



America's Blood Centers®
It's About *Life.*

725 15th Street NW Suite 700, Washington, DC 20005

Tel: 202-393-5725 Fax: 202-393-1282

1-888-USBLOOD  www.AmericasBlood.org

ABC Supports Voluntary Donation of Blood, Organs, and Stem Cells

America's Blood Centers, a federation of nonprofit, independent community blood centers that together provide half of the blood supply and 40 percent of the hematopoietic stem cells in the United States, believes patients are best served when treated with blood, organs, and stem cells that have been voluntarily donated by people acting out of a sense of altruism, not because of the promise of compensation.

The experience of the US and the rest of the globe¹ is that blood donations from paid donors are less safe than those from volunteers and do not provide sufficient blood to meet patient needs. Offering a financial incentive induces the sale of body parts from individuals who have a motivation to conceal health problems, have been exposed to infectious diseases, and/or have engaged in behaviors that otherwise would cause them to be prohibited from donating.

Background: In 1974, the Department of Health, Education, and Welfare (now Health and Human Services) developed and Congress approved the National Blood Policy², which, among other measures called for a phase-out of blood for transfusion from paid donors. The Food and Drug Administration in 1978 required the labeling of blood from donors who have been paid or compensated with something that can be converted into cash as "Paid Donor" blood to differentiate it from products supplied by voluntary donors. Within five years, over 80 percent of blood from paid donors had been eliminated; today, the United States has a volunteer blood supply. In 2000, scientists from the National Institutes of Health declared that no measure or test had eliminated more disease transmission from blood than the switch to volunteer blood donors³.

A decade after enactment of the National Blood Policy, Congress in 1984 similarly passed the National Organ Transplant Act (NOTA), which bans payment for organs, including stem cells harvested from bone marrow. The intent of the act is clear, but it was not anticipated at the time that hematopoietic stem cells – which form and mature in the bone marrow to constantly replenish the body's supply of white blood cells, red blood cells, and platelets – could also be harvested from a donor's circulating (peripheral) blood⁴. Hematopoietic stem cells, used to treat patients with diseases such as leukemia, could only be gained through aspiration, removing bone marrow from the donor's bone cavities with a long needle. Now a drug can be injected that causes stem cells to be expressed from the bone marrow into the blood stream, allowing them to be collected much like a platelets are, through apheresis.

¹ *Universal Access to Safe Blood Transfusion*, World Health Organization; World Health Assembly resolution WHA28.72.

² 471 U.S. 707, 708

³ Alter HJ, Houghton M. Hepatitis C virus and eliminating post-transfusion hepatitis. *Nat Med.* 2000 Oct;6(10):1082-6.

⁴ Hematopoietic stem cells are formed in the bone marrow and can only mature into blood cell types. They should not be confused with embryonic stem cells, which can become all cell types in the body.

Recent Actions: On Dec. 1, 2011, a three-judge panel of the 9th US Circuit Court of Appeals, based in California, illogically ruled that donors of stem cells can be compensated if the method of extraction does not involve touching the bone marrow but rather removing marrow-derived peripheral blood stem cells (PBSC) from the bloodstream by apheresis. The court based its ruling on the fact that NOTA does not address marrow stem cells obtained from circulating blood by apheresis technology. It further held that there is little legal difference between the stem cells that are expressed by drugs from bone marrow into blood and blood's naturally occurring components, such as red cells, white cells, plasma, and platelets, for which compensation is not banned.

ABC's Position: ABC believes the appellate court erred in its interpretation of the intent of NOTA. The rationale for banning compensation should apply to all hematopoietic stem cell collections, regardless of the means of collection. ABC's position against compensation is consistent with that of its partner in serving patients, the National Marrow Donor Program (NMDP), which maintains the national registry of bone marrow donors called Be the Match. Like NMDP, ABC opposes compensating organ and stem cell donors, no matter whether the stem cells are extracted from marrow, peripheral, cord blood, or from some other bodily tissue or fluid.

Some 40 percent of transplanted stem cells come from PBSCs or cord blood provided by ABC blood centers through the Be the Match Registry. The ruling of the 9th Circuit appellate court, whose jurisdiction extends to nine states, does nothing to change their practice or policies. The Justice Department, which is defending NOTA in this case, on Jan. 20 asked the 9th Circuit for a reconsideration of the case by the full 11-judge panel.

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