

Public Comment  
Advisory Committee on Blood Safety and Availability  
Department of Health and Human Services

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I urge you maintain the current policy which permanently defers men who have had sex with men since 1977 as blood donors. Any change in this policy should occur only if it can be demonstrated that it will improve both the availability and the safety of the nation's blood supply. No such evidence is available.

The principal motivation of those who seek a change in the current policy is to reduce what they perceive as "discrimination" against homosexual or bisexual men. But while such alleged "discrimination" may be an interesting and relevant topic for sociological and political debate in the context of discussions of other issues such as employment law or the definition of marriage, it is entirely irrelevant to this topic.

First, the claim that the current policy "discriminates" on the basis of "sexual orientation" is highly misleading. "Sexual orientation" is a multi-faceted characteristic that encompasses separate issues of sexual attractions or desires (a psychological phenomenon), sexual self-identification (a psychological and sociological phenomenon), and sexual behavior (a physical phenomenon).

The first two elements of "sexual orientation" have no bearing on the issue of blood donor deferral whatsoever. Prospective blood donors are not asked about their sexual attractions or desires, and people are never excluded from donating based on same-sex attractions alone. Prospective blood donors are also not asked whether they identify themselves as "gay" or bisexual. It is possible for men and women who experience same-sex attractions or desires to donate blood. It is also possible for people who self-identify as "gay," lesbian, or bisexual to donate blood. And finally, it is possible for women who have sex with women to donate blood.

The only group deferred based on the gender of their sex partners is men who have had sex with men since 1977. The deferral takes place regardless of whether the sexual contact was voluntary or forced, and regardless of whether the individual identifies themselves as heterosexual, homosexual, or bisexual. A man who has been exclusively heterosexual or entirely celibate for over thirty years could be excluded under this policy if he had engaged in sex with another man just once after 1977. This policy is not "discrimination" based on "sexual orientation." It is based on a well-documented behavioral risk—nothing more, and nothing less.