

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE UNITED STATES FOOD AND DRUG ADMINISTRATION ("FDA") TO REPEAL ITS PROHIBITION ON MEN WHO HAVE HAD SEX WITH MEN ("MSM") WITHIN 12 MONTHS FROM DONATING BLOOD, AND ALLOW MSM WHO ARE OTHERWISE HEALTHY TO DONATE PLASMA (AND BLOOD); AND AUTHORIZING AND DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FDA.

WHEREAS, restrictions on gay blood donors date to 1983, during the height of the AIDS crisis, when the Food and Drug Administration ("FDA") issued guidelines encouraging a lifetime ban on blood donations by any man who had ever had sex with another man; and

WHEREAS, the discriminatory rule, intended to keep HIV out of the blood supply, was replaced in 2015 with the year-long abstinence requirement; and

WHEREAS, Washington, DC's premier HIV clinic, Whitman-Walker Health, stated "The updated policy is still discriminatory and not rooted in the reality of HIV testing today," and opined that the deferral period should be no longer than 30 days; and

WHEREAS, the Williams Institute, a think tank affiliated with the UCLA School of Law, found that the 12-month deferral forfeits as many as 300,000 pints of blood every year, which could help save the lives of more than a million people; and

WHEREAS, on January 16, 2013 and on July 13, 2016, the City of Miami Beach passed and adopted resolutions urging the FDA to repeal their longstanding prohibitions on men who have sex with men from donating blood; and

WHEREAS, on April 2, 2020, due to urgent need for blood amidst the COVID-19 pandemic, the FDA revised its blood donor guidelines, reducing the donation deferral period for sexually active gay and bisexual men from twelve (12) months to three (3), meaning these otherwise healthy men will now have to abstain from same-sex sexual activity for 90 days before they are eligible to donate blood; and

WHEREAS, however, with important advances in blood screening and safety technology, a time-based deferral policy is not scientifically sound, continues to effectively exclude many healthy gay and bisexual men, and does not meet the urgent demands of the moment; and

WHEREAS, we must take every possible step to secure our nation's blood supply in this critical time, and in order to do so, we need to shift away from antiquated and

stigmatizing donation policies to ones that are scientifically sound, based on individual risk, and inclusive of all potential healthy blood donors; and

WHEREAS, the FDA must change their discriminatory blood donation policies to be based on individual risk so that all healthy men who have sex with men are able to donate; and

WHEREAS, the Mayor and City Commission of Miami Beach once more urge the FDA to swiftly update blood donor deferral policies in favor of ones that are grounded in science, are based on individual risk factors, do not unfairly single out one group of individuals, and allow all healthy Americans to donate.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby urge the United States Food and Drug Administration ("FDA") to repeal its prohibition on men who have had sex with men ("MSM") within 12 months from donating blood, and allow MSM who are otherwise healthy to donate plasma and blood; and authorize and direct the City Clerk to transmit a copy of this Resolution to the FDA.

PASSED AND ADOPTED this **16th** day of **September**, 2020.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Micky Steinberg)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

R. E. Granado
City Attorney

9/8/20
Date