



RICARDO LARA
CALIFORNIA INSURANCE COMMISSIONER

January 24, 2022

Secretary Xavier Becerra
U.S. Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dr. Janet Woodcock, M.D.
Acting Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

RE: Request for Immediate Permanent Lifting of Blood Donation Deferral Period to Help Meet Urgent Blood Supply Shortage During COVID-19 Public Health Pandemic

Dear Secretary Becerra and Dr. Woodcock:

I am writing to you because California is experiencing a dire shortage of blood with life-threatening impacts, which changing discriminatory federal rules that limit expeditious donations by men who have sex with men could help relieve. In August 2020, the previous Administration maintained a blood donation deferral period for men who have sex with men unless they have abstained for three months.¹ This is outdated, discriminatory guidance based in prejudice and stigma -- not in public health -- and it is contributing to our current national blood donation crisis. I respectfully urge you to permanently lift the entire blood donation deferral period in order for a male donor who has had sex with another man to donate blood.

Currently, amid the COVID-19 Omicron surge, the American Red Cross is experiencing the worst blood shortage in over a decade and has announced a first-ever national blood crisis.² The American Red Cross states the reason for the current blood shortage is the ongoing COVID-19 pandemic. Blood donations have declined by 10% since March 2020. There has been a 62% drop in college and high school blood drives due to the pandemic: student donors accounted for 25% of donors in 2019, but just 10% during the pandemic.

¹ Revised Recommendations for Reducing the Risk of Human Immunodeficiency Virus Transmission by Blood and Blood Products <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/revised-recommendations-reducing-risk-human-immunodeficiency-virus-transmission-blood-and-blood>

² <https://www.redcrossblood.org/donate-blood/dlp/red-cross-national-blood-shortage-crisis.html>

Similarly, there are ongoing blood drive cancellations in workplaces as well given continued employee telework, illnesses, and staffing limitations.³

The need for blood is especially desperate in California. On Monday, January 10, 2022, in an unprecedented event that has not happened in more than 30 years, blood shortages forced the Los Angeles County trauma center at Harbor-UCLA Medical Center to close for two hours in order to reach out to other Los Angeles County Department of Health Services hospitals for additional blood in order to reopen.⁴ In March 2020, Peter Marks, M.D., Ph.D., director of the U.S. Food and Drug Administration's Center for Biologics Evaluation and Research, took part in an urgent call to action, stating "[w]e need people to start turning out in force to give blood. We need people to prevent the blood supply from getting depleted. We need it not to get to the point that surgeries are having to get canceled."⁵ And today, the need is even more critical: it is not just surgeries being cancelled, but life-saving treatments are being delayed and trauma centers are being closed.

Given the dire need for blood here in California and nationwide, lifting the discriminatory donation blood deferral period now is more critical than ever. Research by the Williams Institute at the UCLA School of Law has shown that, by lifting a blood donation ban for men who have sex with men, an additional 360,600 men could donate, leading to an additional 615,300 pints of blood per year. This is enough blood to help save the lives of more than a million people.⁶ Lifting this blood donation deferral period would not only increase the amount of blood available for those in need, but also would help reduce the social stigma on LGBTQ+ individuals, given that this deferral ban is solely based on sexual orientation, and not on an individual's risk factors and health history. Numerous health care providers and organizations serving the LGBTQ+ community support this change and stand ready to assist. With our health care supplies, personnel, and other resources being pushed beyond their limits in this on-going pandemic, we need to do more to immediately address the growing shortfall in blood and blood components. We must come together during this time of extraordinary need to provide the necessary resources to those in dire need during this crisis.

I urge you to repeal the discriminatory three-month deferral period imposed by the previous Administration and put objective, sound science above stigma. Otherwise,

³ <https://www.redcrossblood.org/donate-blood/dlp/red-cross-national-blood-shortage-crisis.html>

⁴ <https://www.latimes.com/california/story/2022-01-12/blood-shortage-forced-trauma-center-to-close-for-hours-la-county-says>

⁵ <https://www.latimes.com/california/story/2022-01-12/blood-shortage-forced-trauma-center-to-close-for-hours-la-county-says-blood.html>

⁶ <https://williamsinstitute.law.ucla.edu/publications/blood-donation-ban-msm/>

Secretary Xavier Becerra
Acting Commissioner Janet Woodcock, M.D.
January 24, 2022
Page 3 of 3

continuing to hold on to a discriminatory, scientifically unwarranted blood donation deferral period during these extraordinary times is dangerous and opposite to good public health.

Thank you for your consideration of my urgent request. I look forward to receiving your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Ricardo Lara". The signature is fluid and cursive, with a large initial "R" and a long horizontal stroke at the bottom.

RICARDO LARA
Insurance Commissioner
California Department of Insurance