

117TH CONGRESS
2D SESSION

S. 5174

To establish a grant program to fund women’s health patient navigators
for patients seeking abortion care.

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2022

Ms. CORTEZ MASTO (for herself, Mrs. MURRAY, Ms. ROSEN, Ms. SMITH, Mr. BENNET, Ms. DUCKWORTH, Mr. BLUMENTHAL, Mr. PADILLA, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish a grant program to fund women’s health patient
navigators for patients seeking abortion care.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Women’s Health Pa-
5 tient Navigator Act of 2022”.

1 **SEC. 2. ESTABLISHMENT OF WOMEN'S HEALTH PATIENT**
2 **NAVIGATORS.**

3 Subpart V of part D of title III of the Public Health
4 Service Act (42 U.S.C. 256 et seq.) is amended by adding
5 at the end the following:

6 **"SEC. 340A-1. WOMEN'S HEALTH PATIENT NAVIGATORS.**

7 "(a) IN GENERAL.—The Secretary shall establish a
8 grant program to support eligible entities for purposes of
9 serving as women's health patient navigators for patients
10 seeking to access abortion care in order to connect those
11 patients to abortion services.

12 "(b) ELIGIBLE ENTITIES.—To be eligible to receive
13 a grant under this section, an entity shall—

14 "(1) be a nonprofit organization, a community-
15 based organization, a State, local governmental enti-
16 ty, or Tribal government that, through programs,
17 services, or activities that are unbiased and
18 medically- and factually-accurate, assists individuals
19 seeking abortion services; and

20 "(2) submit an application to the Secretary, at
21 such time, in such manner, and containing such in-
22 formation as the Secretary may require, including a
23 plan for—

24 "(A) establishing and operating a program
25 of patient navigator services to help patients

1 seeking abortion services access abortion serv-
2 ices, as described in subsection (c); and

3 “(B) ensuring that any personally identifi-
4 able patient data obtained through the oper-
5 ation of such program is kept confidential.

6 “(c) ACTIVITIES.—An eligible entity receiving a grant
7 under this section shall use such funds for the following
8 activities related to abortion services:

9 “(1) Informing patients of medically-accurate,
10 culturally- and linguistically-appropriate services and
11 resources.

12 “(2) Coordinating financing resources for trav-
13 el-related costs, including transportation, childcare,
14 and lodging.

15 “(3) Coordinating abortion services, including
16 identifying available abortion providers and sched-
17 uling appointments.

18 “(4) Providing psycho-social support to patients
19 seeking abortion care.

20 “(5) Assisting patients seeking care with treat-
21 ment decision-making.

22 “(6) Developing partnerships with local commu-
23 nity organizations providing services for which eligi-
24 ble entity provides assistance, abortion service pro-

1 viders, and other patient navigators, such as patient
2 navigators receiving grants under section 340A.

3 “(7) Assisting with understanding reimburse-
4 ment and health insurance coverage options, includ-
5 ing completing eligibility and enrollment forms.

6 “(8) Assisting with understanding where abor-
7 tion services are legal and the ways in which abor-
8 tion services may be restricted.

9 “(d) PATIENT NAVIGATOR PROTECTIONS.—

10 “(1) IN GENERAL.—No individual, entity, or
11 State may prevent, restrict, impede, or disadvantage
12 an entity eligible to receive a grant under this sec-
13 tion by nature of delivering services described in
14 subsection (c), or any affiliate of such an entity or
15 individual or other entity collaborating with such an
16 entity, from—

17 “(A) providing or assisting a health care
18 provider, or any other person, with eligible serv-
19 ices described in subsection (c) related to repro-
20 ductive health care services—

21 “(i) lawful in the State in which serv-
22 ices are to be provided; or

23 “(ii) provided for an individual who
24 does not reside in the State in which the
25 services are to be provided; or

1 “(B) carrying out the activities described
2 in this section in any State, including any State
3 in which abortion services are not lawful.

4 “(2) ENFORCEMENT.—

5 “(A) ATTORNEY GENERAL.—The Attorney
6 General may commence a civil action on behalf
7 of the United States against any State, or
8 against any government official, individual, or
9 entity that enacts, implements, or enforces a
10 limitation or requirement that violates para-
11 graph (1). The court shall hold unlawful and
12 set aside the limitation or requirement if it is
13 in violation of paragraph (1).

14 “(B) PRIVATE RIGHT OF ACTION.—Any
15 women’s health patient navigator adversely af-
16 fected by an alleged violation of paragraph (1)
17 may commence a civil action against any State
18 that violates this subsection, against any gov-
19 ernment official that enacts, implements, or en-
20 forces a limitation or requirement that violates
21 paragraph (1), or against any individual who,
22 pursuant to State law, prevents, restricts, im-
23 pedes, or disadvantages the entity from car-
24 rying out activities in violation of paragraph
25 (1). The court shall hold unlawful and enjoin

1 the limitation or requirement if it is in violation
2 of paragraph (1).

3 “(C) **EQUITABLE RELIEF.**—In any action
4 under this subsection, the court may award ap-
5 propriate equitable relief, including temporary,
6 preliminary, or permanent injunctive relief.

7 “(D) **COSTS.**—In any action under this
8 subsection, the court shall award costs of litiga-
9 tion, as well as reasonable attorney’s fees, to
10 any prevailing plaintiff. A plaintiff shall not be
11 liable to a defendant for costs or attorney’s fees
12 in any nonfrivolous action under this sub-
13 section.

14 “(E) **JURISDICTION.**—The district courts
15 of the United States shall have jurisdiction over
16 proceedings under this subsection and shall ex-
17 ercise the same without regard to whether the
18 party aggrieved shall have exhausted any ad-
19 ministrative or other remedies that may be pro-
20 vided for by law.

21 “(F) **ABROGATION OF STATE IMMUNITY.**—
22 Neither a State that enforces or maintains, nor
23 a government official who is permitted to imple-
24 ment or enforce, any limitation or requirement
25 that violates paragraph (1) shall be immune

1 under the Tenth Amendment to the Constitu-
2 tion of the United States, the Eleventh Amend-
3 ment to the Constitution of the United States,
4 or any other source of law, from an action in
5 a Federal or State court of competent jurisdic-
6 tion challenging that limitation or requirement.

7 “(G) RIGHT TO REMOVE.—Any party shall
8 have a right to remove an action brought under
9 this subsection to the district court of the
10 United States for the district and division em-
11 bracing the place where such action is pending.
12 An order remanding the case to the State court
13 from which it was removed under this para-
14 graph may be immediately reviewable by appeal
15 or otherwise.

16 “(e) FUNDING.—There are appropriated, for fiscal
17 years 2023 through 2027, out of amounts in the Treasury
18 not otherwise appropriated, such sums as may be nec-
19 essary for purposes of carrying out this section.”.

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