

1                   **JOINT RESOLUTION SUPPORTING CHANGES TO BLOOD**  
2                                   **DONATION REQUIREMENTS**

3   2022 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Derek L. Kitchen**

6                                   House Sponsor: \_\_\_\_\_

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8 **LONG TITLE**

9 **General Description:**

10           This joint resolution of the Legislature recognizes the effects of prohibiting blood  
11 donation by healthy gay and bisexual men and urges replacement of existing protocols  
12 with risk based assessments.

13 **Highlighted Provisions:**

14           This resolution:

- 15           ▶ recognizes that outdated and discriminatory protocols of the past are contributing to  
16 the current crisis in the nation's blood supply; and  
17           ▶ urges the federal government to pursue with renewed vigor replacement of the  
18 categorical, time-based exclusion of gay and bisexual men as blood donors with  
19 assessments that determine individual risk while preserving safety of the blood  
20 supply.

21 **Special Clauses:**

22           None

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24 *Be it resolved by the Legislature of the state of Utah:*

25           WHEREAS, blood donation protocols currently discriminate against healthy gay and  
26 bisexual men by focusing on sexual orientation rather than behaviors that increase risk;

27           WHEREAS, one observer has noted that risk factors for HIV transmission are identical



28 regardless of someone's sexual orientation and the United States Food and Drug  
29 Administration's (FDA) blood donation policy "...ignores these facts, treating gay and bisexual  
30 men as a homogenous group with an identical risk for contracting HIV";

31 WHEREAS, the American Medical Association has stated that the FDA's current  
32 policy, "[requiring] gay or bisexual men to abstain from sex for a minimum of three months  
33 before they can donate blood... singles out and bans blood donors based on their inherent  
34 attributes rather than the risk factors they present. For example, a man who has protected sex  
35 with another man in the three months prior to a blood donation cannot be a donor, but a man or  
36 woman who has unprotected sex with multiple partners of the opposite sex over the same time  
37 period remains eligible";

38 WHEREAS, the American Medical Association has urged the FDA to take "steps to  
39 remove the categorical restrictions for blood donations...so they are instead based on a person's  
40 individual risk, consistent with the latest scientific evidence, to ensure blood donation criteria  
41 is equitably applied across all people";

42 WHEREAS, the FDA is funding the Assessing Donor Variability And New Concepts  
43 in Eligibility (ADVANCE) study to determine whether a different donor policy can be used at  
44 blood centers nationwide while maintaining the safety of the blood supply;

45 WHEREAS, numerous countries have eased or eliminated the categorical ban on blood  
46 donation by gay and bisexual men;

47 WHEREAS, the FDA's overlapping safeguards to protect the nation's blood supply  
48 include testing donated blood for seven infectious agents, including HIV;

49 WHEREAS, the Red Cross, which supplies 40% of the nation's donated blood  
50 products, reports a blood crisis that in recent weeks has reduced the supply of critical blood  
51 types to less than one day; and

52 WHEREAS, replacing categorical exclusions of blood donors, including time-based  
53 deferrals, with risk-based assessments has the potential to increase the nation's blood supply  
54 and save lives:

55 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah  
56 recognizes that outdated and discriminatory protocols of the past are contributing to the current  
57 crisis in the nation's blood supply and urges the federal government to pursue with renewed  
58 vigor replacement of the categorical, time-based exclusion of gay and bisexual men as blood

59 donors with assessments that determine individual risk while preserving safety of the blood  
60 supply.

61 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the United  
62 States Food and Drug Administration and the members of Utah's Congressional delegation.