

RÉSUMÉ DIGEST

ACT 16 (SB 336)

2026 Regular Session

Luneau

Existing law (R.S. 46:437.1) establishes the "Medical Assistance Programs Integrity Law".

New law provides that when the attorney general has information, evidence or reason to believe that a person or an entity may be in possession, custody, or control of any documentary material, information, or physical evidence relevant to an investigation of a violation of existing law, he may issue to the person or entity a civil investigative demand to require the answering under oath and in writing of interrogatories or the production for inspection, copying or reproduction of the documentary material, information, or physical evidence before the commencement of a civil proceeding.

New law provides that a civil investigative demand issued pursuant to new law shall state a general description of the subject matter being investigated. Each investigative demand shall set a return date of not earlier than 20 days after service of the demand upon the person, legal representative, or agent for service of process.

New law provides that a civil investigative demand for answers to written interrogatories shall set forth with specificity the written interrogatories to be answered. A civil investigative demand for the production of documentary material shall describe each class of documentary material to be produced with definiteness and certainty to permit the material to be fairly identified.

New law provides that a civil investigative demand may not contain a requirement that would be unreasonable if contained in a subpoena or subpoena duces tecum issued by a court in a grand jury investigation or require the production of written answers to interrogatories, or the production of documentary material that would be privileged from disclosure.

New law provides that the production of documentary material in response to a civil investigative demand served under this Art. shall be made under a sworn certificate that shall state that all of the documentary material required by the demand and in the possession, custody or control of the person to whom the demand is directed has been produced and made available to the attorney general. Further provides that if the demand is on a natural person, the person to whom the demand is directed shall make the certification.

New law provides that if the demand is on a person other than a natural person, a person having knowledge of the facts and circumstances relating to the production and authorized to act on behalf of the person shall make the certification.

New law provides that a civil investigative demand issued pursuant to new law may be served by the sheriff or a post-certified investigator employed by the attorney general when the demand is issued to a resident or domestic business entity found in this state. Further provides that a civil investigative demand issued to a nonresident or a foreign business entity shall be served as provided for in existing law Code of Civil Procedure (C.C.P.).

New law provides that upon failure of the person or business entity to comply with the civil investigative demand, the attorney general may file a motion with a district court of proper jurisdiction to compel compliance with the civil investigative demand. Further provides that failure to comply with a court order shall be punishable by contempt.

New law provides that except as otherwise provided in new law, no documentary material, answers to interrogatories, or copies thereof, produced pursuant to new law or information derived therefrom, or transcripts and information derived from investigative depositions conducted pursuant to new law shall be subject to disclosure, discovery, subpoena or other means of legal compulsion for release by any person or entity except as determined by the attorney general and subject to the imposition of any conditions for effective enforcement of the laws of this state.

New law provides that nothing in new law shall be construed to prohibit or limit the attorney general from sharing any documentary material, answers to interrogatories, or copies thereof, or information derived therefrom, or transcripts and information derived from investigative depositions conducted pursuant to new law with any other state government, the U.S.

government, or any state or federal agency, or any person or entity that assists in the investigation or prosecution of the subject matter of the civil investigative demand.

New law provides that the attorney general may use documentary material derived from information obtained pursuant to new law, or copies of the material, in the manner the attorney general determines necessary for the enforcement of the laws of this state, including instituting a civil proceeding with the court.

New law provides that the attorney general, upon the written request of the person or entity required to produce documentary material pursuant to new law, shall destroy or return to the person or entity any material which has not become a part of the record by introduction into evidence in any court, grand jury or agency proceeding if the case or proceeding has been completed, or proceedings have not been instituted within a reasonable time after analysis of all documentary material and other information produced in the course of the investigation.

New law provides that documentary material, answers to written interrogatories, or oral testimony provided pursuant to a civil investigative demand or investigative deposition shall be exempt from disclosure under existing law (R.S. 44:1 et seq.).

New law defines "documentary material".

New law provides that a person who has received a civil investigative demand pursuant to new law may seek to modify or set aside the demand by filing a petition through ordinary proceedings with the court in the judicial district within which the person resides, is found, or transacts business. If no such jurisdiction exists, the person may file the petition in the 19th JDC.

New law provides that a petition filed pursuant to new law shall be filed within 20 days after the date of service of the civil investigative demand authorized in new law, or at any time before the return date specified in the demand, whichever date is earlier.

New law provides that the petition shall specify each ground upon which the petitioner is seeking relief in accordance with new law, and may be based upon any failure of the demand to comply with the provisions of new law or upon any constitutional or other legal right or privilege of the person.

New law provides that during the pendency of the proceedings, the court in its discretion, may stay the running of the time allowed for compliance with the demand, in whole or in part, except that the person filing the petition shall comply with any portions of the demand not sought to be modified or set aside.

New law provides that when the attorney general has information, evidence or reason to believe that a person or entity has information related to an investigation of a violation of existing law, he may issue an investigative subpoena for deposition testimony to any person or entity that may have information or knowledge relevant to the matter under investigation, or for the purpose of revealing, identifying, or explaining documentary material or other physical evidence sought.

New law provides that the investigative subpoena shall contain a general description of the matter under investigation, and a notice informing the deponent of his right to counsel at the deposition with opportunity for cross-examination. Further provides that the deposition shall be conducted at the deponent's principal place of business, place of residence, domicile, or, if agreeable to the deponent, some other place convenient to the attorney general or the deponent and the deponent's attorney or designated lawful representative.

New law provides that the deposition shall be held on a date not earlier than seven days after the date on which demand was received, unless the attorney general determines that exceptional circumstances exist that warrant the commencement of the testimony within a shorter period of time.

New law provides that an investigative subpoena issued pursuant to new law may be served by the sheriff or a post-certified investigator employed by the attorney general when the demand is issued to a resident or domestic business entity found in this state. An

investigative subpoena issued to a nonresident or a foreign business entity may be served pursuant to existing law (C.C.P.).

New law provides that when an investigative subpoena is issued to a business entity, the entity shall designate one or more officers, directors, or managing agents, and may set forth, for each person designated, the matters on which he will testify. Further requires the person designated to testify to the matters known or reasonably available to the organization.

New law provides that upon failure of the person or business entity to comply with the investigative subpoena, the attorney general may file a motion with a district court of proper jurisdiction to compel compliance with the investigative subpoena. Further provides that failure to comply with a court order is punishable by contempt of court.

Effective August 1, 2026.

(Adds R.S. 46:4389.9 and 438.10)