

JAN 22 2021

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# A BILL FOR AN ACT

RELATING TO BLOOD DONATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that lesbian, gay,  
2 bisexual, transgender, and other individuals have historically  
3 been rejected as blood donors. These rejections have furthered  
4 the stigma, humiliation, and emotional pain experienced by some  
5 LGBTQ+ persons and have perpetuated false associations between  
6 gender identity, sexuality, and disease.

7           The legislature recognizes that homosexual males and many  
8 transgender women have been subjected to particularly harsh and  
9 discriminatory policies. In 1977, the United States Food and  
10 Drug Administration issued a lifetime ban on blood donation for  
11 men who have had male sexual partners. The United States Food  
12 and Drug Administration determines gender identity only by the  
13 gender assigned at birth, so this ban included transgender women  
14 with opposite-sex partners. In 2015, the United States Food and  
15 Drug Administration adopted its current policy, requiring that  
16 potential donors undergo a one-year waiting period following



1 male same-sex relations, including relations between a man and a  
2 transgender woman.

3 The legislature finds that individualized risk assessments  
4 and rigorous testing offer better assurances of safe blood  
5 donations than blanket discriminatory practices.

6 Accordingly, the purpose of this Act is to prohibit blood  
7 banks operating in the State from discriminating against  
8 potential donors on the basis of sexual orientation or gender  
9 identity.

10 SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
11 amended by adding a new section to part I to be appropriately  
12 designated and to read as follows:

13 "§321- Blood banks; discrimination prohibited. (a) No  
14 blood bank operating in the State shall reject or defer blood  
15 donors on the basis of sexual orientation, actual gender  
16 identity, or perceived gender identity.

17 (b) For the purposes of this section:

18 "Actual gender identity" has the same meaning as defined in  
19 section 431:10A-118.3.

20 "Perceived gender identity" has the same meaning as defined  
21 in section 431:10A-118.3.



# S.B. NO. 751

1        "Sexual orientation" has the same meaning as defined in  
2 section 378-1."

3        SECTION 3.    New statutory material is underscored.

4        SECTION 4.    This Act shall take effect upon its approval.

5

INTRODUCED BY: 



# S.B. NO. 751

**Report Title:**

Blood Donations; Blood Banks; Discrimination Prohibited

**Description:**

Prohibits blood banks operating in the State from rejecting or deferring blood donors on the basis of sexual orientation, actual gender identity, or perceived gender identity.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

