

Dear members of the Berkeley Law community,

As you know, today is the first annual Blood Drive on campus. Available blood for medical emergencies is often in short supply, and donating blood is an important and easy way healthy people can contribute to their communities and maybe even save a life. We encourage you to donate blood today.

However, we feel compelled to bring light the fact that donating blood is not an option for many gay and bisexual men, including trans men, here in the United States. [Current FDA regulations](#)¹ prohibit any male who, within the past twelve months, has had a sexual encounter with another man, from donating blood. It does not matter whether the individual engages in low-risk sexual behaviors, or even if the person is in a monogamous relationship. He is categorically excluded from donating. This policy stands as a legacy of the early days of the HIV/AIDS epidemic when blood banks lacked the tools to screen out HIV-positive blood. Scientific advancements have rendered this concern obsolete, yet the Gay Blood Ban still exists, carrying with it negative stigma and discriminatory animus against the LGBTQ community.

The Gay Blood Ban's consequences are significant. For example, after the Pulse nightclub massacre in Orlando, Florida, in which 49 primarily gay and trans persons of color were brutally murdered and many more injured in one of the largest mass shootings in American history, [blood centers turned away the dozens of gay and bisexual men](#) who came out in force to help save their injured LGBTQ family. The FDA's discriminatory policy reinforced harmful stereotypes during one of the most painful moments for LGBTQ people today, and it prevented willing and able donors from contributing.

The National LGBT Bar Association's "End the Gay Blood Ban Campaign" is advocating for the FDA to replace its current policy with an individualized risk-based assessment, which is currently used in Italy and Argentina. The ability to donate blood would depend on one's sexual behaviors, not one's sexual orientation. In February 2017, [the American Bar Association issued a resolution](#) calling on the FDA to implement this new, nondiscriminatory risk-assessment.

Today we will be tabling near the blood drive to provide more information about this campaign. **We invite you to sign a petition, which will be located at our table outside the blood drive, demanding the FDA to abandon the Gay Blood Ban once and for all.**

Many of us who are gay want to donate blood, which is critical for saving the lives of people in urgent medical need. The cruel irony is that once in our lives we could, but now that we are out, we are subject to the FDA's discrimination.

¹ Food & Drug Admin., *Revised Recommendations for Reducing the Risk of Human Immunodeficiency Virus Transmission by Blood and Blood Products: Guidance for Industry 14* (2015), available at <https://www.fda.gov/downloads/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/Blood/UCM446580.pdf>.

For those that can, please donate blood today. And please join us and sign our petition to end the Gay Blood Ban so that all of us can donate.

Sincerely,

Taylor Horn '19

David Nahmias '18

Tyler Wolfe '19

Alexey Berlind, Human Rights Center

Savala Trepczynski, Thelton E. Henderson Center for Social Justice