has established a 12-month blood donation deferral period for any individual who has had sexual contact with a person infected with HIV or viral hepatitis, except for men who have had sex with other men; and

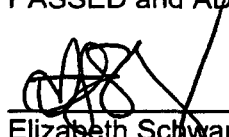
**WHEREAS**, the blood donation organizations have jointly recommended that the deferral period for men who have had sex with other men be limited to 12 months since the date of the last such sexual contact; and

**WHEREAS**, there is a constant need for blood, and Miami Beach residents are known to be generous blood donors, and

**WHEREAS**, denying Miami Beach residents the privilege of donating blood unnecessarily limits the nation's blood supply, especially since all blood supply is screened; now, therefore, be it:

Resolved, that the Miami Beach Human Rights Committee urges the Mayor and City Commission to pass a resolution calling upon the United States Food and Drug Administration (FDA) to repeal their longstanding prohibition on men who have sex with men from donating blood.

PASSED and ADOPTED this 13 day of November 2012.

  
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Elizabeth Schwartz, Esq. – Chair  
Miami Beach Human Rights Committee  
Signed on December 11, 2012

Offered by Miami Beach Human Rights Committee Member Walker C. Burttschell, who moved its adoption. The motion was seconded by Miami Beach Human Rights Committee Member Dr. Barry Ragone, and upon being put to a vote, the vote was as follows:

Elizabeth Schwartz, Esq., Chair – Yes  
Alan B. Fishman, Esq., Vice Chair – Yes  
Walker C. Burttschell – Yes  
CJ Ortuno – Absent  
Dr. Barry Ragone – Yes  
Rafael Trevino – Yes  
William Warren, Jr. – Absent

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