

ACT No. 312

2026 Regular Session

HOUSE BILL NO. 676

BY REPRESENTATIVES SPELL AND CHASSION

1 AN ACT

2 To enact R.S. 14:70.5.1, relative to misappropriation without violence; to create the crime
3 of fraudulent patient referrals or "body brokering"; to provide for definitions; to
4 provide for exceptions; to provide for penalties; to provide for an effective date; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:70.5.1 is hereby enacted to read as follows:

8 §70.5.1. Fraudulent patient referrals; "body brokering"

9 A. No person shall knowingly or intentionally do either of the following:

10 (1) Solicit, offer, pay, or receive any fee, payment, rebate, commission, or
11 anything of value from a person for the referral of a patient to a residential substance
12 abuse facility, mental health facility, or a facility licensed for substance use disorder
13 treatment or services.

14 (2) Urge or market to any person to make, furnish, or receive any fee,
15 payment, rebate, commission, or anything of value for the referral of a patient to a
16 residential substance abuse facility, mental health facility, or a facility licensed for
17 substance use disorder treatment or services.

1 B. The provisions of this Section do not apply to a person who, pursuant to
 2 a lawful agreement, makes, receives, or otherwise furnishes any fee, payment,
 3 commission, or rebate that does not vary based on any of the following:

4 (1) The number of patients referred to a residential substance abuse facility,
 5 mental health facility, or a facility licensed for substance use disorder treatment or
 6 services.

7 (2) The duration, level, volume, or nature of the substance use disorder
 8 treatment services provided to a patient.

9 (3) The amount of benefits for treatment or services provided to a patient that
 10 are provided by a carrier to a residential substance use disorder treatment facility,
 11 mental health facility, or a facility licensed for substance use disorder treatment or
 12 services.

13 C. For the purposes of this Section, the following terms have the following
 14 meanings:

15 (1) "Person" means a natural or juridical person, including but not limited
 16 to a health care provider, health care facility, non-profit organization, clinical
 17 laboratory, recovery residence, or any other individual or entity.

18 (2) "Residential substance abuse facility" means any licensed behavioral
 19 health service provider with a residential substance use disorder treatment facility
 20 module.

21 D. Whoever violates the provisions of this Section shall be imprisoned with
 22 or without hard labor for not more than five years, fined not more than fifty thousand
 23 dollars, or both.

24 E. In addition to the penalties provided in Subsection D of this Section, a
 25 person convicted under this Section shall be ordered to make full restitution to the
 26 victim and any other person who has suffered a financial loss as a result of the
 27 offense in accordance with Code of Criminal Procedure Article 883.2.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____