



## **COMMON COUNCIL COMMITTEE MEETING**

### **HUMAN RESOURCES AND HUMAN RIGHTS COMMITTEE Jahmel Robinson, Chair**

**DATE:** Thursday, June 11, 2020

**TIME:** 5:30 PM

#### **TOPIC OF DISCUSSION:**

**RESOLUTION NUMBER 48.61.20R**

**RESOLUTION OF THE CITY OF ALBANY COMMON COUNCIL DEMANDING THE UNITED STATES FOOD AND DRUG ADMINISTRATION (FDA) CONSIDER A BLOOD DONATION DEFERAL POLICY NOT BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY**

**PUBLIC COMMENT PERIOD: YES**

This meeting is being held following Governor Cuomo's executive order 202.1 and Mayor Sheehan's emergency order 315-1b. Please submit your public comment via email [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov) or on our website <https://www.albanyny.gov/Government/CityOfficials/CommonCouncil.aspx> by Thursday, June 11, 2020 12pm which will be read for the record at the meeting.

Meeting will be held using Zoom and streamed through the Albany Common Council's Facebook. To stream this video please visit: <https://www.facebook.com/albany.commoncouncil>

If any technical problems, the video will then be streamed to YouTube: [https://www.youtube.com/channel/UC-rQHpf1fBLPcdk\\_4N6J4XbQ](https://www.youtube.com/channel/UC-rQHpf1fBLPcdk_4N6J4XbQ)

**Council Member Anane introduced the following:**

**RESOLUTION NUMBER 48.61.20R**

**RESOLUTION OF THE CITY OF ALBANY COMMON COUNCIL DEMANDING THE UNITED STATES FOOD AND DRUG ADMINISTRATION (FDA) CONSIDER A BLOOD DONATION DEFERRAL POLICY NOT BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY**

**WHEREAS**, in our State there have been 300,000 confirmed COVID-19 cases and 19,425 confirmed deaths as of May 2020, which is roughly one-third of all confirmed coronavirus cases in the United States; and

**WHEREAS**, as a result of the unprecedented scale of devastation this virus caused, an urgent plea for blood donations was made; and

**WHEREAS**, it is well documented that gay men and transgender men desperately want to give blood to the community; and

**WHEREAS**, the FDA originally had a 12 month deferral on blood donations from gay and transgender men and in April 2020 reduced the deferral to 3 months; and

**WHEREAS**, creating policy based on identity as opposed to risk is irrational and given the current COVID-19 crisis, it is more critical than ever to prioritize science and facts over fear and bias, and;

**WHEREAS**, it is critical that deferral be based on information that is within the personal knowledge and control of the prospective donor, and not on the sexual orientation or gender identity of the donor, the sexual orientation, gender identity, or activities of one's sexual partners, or on perceived monogamy. By focusing on the activities that present an unacceptable degree of risk (e.g., receptive anal sex without a condom), the need to identify the gender of the donor or the gender of the donor's sexual partner is eliminated. A policy focused on the prospective donor's activity, rather than identity, will not only be safer but rational;

**NOW THEREFORE BE IT RESOLVED**, that the City of Albany Common Council, in the wake of COVID-19, demands the United States Food and Drug Administration consider a blood donation deferral policy based on prospective donor's activity and not based on sexual orientation or gender identity; and

**BE IT FURTHER RESOLVED**, a copy of this resolution shall be transmitted to Alex Azar, Secretary of U.S. Health and Human Services; Dr. Stephen M. Hahn, U.S. Food and Drug Administration Commissioner; Charles Schumer, United States Senator of New York; Kirsten Gillibrand, United States Senator of New York; Paul Tonko, Member of the United States House of Representatives; Capital Pride Center; and In Our Own Voices.

**To:** Danielle Gillespie, City Clerk  
**From:** John-Raphael Pichardo, Esq., Research Counsel  
**Re:** Request for Common Council Legislation  
Supporting Memorandum  
**Date:** May 22, 2020

**SPONSOR** Council Member Anane

**RESOLUTION NUMBER 48.61.20R**

**TITLE**

RESOLUTION OF THE CITY OF ALBANY COMMON COUNCIL DEMANDING THE UNITED STATES FOOD AND DRUG ADMINISTRATION (FDA) CONSIDER A BLOOD DONATION DEFERRAL POLICY NOT BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY

**GENERAL PURPOSE OF LEGISLATION**

To call upon the FDA to consider a blood donation policy, not based upon sexual orientation or gender identity.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

During the pandemic of COVID-19 the need for blood donation has risen and due to the blood deferral policy, members of the LGBTQ+ community are prohibited from donating due to this blood deferral policy.

While the policy has been amended from a 12 month deferral to a 3 month deferral, it is still not enough.

**FISCAL IMPACT(S)**

None.