

MOTION BY SUPERVISORS JANICE HAHN  
AND SHEILA KUEHL

February 8, 2022

**Five Signature Letter to the Food and Drug Administration to Lift Discriminatory Blood Donor Policy**

As the nation faces its worst blood shortage in over a decade, it is long overdue for the Food and Drug Administration (FDA) to remove its discriminatory ban that prevents many gay and bisexual men from becoming blood donors. The current blood donor policy requires gay or bisexual men to abstain from sex for a minimum of three months before they can donate blood. The FDA should take immediate action to implement a blood donor policy that evaluates all potential blood donors on an equal basis based on their individual risk factors and without regard to sexual orientation or gender identity.

The roots of the discriminatory policy date back to the HIV/AIDS crisis of the 1980s, in an era when HIV was poorly understood by scientists and doctors. In 1985, the FDA established a lifetime ban on donations by men who have sex with men. In 2015, the lifetime ban was changed to include anyone who had sex with men in the last 12 months. In April 2020, 12 months was reduced to 3 months. Shortly after this most recent change,

MOTION

SOLIS \_\_\_\_\_

KUEHL \_\_\_\_\_

HAHN \_\_\_\_\_

BARGER \_\_\_\_\_

MITCHELL \_\_\_\_\_

the FDA announced that it was funding a study to explore the possibility of having men who have sex with men fill out a typical donor history questionnaire to qualify as a donor.

For years, the American Medical Association has been calling on the FDA to remove this discriminatory ban and treat all potential blood donors equally. Today, every unit of blood is rigorously tested to detect any trace of HIV, syphilis, hepatitis, West Nile virus or other blood-borne diseases. The FDA should continue to develop and regulate these standards for the collection of blood and blood products and apply blood donation criteria equally across all sectors of our populations including the LGBTQ+ community.

There is gaining momentum to end this discriminatory blood donor policy during the current national blood shortage crisis. Members of the House Oversight Committee wrote a letter on January 13 to the FDA asking for “immediate action.” On January 18, the Biden administration voiced commitment to ensuring that that the blood donor policy “is based on science, not fiction or stigma.” The Human Rights Campaign, the nation’s largest LGBTQ+ civil rights organization, added to calls for change saying the current policy is “outdated” and “does not reflect the state of the science.” However, there is no sign of change yet on the horizon, and the FDA is committed to waiting until more evidence is generated from its new study before reassessing the policy. The FDA’s study timeline is uncertain; the study enrollment period has been extended through Spring 2022 due to lack of participation.

Meanwhile, several other nations are moving to roll back their own policies. France will be ending the ban on March 16, while Greece also did away with the same restrictions on January 10. The Los Angeles County Board of Supervisors should join the movement to finally put an end to our nation’s discriminatory blood donor policy and urge the FDA to

immediately implement a change that treats all potential blood donors equally regardless of their gender or sexual orientation.

**WE, THEREFORE MOVE** that the Board of Supervisors direct the Chief Executive Officer, through the Legislative Affairs and Intergovernmental Relations Division, to send a five-signature letter to the FDA Acting Commissioner, Janet Woodcock, urging the FDA to end its discriminatory blood donor policy that prevents many gay and bisexual men from becoming blood donors.

# # #

JH:kb