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# FREQUENTLY ASKED QUESTIONS - MEN WHO HAVE SEX WITH MEN

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## What is Canada's deferral policy for men who have sex with men?

Men who have sex with men are now eligible to donate blood one year after their last sexual contact with another man. In June 2016, Health Canada approved our request to reduce the blood donation ineligibility period for men who have sex with men from five–years to one–year. The new criteria will take effect in August. We are updating our documentation and computer systems, and training our employees in the interim to make the change.

## What is the history of Canada's blood donation ineligibility period for men who have sex with men?

Few blood donor criterion are as contentious as the ineligibility period for men who have sex with men. An indefinite deferral for men who have had sex with a man even once since 1977 was instituted in the United States in the early 1980s, before the virus that causes AIDS was identified and when men who have sex with men were noted to be a particularly high–risk group. Being solely responsible for Canada's blood supply at that time, the Canadian Red Cross Society followed suit. This criterion was in place until July 2013, when both Canadian Blood Services and Héma–Québec reduced the deferral period from an indefinite deferral to five years following sexual contact with another man. While this change allowed only a small percentage of men who have sex with men to donate blood, it was still significant as it was the first update to Canada's donor eligibility criteria for men who have sex with men since the deferral policy was implemented more than 35 years ago. All changes to the policy were made after an extensive review of scientific and epidemiologic evidence. Equally important was the consultation with high–interest groups, including patient groups representing heavy users of blood and blood products as well as members of lesbian, gay, bisexual, trans and queer (LGBTQ) community groups. Many of these organizations sent letters supporting the policy changes to Health Canada.

For a more detailed history of the evolution of Canada's deferral policy for men who have sex with men, see Donor Criteria for Men Who Have Sex with Men: A Canadian Perspective (PDF), an article authored by staff from Canadian Blood Services and published in the scientific journal Transfusion in July 2014.

## Why can't everyone donate blood?

Canadian patients depend on us to provide a safe, secure and cost–effective blood system that meets their full range of health–care needs. Our policies are in place to protect both patients and donors. All donors are subject to the same eligibility criteria. These criteria ensure that we accept donations only from individuals from whom it is safe for patients to receive blood. To protect the safety of patients who rely on blood products for treatment, we often have to make difficult decisions, based primarily on scientific evidence of risk, about who can and cannot donate blood. However, someone who is ineligible to donate blood may be eligible to become a stem cell donor through our OneMatch Stem Cell and Marrow Network at [www.onematch.ca](http://www.onematch.ca).

## When can men who have sex with men donate blood?

In addition to meeting all other donor eligibility criteria, a man is eligible to donate blood if his last sexual contact with another man (anal or oral sex) was 12 or more months ago. This means that men who have had sex with a man within the last year are not eligible to give blood. However, men who have sex with men who live in the Vancouver area are eligible to donate blood for important research and development projects at our [Network Centre for Applied Development \(netCAD\)](https://blood.ca/en/blood/blood-research) (<https://blood.ca/en/blood/blood-research>). For more information about netCAD, please contact [researchdonations@blood.ca](mailto:researchdonations@blood.ca).

## Why is the deferral period for men who have sex with men in Canada set at one year?

Men who have sex with men account for the largest proportion of new HIV infections reported in Canada.\*

In 2006, when the deferral period was still indefinite since 1977 for all men who have sex with men, Canadian Blood Services contracted experts to perform a risk assessment to justify reducing the deferral period. The results of the assessment showed it was safe to reduce the deferral period to five or 10 years. At that time, patient advocacy groups who represent frequent users of blood products were supportive of a five year deferral period but nothing less.

The five–year deferral policy was implemented in 2013, and a minimum of two years of data was required for re–submission to Health Canada to support a further change to the deferral period.

Canadian Blood Services then submitted an application to reduce the men who have sex with men ineligibility period from five years to one year in March 2016. In June, 2016, Health Canada approved our request to reduce the blood donation ineligibility period for men who have sex with men from five years to one year. The new criteria are scheduled to take effect in August. This change was based on scientific evidence and supported by input from stakeholders.

These incremental changes are important steps towards being as minimally restrictive as possible while also maintaining the safety of the blood supply.

*\*Source: Public Health Agency of Canada. (2014). At a Glance – HIV and AIDS in Canada: Surveillance Report to December 31st, 2014. ([http://healthycanadians.gc.ca/publications/diseases-conditions-maladies-affections/hiv-aids-surveillance-2014-vih-sida/index-eng.php?page=8&\\_ga=1.109383365.1904294809.1457028992](http://healthycanadians.gc.ca/publications/diseases-conditions-maladies-affections/hiv-aids-surveillance-2014-vih-sida/index-eng.php?page=8&_ga=1.109383365.1904294809.1457028992))*

## **Why is the ineligibility period for men who have sex with men in Canada one year when other countries have no ineligibility period?**

Canada decided on the one–year deferral period based on several factors:

Canada’s history of tainted blood is very different from other countries. Any policy change related to donor eligibility criteria requires special prudence to maintain public trust and confidence in the safety of the system.

Because the patterns, causes and effects of HIV differ by country, there is no international scientific consensus on an optimal deferral period for men who have sex with men. Some European countries have instituted lifetime bans on blood donations from men who have sex with men, while parts of the United Kingdom, the United States and Australia have reduced their deferral periods to one year.

Some blood centres in Spain and Italy have taken the approach of asking about safe sex practices or monogamy, but those countries have different blood systems than Canada’s. In those countries, physicians interview individual donors and may be able to perform individual health assessments. It should be noted, however, that the rate of donors with HIV–positive test results in those countries is more than 10 times higher than in Canada.

We have now shown there is sufficient scientific evidence to support a one–year deferral period. The change to a one–year ineligibility period is an exciting new step in our incremental journey to update Canada’s donor eligibility criteria for men who have sex with men.

## **Why not ask about safe sex practices or monogamy instead of making all men who have sex with men ineligible to donate blood for one year?**

Canadian Blood Services is exploring the possibility of moving toward behaviour–based screening. We are working with the LGBTQ community, patient groups and other stakeholders to determine how to gather the scientific evidence required to determine whether it is possible to reliably identify low–risk, sexually active men who have sex with men. This research is crucial to moving from a time–based deferral (determined by when a donor last had sex with a man) to behaviour–based screening.

## **How many more donors in Canada will be eligible now that the deferral policy for men who have sex with men has been reduced from 5 years to one year?**

That is unknown, as it is not something we can track. Engaging new donors is not the main reason for this policy change. Instead, we are focused on doing the right thing for Canadians and being as minimally restrictive as is necessary to manage risk.

## **Isn’t all blood tested?**

We test every donation for several infectious diseases, including HIV, hepatitis B and hepatitis C. While our technology is sophisticated, there is a brief period shortly after infection when HIV is not detectable. If an individual were to donate blood during this ‘window period’ in the early stages of infection, our testing process would not detect the virus and that donation would be infectious to a patient.

Despite its sophistication, no test is 100 per cent perfect. In addition, tests can fail for technical reasons or because the pathogen has mutated. In addition to testing every donation, we rely on our donors to be honest about their exposure risks when completing the donor eligibility screening criteria, which is part of a multi–tiered safety system designed to protect patients.

## Can men who have sex with men donate organs or stem cells?

Regulations for organ and stem cell donations are different than those for blood donation. Men who have sex with men can register to become organ donors through their provincial organ donation registry. They will be asked questions on topics ranging from their general health to specific risk behaviours. Generally, men who have sex with men are eligible for organ donation if it has been more than five years since their last sexual contact with another man. However, due to the scarcity of organs available for transplant, the attending physician may make an exception (with patient consent) if a donor has had sex with another man within the past five years. To find out more about organ donation, visit our [Organs and Tissues](https://blood.ca/en/organs-tissues) (<https://blood.ca/en/organs-tissues>) section of our website.

Men who have sex with men who are between the ages of 17 and 35 can also join the OneMatch Stem Cell and Marrow Network. While there is a five-year deferral period for men who have sex with men who want to donate stem cells, due to the diverse patient needs for stem cells, the attending physician may make an exception (with patient consent) if a donor has had sex with another man within the past five years. To find out more about stem cell donation, visit our [Stem Cell Donor](https://blood.ca/en/stem-cell/how-do-i-register-be-stem-cell-donor) (<https://blood.ca/en/stem-cell/how-do-i-register-be-stem-cell-donor>) section of our website.

## Is the deferral policy for men who have sex with men considered to be discriminatory?

In 2010, the Ontario Superior Court ruled that the deferral policy for men who have sex with men is not discriminatory because it is based on health and safety considerations. However, we do understand this policy may cause strong feelings and want to emphasize it is not intended as a negative reflection on any one individual.

## Can women who have sex with men who have sex with men donate blood?

If a woman has had sexual contact with a man who has had sex with a man in the last 12 months, she is ineligible to donate for a 12-month period.

## Why do the same rules not apply to all women?

In 2014, women accounted for 24.6 per cent of all new HIV infections reported in Canada. Within this group of women, 70.2 per cent were exposed to HIV through intravenous drug use or sexual contact with someone at high risk for HIV.\* When identified during the donor health assessment process, these behaviours render the women in question temporarily or permanently ineligible to give blood.

Women who have sex with women are not in a high-risk group for HIV and are eligible to donate.

*\*Source: Public Health Agency of Canada. (2014). [At a Glance – HIV and AIDS in Canada: Surveillance Report to December 31st, 2014](http://healthycanadians.gc.ca/publications/diseases-conditions-maladies-affections/hiv-aids-surveillance-2014-vih-sida/index-eng.php?page=8). (<http://healthycanadians.gc.ca/publications/diseases-conditions-maladies-affections/hiv-aids-surveillance-2014-vih-sida/index-eng.php?page=8>)*

## What about trans individuals?

As part of Health Canada's approval of our application, a new screening process and eligibility criteria for trans donors was also approved, which will also take effect in August 2016.

Our new screening process for trans donors takes into consideration the assigned birth sex of the donor and whether they have had genital surgery.

- Trans donors who have not had gender-affirming genital surgery will be screened by their assigned birth sex. We recognize their assigned birth sex may be different than the gender with which they identify.
- Trans donors who have had gender-affirming genital surgery will be asked to wait one year after surgery before donating blood. After this one-year waiting period, they will be screened by their reaffirmed gender.

## What was Health Canada's role in changing the ineligibility period for men who have sex with men?

Health Canada is the regulator of Canada's blood system. Any change we want to make to donor eligibility criteria that may affect recipient safety must be sent to Health Canada for approval. In June 2016, Health Canada approved our request to reduce the blood donation ineligibility period for men who have sex with men from five years to one year.

## What's next?

The new criteria will take effect in August 2016. We are updating our documentation and computer systems, and training our employees in the interim to make the change.

Canadian Blood Services is also exploring the possibility of moving toward behaviour-based screening. We are working with the LGBTQ community, patient groups and other stakeholders to determine how to gather the scientific evidence required to determine whether it is possible to reliably identify low-risk, sexually active men who have sex with men. This research is crucial to moving from a time-based deferral (determined by when a donor last had sex with a man) to behaviour-based screening.

Our aim is to identify a long-term policy solution that prioritizes patient safety while minimizing the societal impact on certain groups of people. We have also established a working group, which includes representation from patient groups, community organizations and lesbian, gay, bisexual, trans and queer (LGBTQ) communities, to serve as a forum for ongoing discussion and consultation as we develop further changes in policy. We have also committed more than half a million dollars to research funding, in partnership with the Institute of Circulatory and Respiratory Health (CIHR), to inform future policy changes.