



Margaret Hamburg, MD, MPH
Commissioner
US Food and Drug Administration
10903 New Hampshire Ave.
Silver Spring, MD 20993

Dear Dr. Hamburg:

On behalf of the HIV Health and Human Services Planning Council of New York, I write to urge you to overturn the ban on blood donations by men who have a history of sex with other men.

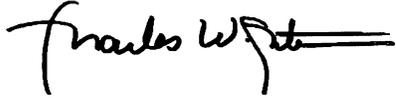
The HIV Health and Human Services Planning Council of New York is comprised of physicians, service providers, advocates, and consumers and makes decisions about prioritizing and allocating approximately \$120 million in federal funding for treatment and care services for people living with HIV/AIDS (PLWHA). Members of the Planning Council recognize that the provision of health care relies on a supply of blood from healthy individuals but that the country faces a chronic shortage in blood supplies. According to federal regulations, a man who has had sex with another man even once since 1977 is categorically prohibited from giving blood. The FDA's policy, however, does not take into account the HIV status of the potential donor, whether he engages in risky behavior, how frequently he is sexually active, or whether he is part of a long-term, monogamous partnership.

We strongly urge you to consider revising this policy in order to enlarge the pool of potential donors while minimizing risk to recipients of donated blood. A revised policy would diminish stigma and discrimination against gay and bisexual men and enhance the safety of the blood supply. Other nations have developed two basic models for dealing with blood donations by MSM. Some reduce the deferral period to a single year, while others change the deferral to emphasize particular activities instead of group-based assumptions. More inclusive approaches vary from a one-to-five year deferral period to the absence of a blanket ban. We encourage you to replace the ban on donations by MSM who have engaged in sexual activity since 1977 with a policy that accommodates low risk MSM as defined by recent sexual activity during

accepted window periods and allows low-risk MSM to contribute to the nation's blood supply.

Thank you very much for your attention to this important matter.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Charles W. Shorter", with a double horizontal line at the end of the signature.

Charles W. Shorter, MSW
Community Co-Chair