

FILE NO. 991229

RESOLUTION NO. 646-99

1 [Urging Non-Discriminatory FDA Sperm Donation Guidelines]  
2 URGING THE U.S. FOOD AND DRUG ADMINISTRATION NOT TO ENACT GUIDELINES  
3 THAT RESTRICT HIV-NEGATIVE GAY AND BISEXUAL MEN FROM DONATING SPERM.  
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5 WHEREAS, The Food and Drug Administration (FDA) does not currently have  
6 guidelines prohibiting men who have sex with men from donating their sperm; and

7 WHEREAS, The FDA has recently submitted guidelines for sperm donation for the  
8 first time to the U.S. Department of Health and Human Services; and

9 WHEREAS, If enacted, these guidelines would prohibit any man who has had sex with  
10 another man in the past five years, which would include many gay and bisexual men, from  
11 donating sperm; and,

12 WHEREAS, By excluding a man who has had sex with another man in the past five  
13 years from donating sperm, many gay men who have always practiced safe sex and are HIV  
14 negative would be excluded; and,

15 WHEREAS, A man who has had unsafe sex with a woman and is HIV positive would  
16 still be able to donate sperm under these new guidelines while a man who has had safe sex  
17 with a man would be forbidden from donating regardless of his HIV status; and,

18 WHEREAS, Unlike blood and other human tissue which cannot be frozen, sperm  
19 banks can freeze sperm, quarantine it for six months, and then retest the donor before that  
20 sperm is released for insemination, thus effectively removing the chance of HIV infected  
21 sperm being used for insemination and making anonymous sperm donations safe; and,

22 WHEREAS, The FDA regulations would also require known directed donors to freeze  
23 and quarantine their sperm for six months before it can be used; and,  
24  
25

SUPERVISORS  
LENO, AMMIANO, KATZ, BIERMAN, NEWSOM  
BOARD OF SUPERVISORS

1           WHEREAS, Only one quarter to one sixth of men have sperm that survives the  
2 freezing process well enough to meet the World Health Organization's minimum standards for  
3 fertility; and,

4           WHEREAS, The proposal to require known directed donors to submit to freezing and  
5 quarantine would deny gay men the right to seek medical treatment for infertility and severely  
6 limit the ability of lesbians and gay men from creating families of their choosing, and,

7           WHEREAS, These guidelines are based on tissue donation regulations from the  
8 Center for Disease Control's Guidelines for Preventing Transmission of Human  
9 Immunodeficiency Virus Through Transplantation of Human Tissue and Organs; and,

10           WHEREAS, These proposed regulations must be approved by Secretary of Health and  
11 Human Services Donna Shalala before they become effective; now, therefore be it

12           RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
13 urges the Food and Drug Administration to create sperm donation guidelines that reflect  
14 current scientific and medical knowledge about HIV and the use of HIV testing; to reflect  
15 equivalent standards of evaluating homosexual, bisexual, and heterosexual sex risks with  
16 regard to safety of sperm donation; and to allow HIV-negative persons, regardless of sexual  
17 orientation, the opportunity to become known or anonymous sperm donors or to store their  
18 own sperm without prejudice; and, be it

19           FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
20 Francisco urges Secretary of Health and Human Services Donna Shalala to reject these  
21 proposed FDA guidelines and begin a review and revision of the CDC's Guidelines upon  
22 which those proposed regulations are based, so that they reflect current scientific and  
23 medical knowledge about HIV and the use of HIV testing to protect public health; and, be it

24           FURTHER RESOLVED, That copies of this resolution be forwarded to Dr. Jay Epstein  
25 and Dr. Ruth Solomon of the FDA's Office of Blood Regulation and Review, Secretary Donna

1 Shalala of the U.S. Department of Health and Human Services, and to his Honor, the Mayor,  
2 with a request that he transmit copies to the delegation from San Francisco in the United  
3 States House of Representatives, with a request they take all action necessary to achieve the  
4 objectives of this resolution.

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LENO, AMMIANO, KATZ  
BOARD OF SUPERVISORS



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

### Resolution

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**File Number:** 991229

**Date Passed:**

Resolution urging the U.S. Food and Drug Administration not to enact guidelines that restrict HIV-negative gay and bisexual men from donating sperm.

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June 28, 1999 Board of Supervisors — SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA

June 28, 1999 Board of Supervisors — CONTINUED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

July 6, 1999 Board of Supervisors — SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA

July 6, 1999 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yee

Absent: 1 - Yaki

July 6, 1999 Board of Supervisors — ADOPTED AS AMENDED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yee

Absent: 1 - Yaki

File No. 991229

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on July 6, 1999 by the Board of Supervisors of the City and County of San Francisco.



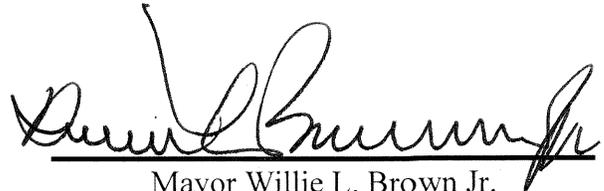
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Gloria L. Young  
Clerk of the Board

JUL 16 1999

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Date Approved



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Mayor Willie L. Brown Jr.