



June 8, 2010

Jerry Holmberg
Executive Secretary
Advisory Committee on Blood Safety and Availability
Office of Public Health and Science
Department of Health and Human Services
1101 Wootton Parkway, Suite 250
Rockville, MD 20852

Re: The Food & Drug Administration's policies on blood donation for men who have sex with men

Dear Advisory Committee Members,

Thank you for this opportunity for the public to voice its concerns on the Food & Drug Administration's (FDA) policies on blood donated from men who have sex with men (MSM). The National Center for Transgender Equality (NCTE) supports the reversal of the FDA's lifetime deferral for MSM. This deferral does not reflect current scientific research on HIV/AIDS and blood donation. Additionally, this policy perpetuates an antiquated and biased stereotype of LGBT people. Lastly, this policy adversely affects the entire transgender community, not just MSM. Many transgender individuals are inaccurately deemed to be MSM and are wrongly turned away from donating blood.

NCTE is a social justice organization dedicated to advancing the equality of transgender people through advocacy, collaboration and empowerment. It monitors federal policies, communicates these policies to its members, and provides technical assistance to governmental agencies and congressional offices.

The FDA should change its policies against MSM donating blood because it unfairly and counter productively targets the LGBT community. The blanket prohibition on MSM donating blood does not consider an individual's HIV status or actual risk level. For example, a MSM only has to have had sex with another man once since 1977 to be barred from donating blood. In contrast, a heterosexual person who knowingly had sex with someone who was HIV positive is only required to wait one year to donate blood.

Additionally, the MSM deferral affects the entire transgender community regardless of their sex, gender identity, or sexual practices. Because the FDA does not specify how the MSM deferral applies to transgender men and women, blood bank staff and volunteers make ad hoc decisions about who are MSM. "Transgender" is an umbrella term for people whose gender identity, expression or behavior is different from those typically associated with their assigned sex at birth. Transgender men are often turned away if they have sex with other men. A transgender man is an individual who currently identifies as a man. Transgender women are also frequently turned away because they are perceived to be gay men. A transgender woman is an individual who currently identifies as a woman.



The FDA's policy on MSM donating blood was instituted during the early days of AIDS crisis when HIV/AIDS was not clearly understood. And yet, almost thirty years later, the FDA still has this outdated and biased policy in place. Ever since this policy has been instituted, scientific understanding of HIV/AIDS and how it spreads has been expanding. New methods of testing have drastically decreased the "window period" in which HIV cannot be detected in blood. Scientific research has shown which social behaviors lead to high levels of HIV/AIDS infection.

Medical experts and medical organizations like the American Medical Association, the American Red Cross, and America's Blood Centers all support overturning the FDA's blood ban because it is scientifically unfounded. Many of these organizations support requiring MSM to wait for a one-year or five-year period before donating blood. This is in direct contradiction to the FDA's argument that a lifetime deferral is needed for all MSM. NCTE supports the FDA changing its policies to reflect current research and medical consensus.

Lastly, the FDA's lifetime deferral for MSM prevents thousands of healthy people in this country from donating blood. Additionally, many people have refused to donate blood to protest the agency's biased policy against MSM. This is not in the nation's best interest, especially since there are always shortages to the blood supply. The FDA should encourage every healthy person to donate blood instead of instituting barriers based on biased and outdated stereotypes.

Thank you again for your work on reviewing the FDA's blood donation policies. We welcome the opportunity to work with you and the Advisory Committee to change the FDA's policies so that they are based on current scientific research and do not stigmatize LGBT individuals.

Sincerely,

The National Center for Transgender Equality