



ANTHONY G. BROWN, MARYLAND ATTORNEY GENERAL

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## Letter: ‘Outdated’ Blood Donation Policy that Stigmatizes LGBTQ Individuals Must End

**BALTIMORE, MD (March 31, 2023)** – To help end the wrongful stigmatization of LGBTQ individuals, Maryland Attorney General Anthony G. Brown, along with a 22-state coalition, is supporting the Biden administration's new proposed policy that would make it easier for the LGBTQ population to donate blood and plasma.

The current policy recommends barring gay and bisexual men from donating blood within three months of their most recent sexual contact, regardless of whether they engaged in high-risk behavior. In January, the U.S. Department of Health and Human Services and the U.S. Food and Drug Administration introduced new proposed guidance that would abandon the current discriminatory approach and instead use a risk-based analysis for all donors, regardless of gender and sexual orientation.

“The federal government’s existing blood donation guidance is rooted in outdated and harmful stereotypes about gay and bisexual men and should be replaced,” said Attorney General Brown. “The revised proposed guidance does not single individuals out based on their gender or orientation, making it easier to donate blood and helping to increase the nation’s available blood supply.”

According to the American Red Cross, someone in the U.S. needs blood every two seconds. Blood transfusions and blood products are needed for major surgeries, to treat diseases, and to treat victims injured by accidents, violence, or natural disasters.

In the last few years, as the COVID-19 crisis reduced the number of community events and blood drives, blood donations dropped significantly. In January 2022, the Red Cross declared its first-ever national blood crisis – its worst blood shortage in over a decade. The danger to the lives of patients during this crisis could have been significantly reduced if the donation restrictions on the LGBTQ community were lifted. Data indicates that lifting restrictions completely, as compared to a 12-month waiting period, [would produce nearly 300,000 pints](#) of additional donated blood annually and could help save the lives of more than a million people.

If the Biden administration's new proposed recommendations become final, blood banks in the United States will be urged to discard the previous policy and instead ask all donors, regardless of their actual or perceived gender or sexual orientation, if they have had sex with a new partner or more than one partner in the last three months. Based on their answers, they would either be allowed to donate blood or asked to wait for three months.

In the [comment letter](#) sent today, Attorney General Brown applauded the Biden administration's proposal to change the policy, saying it would:

- Increase the availability of blood nationwide, addressing crucial shortage issues and saving more lives; and
- Remove discriminatory aspects of the current guidance that violate constitutional Equal Protection principles.

In filing today's letter, Attorney General Brown joined the Attorneys General of California, Arizona, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin.

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