

MSM policy history

In the mid-1980s, Canadian Blood Services' predecessor the Canadian Red Cross Blood Transfusion Service introduced a donor selection criterion that excluded all MSM since 1977 to protect the blood supply from HIV. In 1992, blood products became regulated by the national blood system regulator, Health Canada, and the criterion was 'grandfathered' into existing regulations.

Canadian Blood Services thoroughly reviewed the MSM policy in 2006. In June 2007, the board of directors concluded the current MSM deferral policy should be maintained, but Canadian Blood Services should actively gather information to gain more knowledge on the subject.

In 2010, in response to a Charter of Rights and Freedoms challenge launched in 2002, the Ontario Superior Court ruled that the deferral policy for MSM is not discriminatory because it is based on health and safety considerations. Justice Aitken of the Ontario Superior Court ruled that:

- Blood donation is a gift, not a right
- There is no requirement under law to accept the gift of blood
- Donors have a duty to answer questions honestly
- MSM deferral is not discriminatory, but is based on health and safety consideration
- The need for lifetime deferral period was not demonstrated

In 2011, Canadian Blood Services' board of directors approved plans to move away from the long-standing permanent deferral for MSM since 1977 to a defined term of not more than 10 years and not less than five years since last sexual contact.

In May 2013, Health Canada approved the change in donor selection criteria for MSM from an indefinite deferral period for any man who had sex with another man even once since 1977 to a time-based deferral of five years since last sexual contact. The new policy was formally implemented in July 2013.

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YEAR	EVENT
2015 - 2016	See attached PowerPoint
2014	Ongoing engagement with stakeholders
2013	Announcement of policy change from lifetime deferral to five years since last MSM contact
2012	Creation of MSM Deferral Policy Working Group
	Submission to Health Canada requesting change from lifetime deferral of MSM donors to a time-bound deferral of five years
	Panel presentation at Carleton University
	Update and presentation to Network of Rare Blood Disorder Organizations (NRBDO)
	Joint consultation session with patient groups and members of the LGBTQ community
	Consultation with National Liaison Committee of the Canadian Blood Services Board of Directors
	Consultation with patient groups
	Consultation with LGBTQ groups
	Ipsos-Reid polling (PDF)
	Discussion paper on donor selection criteria reviewed by panel in international experts
2011	Presentation to Canadian Federation of Students
	Presentation to the Federation of Law Societies of Canada
	Presentations at various university campuses
2010	Presentations at various university campuses
2009	Trial between Canadian Blood Services and Kyle Freeman will begin in the Superior Court of Ontario in Ottawa.
2008	Canadian Blood Services forms national LGBTQ (lesbian, gay, bisexual, trans* and queer) working group, whose mandate is to act as a resource for Canadian Blood Services to help educate on the issues and sensitivities of the LGBTQ community while helping to promote the research agenda.
	Canadian Blood Services launches joint research opportunity with the Canadian Institute for Health Research focused on three areas; donor deferral strategies and the risk of blood-borne diseases, policy development and social aspects of blood system risk, and emerging pathogens in

	specific populations.
2007	Canadian Blood Services Board defers pursuing a deferral change while launching research agenda to close the gaps in information identified through the consultations.
	(McLaughlin Report - PDF) MSM Donor Deferral Risk Assessment: An Analysis using Risk Management Principles
2006	Canadian Blood Services conducted its own epidemiological study of 40,000 donors to evaluate the proportion of donors with deferrable risks. The study was repeated in 2008 with results published internally.
	American Red Cross, America's Blood Centres and the AABB recommend to the FDA changing deferral to one year for MSM - FDA chose to uphold the indefinite ban stating it was the best way to keep the nation's blood supply safe.
	McLaughlin Centre for Population Health Risk Assessment commissioned to conduct risk assessment of MSM donor deferral criteria - did not make recommendations, put forward views for discussion at Canadian Blood Services Board of Directors.
2001	Canadian Blood Services implements nucleic acid amplification testing (NAT) for HIV - greatly reducing the "window period" where the virus is undetectable by test, but not eliminating it.
	Canadian Blood Services/Héma-Québec co-sponsored international consensus conference on optimizing the donor selection process - no recommendation to change criteria due to not enough evidence to implement a change in deferral criteria.
1988	Year that the MSM deferral was introduced in blood screening by the Canadian Red Cross via filling out a written questionnaire , a formal consent and confidential unit exclusion form.
1985	The first year thousands of Canadians were infected with HIV via tainted blood.
1983	The first year a pamphlet was introduced to donors outlining the risk factors for HIV, with the hope that donors would self-exclude.
1977	The year 1977 has been identified as the date when rapid spread of HIV began throughout first world countries such as the United States and Canada.

