

2026 Regular Session

HOUSE BILL NO. 792

BY REPRESENTATIVE MCMAHEN

CORRECTIONS/PRISONERS: Provides relative to the creation of screening procedures for the purpose of testing inmates for certain infectious diseases

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(8) and to enact R.S. 15:831.1, relative to inmates; to
3 provide for the establishment of screening procedures for certain infectious diseases;
4 to provide for definitions; to provide for implementation; to provide for
5 reimbursements; to provide for treatment; to provide for submission of a report; to
6 provide for rulemaking; to provide for a public records exception; to provide for an
7 effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:831.1 is hereby enacted to read as follows:

10 §831.1. Infectious diseases; screening program

11 A.(1) The department shall establish a program that provides standardized
12 screening procedures for inmates who are housed at any correctional facility within
13 this state for the purpose of identifying infection with the human immunodeficiency
14 virus (HIV) and the hepatitis C virus.

15 (2) An inmate may decline participation in the screening procedures. Any
16 refusal shall be documented in the medical record of the inmate and shall not affect
17 the inmate's classification status, privileges, or eligibility for services.

18 B. For purposes of this Section, the following terms have the following
19 meanings:

1 (1) "Correctional facility" means any facility operated by or under the
2 jurisdiction of the Department of Public Safety and Corrections.

3 (2) "Department" means the Department of Public Safety and Corrections.

4 (3) "Inmate" means any person incarcerated or detained in a correctional
5 facility or parish prison or jail within this state, regardless of conviction status.

6 (4) "Screening procedures" means the evaluation or laboratory-based testing
7 conducted in accordance with established medical standards to determine infection
8 with HIV or the hepatitis C virus.

9 C.(1) Each correctional facility shall implement the screening procedures for
10 any inmate who is expected to remain incarcerated for at least seventy-two hours or
11 who is otherwise deemed clinically appropriate for testing.

12 (2) Each parish prison or jail may implement the screening procedures and
13 shall be reimbursed pursuant to Subsection F of this Section. No parish prison or jail
14 is required to implement any screening procedures without a specific appropriation
15 of funds by the legislature for this purpose.

16 D. Screening procedures shall be conducted at the intake of the inmate or as
17 soon as reasonably practicable after incarceration. Confirmatory testing shall be
18 conducted in accordance with established medical standards. Reflex testing
19 protocols shall be utilized, when available, to minimize duplicative laboratory
20 procedures. For purposes of this Subsection, "reflex testing" means a laboratory
21 protocol where an initial, preliminary screening test automatically triggers
22 confirmatory testing.

23 E.(1) The department shall ensure that any medically indicated treatment
24 based on a positive test obtained pursuant to this Section is funded, to the extent
25 permitted by state and federal law, through any of the following:

26 (a) State appropriations.

27 (b) Existing pharmaceutical subscription agreements.

28 (c) Medicaid, if the inmate is eligible and federal law permits coverage.

29 (d) Any other available federal funding source.

1 (2) No parish governing authority or sheriff shall be financially responsible
2 for the cost of antiviral or antiretroviral medications that are prescribed based on a
3 positive test obtained pursuant to this Section.

4 (3) All test results and medical records obtained pursuant to this Section
5 shall remain confidential as medical information and shall not be disclosed except
6 in accordance with applicable state and federal privacy laws. Information obtained
7 pursuant to this Section shall be used solely for medical and public health purposes.

8 F.(1) The department shall reimburse the sheriff or parish governing
9 authority for each inmate that is screened at any participating parish jail or prison
10 pursuant to this Section.

11 (2) Reimbursement rates include but are not limited to costs associated with
12 all of the following:

13 (a) Laboratory services.

14 (b) Phlebotomy supplies.

15 (c) Administrative reporting.

16 (d) Medical evaluation necessary for treatment initiation.

17 (3) Reimbursements shall be made within sixty days of the submission of
18 proper documentation and shall be subject to available appropriations.

19 (4) The department may establish performance-based incentives that are
20 associated with compliance rates for screening procedures.

21 G.(1) The initiation of treatment in parish prisons or jails may be prioritized
22 for any of the following inmates:

23 (a) Those reasonably expected to remain in custody for a duration sufficient
24 to complete therapy.

25 (b) Those under the custody of the department.

26 (c) Those with advanced clinical staging.

27 (2) An inmate who is not initiated on treatment while incarcerated shall
28 receive a documented referral and discharge planning to ensure continuity of care.

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 792 Original

2026 Regular Session

McMahan

Abstract: Provides relative to the creation of screening procedures for the purpose of testing inmates for certain infectious diseases.

Proposed law requires the Dept. of Public Safety and Corrections (DPS&C) to establish a program that provides standardized screening procedures for inmates who are housed at any La. correctional facility for the purpose of identifying infection with HIV and hepatitis C.

Proposed law permits an inmate to decline participation in the screening procedures, provides for the documentation of this refusal, and provides that refusal does not affect the inmate's classification status, privileges, or eligibility for services.

Proposed law defines the terms "correctional facility", "department", "inmate" and "screening procedures".

Proposed law provides for the administration and implementation of screening procedures at correctional facilities. Further permits each parish prison or jail to implement screening procedures subject to appropriation by the legislature for such purpose and provides reimbursement for participating parish prisons or jails.

Proposed law provides for duties of the DPS&C relative to funding for medical treatments and reimbursement for parish prisons and jails.

Proposed law provides that no parish governing authority or sheriff is financially responsible for the cost of antiviral or antiretroviral medications that are prescribed based on a positive test obtained pursuant to proposed law.

Proposed law provides that all test results and medical records obtained pursuant to proposed law are confidential as medical information and prohibits disclosure except in accordance with applicable state and federal privacy laws.

Proposed law provides for prioritization of treatment initiation in parish prison or jails for certain inmates and for the documented referral and discharge planning of inmates not initiated on treatment to ensure continuity of care.

Proposed law requires the DPS&C to submit an annual report to certain legislative committees and provides for the information to be contained within that report.

Proposed law authorizes the DPS&C to promulgate administrative rules in accordance with the APA to implement the provisions of proposed law.

Present law (R.S. 44:4.1(B)(8)) provides for a list of exemptions from public disclosure of certain information contained in present law (Title 15 of the La. R.S.).

Proposed law retains present law and adds all test results and medical records obtained pursuant to the screening program in proposed law.

Proposed law as applicable to parish prisons and jails is subject to the appropriation of funds by the legislature for this purpose.

Effective July 1, 2027.

(Amends R.S. 44:4.1(B)(8); Adds R.S. 15:831.1)