

2026 Regular Session

HOUSE BILL NO. 404

BY REPRESENTATIVE CHASSION

CORR FACILITIES/JAILS: Provides for medication-assisted treatment for substance abuse in jails and prisons

1 AN ACT

2 To enact R.S. 15:574.63, relative to establishing a medication-assisted treatment program
3 for incarcerated persons; to provide incarcerated persons with medication and other
4 treatment for substance abuse disorders; to establish conditions related to reentry; to
5 provide for dispensing of medication; to establish reporting requirements; to provide
6 for funding; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:574.63 is hereby enacted to read as follows:

9 §574.63. Medication-assisted treatment program

10 A. For purposes of this Section, the following terms have the following
11 meanings:

12 (1) "Inmate" refers to all persons incarcerated in state and local correction
13 facilities, whether in pretrial detention or incarcerated following a conviction.

14 (2) "Medication-assisted treatment" means treatment of chemical dependence
15 or abuse and concomitant conditions with medications requiring a prescription or
16 order from an authorized prescribing professional.

17 B.(1) The secretary of the Department of Public Safety and Corrections, in
18 conjunction with the Louisiana Department of Health and the Louisiana Sheriffs'
19 Association, shall establish a program to be administered at correctional facilities in
20 this state, for the purpose of employing medication-assisted treatment for inmates

1 who are undergoing treatment for a substance abuse disorder. The program shall
2 include all forms of medication-assisted treatments approved for the treatment of a
3 substance abuse disorder by the Federal Food and Drug Administration for the
4 duration of an inmate's incarceration and shall provide an individual treatment plan
5 for each participant. After a medical screening, inmates who are determined to
6 suffer from a substance abuse disorder shall be offered placement in the medication-
7 assisted treatment program. Placement in the program shall not be mandatory. Each
8 participating inmate shall work with an authorized specialist to determine an
9 individual treatment plan, including an appropriate level of counseling. Decisions
10 regarding type, dosage, or duration of any medication regimen shall be made by a
11 qualified health care professional licensed or certified by the Louisiana State Board
12 of Medical Examiners or the Louisiana State Board of Nursing who is authorized to
13 administer such medication in conjunction with the inmate.

14 (2)(a) The program shall also include conditions for a reentry strategy for
15 inmates who have participated in medication-assisted treatment. The reentry strategy
16 shall include but not be limited to providing each participating inmate with
17 information on available treatment facilities in his respective area, information on
18 available housing and employment resources, and any other information that will
19 assist the inmate in continued recovery once released. The strategy shall also assist
20 the inmate in Medicaid enrollment prior to release.

21 (b) The medication-assisted treatment program shall provide participating
22 inmates who are preparing for release from custody with a one-week supply of any
23 necessary medication permissible under federal laws and regulations to continue
24 medication-assisted treatment to prevent relapse.

25 (c) Reentry planning and community supervision shall include a
26 collaborative relationship between clinical staff and the Department of Public Safety
27 and Corrections, division of probation and parole, including the sharing of accurate
28 information regarding the inmate's participation in the medication-assisted treatment
29 program to ensure that his medication is not considered illicit or illegal. Additionally,

1 the secretary of the Department of Public Safety and Corrections, in conjunction with
2 the Louisiana Department of Health and the Louisiana Sheriffs' Association, shall
3 develop internal procedures to assist anyone released under supervision who
4 communicates a relapse with his probation or parole officer, or who fails a drug test,
5 to receive substance abuse disorder support in lieu of arrest or incarceration.

6 C. The secretary shall annually submit a report to the governor and the
7 legislature on the effectiveness of the program established in this Section. The report
8 shall include an analysis of the impact of the medication-assisted treatment program
9 on participating inmates, including data such as recidivism, institutional discipline
10 records, HIV and hepatitis C treatment, and other program participation. The
11 secretary shall include in the report the impact on institutional safety and
12 performance and any recommendations for additional legislative enactments needed
13 to improve the program.

14 D. Participation in the medication-assisted treatment program shall not be
15 withheld from a qualified inmate. An inmate may enter into the program at any time
16 during his incarceration. An inmate enrolled in the program prior to his
17 incarceration is eligible, upon request by the inmate, to continue participation in the
18 program for any period of time during the duration of his incarceration. No person
19 shall be denied participation or receive a disciplinary infraction on the basis of a
20 positive drug screening upon entering custody or upon intake into the program. No
21 person shall be removed from or denied participation in the program on the basis of
22 having received a disciplinary infraction before entry into the program or during
23 participation in the program.

24 E. Medication-assisted treatment program services shall include all of the
25 following:

26 (1) Plans for alcohol, benzodiazepine, heroin, and opioid withdrawal
27 management.

28 (2)(a) At least one formulation of every medication-assisted treatment
29 approved for the treatment of substance abuse disorder by the Federal Food and Drug

1 Administration necessary to ensure that each participant in the program receives the
2 particular form found to be the most effective at treating and meeting his individual
3 needs.

4 (b) Local correctional facilities may apply for limited exemption from the
5 requirements of providing opioid agonist treatment medications upon a showing to
6 the secretary, Louisiana Sheriffs' Association, and Louisiana Department of Health
7 that no providers with the required accreditation are located within a reasonable
8 distance of the facility. A facility that lacks the resources available to meet the
9 standards set forth by this Section may apply for a limited exemption, allowing the
10 facility to enter into agreements with community-based programs offering substance
11 abuse disorder treatments and transition services. Any such exemptions shall be
12 reviewed on a regular basis.

13 (3) Group and individual counseling and clinical support.

14 (4) Peer support.

15 (5) Discharge planning.

16 (6) Reentry and transitional support.

17 F. Funding for the medication-assisted treatment program shall be
18 apportioned from state opioid settlement funds and subsidized by federal funding,
19 as available. If such funds become unavailable, the program shall be subject to
20 appropriation by the legislature.

21 Section 2. The secretary of the Department of Public Safety and Corrections shall
22 submit the report required in R.S. 15:574.63(C) as enacted by Section 1 of this Act by
23 August 1, 2027, and annually thereafter.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 404 Original

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Abstract: Directs the Dept. of Public Safety and Corrections (DPS&C) to develop a program to provide medication-assisted treatment for inmates.

Proposed law directs the DPS&C to work with the La. Dept. of Health (LDH) and the La. Sheriffs' Association to develop a program to provide medication-assisted treatment for inmates.

Proposed law requires each inmate to work with a specialist to determine an individual treatment plan regarding the type and dosage of medication.

Proposed law provides for the program to include a reentry strategy that offers each inmate information on treatment facilities, housing, and employment resources.

Proposed law provides inmates who are preparing for release with a one-week supply of medication to prevent relapse.

Proposed law requires procedures to be developed to assist anyone released under supervision who relapses or fails a drug test to get support in lieu of arrest.

Proposed law requires the secretary of the DPS&C to submit an annual report to the governor and the legislature on the effectiveness of the program and to provide legislative proposals. Requires the first report submission by Aug. 1, 2027.

Proposed law authorizes an inmate to enter into the program at any point during his incarceration and prohibits such inmate from being denied participation on the basis of a positive drug test.

Proposed law provides for the program to include plans for certain substances, a certain amount of medication for treatment of substance abuse disorder at each facility, counseling and support, and reentry support.

Proposed law provides exceptions for the requirement that local correctional facilities have a certain amount of medication if the facility lacks resources or proximity to medical providers.

Proposed law requires funding for the program to be apportioned from state opioid settlement funds or, if unavailable, appropriated by the legislature.

(Adds R.S. 15:574.63)