Pressure Builds to Lift Ban on Gay Men Giving Blood

by Ari Paul
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Photo by Michael Lehet

New Yorkers know devastation. When the Twin Towers collapsed nine years ago they saw that the blood supplies that might have been desperately needed could dry up in such a calamity. And then there are the disasters outside the five boroughs. When an earthquake rocked Haiti earlier this year, killing hundreds of thousands of people, the Haitian community was struck, too, and New Yorkers lined up to give blood so they could do their share.

Giving blood is one of those selfless acts without which our medical response capabilities would be greatly crippled. In short, it is a public service by citizens. It also is something denied specifically to any man who has had sex with another man.

In the early days of the AIDS epidemic, the federal Food and Drug Administration instituted a ban on gay men with multiple sexual partners donating blood. The agency later expanded that to any male who had slept with a man since 1977.

This federal policy has held fast in the face of changes in our understanding of HIV/AIDS and ability to screen blood. Now, however, movement is building to change the policy.

Leftover From the 1980s

Put simply, the Food and Drug Administration instituted the ban when knowledge of how HIV/AIDS was communicated was not well known, and AIDS was considered predominantly a "gay" disease.

"It's a broad over-classification and an exclusion of an entire group of people," said Nathan Schaefer, the director of public policy for the Gay Men's Health Crisis , a New York City-based organization providing prevention and care services for people affected by HIV/AIDS. "This is really problematic because the nation's blood supply experiences shortages."

While he did not know of any current blood shortage in the city, Schaefer believes New York is vulnerable. The city faced a blood supply drought in 2007 and could encounter a particularly critical situation in the event of another terrorist attack. Given the many gay people in New York, the national policy of not accepting their blood has a disproportionate effect on the country's biggest city.

Earlier this month, the Health and Human Services Advisory Committee on Blood Safety and Availability voted against changing the policy after hearing lengthy testimony on the issue. The panel reportedly said that current research did not yet justify the lifting of the ban. The Red Cross, which runs blood banks, and other group administering donor programs have suggested men wait a year after having sex with another man to donate blood.

Federal policy on giving blood has evolved over the years. In 1990, for example, the Food and Drug Administration banned all Haitians from giving blood on the grounds that because many Haitian transmitted AIDS through heterosexual intercourse, it was more difficult to determine which Haitian were at high risk for AIDS. A few months later, in the wake of protests by Haitian-Americans, the government reversed the policy.

While he doesn't see a change this year, Schaefer believes the push to alter the policy is

greater than it has ever been and is bolstered by the fact that, from a cold medical perspective, screening blood donors through a questioning process has become unnecessary.

"The advancement that we've seen in HIV screening and testing technology has been profound," Schaefer said. "They are able to detect HIV in donations of blood within several days."

The Red Cross uses a dozen tests to determine the donor's blood type and to screen for infectious diseases, including AIDS. "Today's technology makes it almost impossible for HIV to slip through, and the total ban puts a huge burden on blood agencies and the blood supply," said
Mark Wainberg, author of a study of the policy, in a prepared statement.

A report by Gay Men's Health Crisis issued this year noted that several countries including France, Argentina, Italy and Japan have reversed similar policies and outlines the shortcomings of the current rules.

"Although the current policy purports to be based upon 'behavior-based' deferrals, the questionnaire [given to prospective donors] does not ask particular questions about an individual's sexual or medical history that would be directly relevant in assessing one's risk of being HIV positive. For example, the policy currently fails to take into account the varying level of risk of HIV infection posed by different sexual practices and does not inquire about the nature of a potential donor's prior practices," the report said.

"Similarly, the current questionnaire does not address a potential donor's consistent and proper condom use, universally agreed to be highly effective in preventing HIV transmission through all types of sexual activity, number of sexual partners or frequency of sexual contact with anonymous partners. This means that gay men who always practice safer sex, or who are in monogamous relationships with partners who are HIV negative, are permanently excluded from eligibility to donate bloodm" the report continues.

The Ban's Effects

Barring gay men from giving blood has a measurable effet on the nation's blood supply,according to a recent report by the Williams Institute for Sexual Orientation Law and

Public Policy at UCLA School of Law. The study restimated that the policy bans almost 7 million American men from gving blood and that removing it could add 219,000 pints of blood a year, an increase of about 1.4 percent. Restricing donations only from men who have sex with men within the past year would add 90,000 pints.

But the current ban also has broader social consequencesm according to Schaefer.

For one, it stigmatizes gay sex. Think of this way, Schaefer said: A heterosexual man arrives at a blood donation station. Before being hooked up, a screener asks a few questions, including whether he has ever had intercourse with another man. Because a medical professional has inquired about homosexual activity, this man could walk away with the impression that homosexuality should be considered a public health threat.

Schaefer believes New York's gay community should get actively involved in this issue. "There would be an opportunity for New York to be very helpful here, investment by the gay and lesbian community to really partner with policymakers in the federal government," he said.

The movement for change has the support of Christine Quinn, the openly gay City Council speaker, as well as U.S. Reps. Jerrold Nadler and Anthony Weiner.

Aside from the message the ban sends and and the fact that excluding gay men -- or even a man who has simply had one sexual encounter with another man since 1977 -- significantly reduces number of potential donors, the issue often comes down to fairness, as gay men believe it robs them of the right to contribute to society like everyone else.

Schaefer said that anger about the current policy has led to straight people on college campuses boycotting blood drives in solidarity with the gay and lesbian community. "This is really problematic, because what this then means is that not only are the gay and bisexual people not donating blood but a number of eligible young people are not donating blood," he said.