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May 6, 2010

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Sebelius:

I was encouraged to learn of a June meeting of the Health and Human Services (HHS) Advisory Committee on Blood Safety and Availability, comprised of national experts and HHS officials, to examine the Food and Drug Administration's (FDA) policy which defers any man who has had sex with a man even once since 1977 from ever donating blood.

The permanent deferral of men who have sex with men (MSM) was implemented in the early 80's, when the risk of contracting HIV from transfusion was first recognized. However, with technological advances in screening for HIV in donated blood, reduction in quarantine release errors, recent policy changes in other countries, and vocal opposition from the blood bank community in the face of a growing demand for blood, I wholeheartedly support a reexamination of the MSM deferral policy.

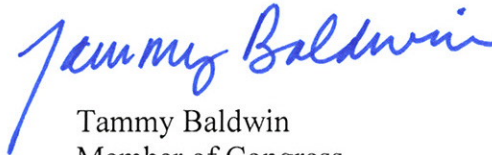
It is my understanding that the options proposed for consideration by the Advisory Committee include implementation of a shorter deferral period. As you know, AABB, America's Blood Centers and American Red Cross have endorsed a one year deferral. Although moving from a lifetime ban to a one year deferral is a positive step, it would still effectively prevent gay men – including those in monogamous marriages – from donating blood. Should the June meeting produce a decision that falls short of a full repeal of the lifetime MSM deferral policy, much work will remain ahead of us. I strongly encourage you to authorize additional research and incremental policy changes to move us closer to allowing gay men to donate blood.

I have been informed by administration officials that they may require more data before they can endorse a full repeal of the MSM deferral policy. I believe we can conduct those studies and simultaneously target incremental steps toward allowing gay men to donate blood. Specifically, I urge you to consider the idea of a pilot study at a select group of LGBT community health centers. This study could support these centers in collecting blood from

MSMs while eliminating increased risk of HIV-infected blood through pre-testing, more rigorous questionnaires, or new biovigilance technology.

I recognize that our primary responsibility is to enhance blood safety and protect blood recipients. Yet we currently live with a permanent ban that is unfair, discriminatory and perpetuates the negative stereotype that all men who have sex with men are HIV positive. As Americans, we can do better. I look forward to working with you on this vital, timely issue.

Sincerely,



Tammy Baldwin
Member of Congress

Cc: Howard K. Koh MD, MPH, Assistant Secretary for Health, U.S. Department of Health and Human Services

Jerry A. Holmberg, Ph.D., Senior Advisor for Blood Policy, Executive Secretary of the Advisory Committee on Blood Safety and Availability

Jay Epstein, MD, Director of the Office of Blood Research and Review at FDA Center for Biologics Evaluation and Research.