



United States Senate

150th Session

S.5

IN THE UNITED STATES SENATE

MARCH 1, 2022

Ms. KATE KASPARIAN, (FOR HERSELF,) INTRODUCED THE FOLLOWING LEGISLATION:

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA ASSEMBLED.

A BILL

SECTION 101. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the “Immunodeficiency Transfusion Act of 2022”.

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[SECTION 102. FINDINGS.](#)

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SECTION 102. FINDINGS.

1. The Food & Drug Administration (*FDA*) limits members of the *L(G)BTQ+ community's* rights to donate blood if they've had sexual intercourse with the same-sex.
2. These restrictions were established in 1983 when there were no reliable tests for screening blood for HIV/AIDS.
3. December 2015, the FDA reduced it's lifetime ban for Gay and Bisexual men who've had sex with each other to a year.
4. HIV/AIDS blood screening tests have evolved within the past decade making blood screenings towards HIV/AIDS possible and reliable.
5. According to the [Centers for Disease Control and Prevention](#) (*CDC*), all blood for transfusion is tested for evidence of certain infectious disease pathogens, such as hepatitis B and C viruses and human immunodeficiency virus (*HIV*).
6. These restrictions are unethical and discriminative towards Gay & Bisexual men which should no longer be enforced.

SECTION 103. DEFINITIONS

1. ADMINISTRATION.— The term "administration" means the process or activity of running a business, organization, etc.
2. CONTRADICTING.— The term "contradicting" means denying the truth of (a statement) by asserting the opposite.
3. DECADE.— The term "decade" means a period of ten years.
4. DISCRIMINATIVE.—The term "discriminative" means a person is able to recognize or make distinctions with accuracy.
5. EVIDENCE.— The term "evidence" means the available body of facts or information indicating whether a belief or proposition is true or valid.
6. EVOLVED.— The term "evolved" means to develop gradually, especially from a simple to a more complex form.
7. IMMUNODEFICIENCY.— The term "immunodeficiency" means the failure of the immune system to protect the body adequately from infection, due to the absence or insufficiency of some component process or substance.
8. INTERCOURSE.— The term "intercourse" the communication or dealings between individuals or groups.
9. PATHOGENS.— The term "pathogens" is a bacterium, virus, or other microorganism that can cause disease.
10. REDUCED.— The term "reduced" means to make a smaller or smaller amount, degree, or size.
11. RESTRICTIONS.— The term "restrictions" means a limiting condition or measure, especially a legal one.
12. SHORTAGE.— The term "shortage" means the state or situation in which something needed cannot be obtained in sufficient amounts.
13. TRANSFUSION.— The term "transfusion" means an act of transferring donated blood, blood products, or other fluid into the circulatory system of a person or animal.
14. VIRUS.— The term "virus" means an infective agent that typically consists of a nucleic acid molecule in a protein coat, is too small to be seen by light microscopy, and is able to multiply only within the living cells of a host.

SECTION 104. PROVISIONS

- I. IN GENERAL.— Any rule, regulation, or guidance prohibiting an individual from donating blood on the basis of sexual orientation, sexual practice, gender identity,

race, or ethnicity shall be unenforceable: Provided, That any rule, regulation, or guidance providing for testing for diseases that may be spread via blood transfusion shall remain enforceable.

- II. RIGHTS OF AGGRIEVED PARTIES.—Any individual who is aggrieved by a violation of this Act may bring a civil action seeking relief in an appropriate United States district court.

SECTION 105. SEVERABILITY

- I. Should any provision of this Act be deemed invalid or unconstitutional for any reason in a court with relevant jurisdiction, the rest of the Act, and the application of the remaining provisions, shall not be affected.

