

2026 Regular Session

SENATE BILL NO. 437

BY SENATOR ABRAHAM

HEALTH DEPARTMENT. Provides relative to treatment services provided at facilities providing housing or temporary residence for individuals referred by judicial agencies. (8/1/26)

1 AN ACT

2 To amend and reenact R.S. 40:2852(C)(2) and to enact R.S. 40:2852(C)(3) through (5),
3 relative to treatment services provided at facilities providing housing or temporary
4 residence for individuals referred by judicial agencies; to provide for requirements
5 for treatment; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2852(C)(2) is hereby amended and reenacted and R.S.
8 40:2852(C)(3) through (5) are hereby enacted to read as follows:

9 §2852. Facilities providing housing or temporary residence to individuals referred
10 by judicial agencies

11 * * *

12 C. * * *

13 (2) No facility ~~shall provide treatment to any individual and no judicial~~
14 ~~agency shall refer any individual to a facility providing treatment until the Louisiana~~
15 ~~Department of Health has adopted rules and has inspected the facility and certified~~
16 ~~that the facility is in compliance with these rules as provided for by this Section~~
17 **provided for in Subsection A of this Section shall provide residential substance**

1 use disorder treatment to any individual, unless the facility is licensed by the
 2 Louisiana Department of Health pursuant to R.S. 40:2151 et seq., as a
 3 behavioral health service provider with the residential substance use disorder
 4 treatment module.

5 (3) No judicial agency shall refer any individual to a facility providing
 6 residential substance use disorder treatment until that facility has been
 7 surveyed and licensed by the Louisiana Department of Health as a behavioral
 8 health service provider with the residential substance use disorder treatment
 9 module pursuant to R.S. 40:2151 et seq.

10 (4) A complaint regarding a residential facility providing residential
 11 substance use disorder treatment without a license may be filed with the
 12 licensing section of the Louisiana Department of Health for investigation.

13 (5) Nothing herein shall prohibit a licensed physician or a licensed
 14 mental health professional or licensed behavioral health service provider as
 15 defined in R.S. 40:2153 from providing behavioral health or substance use
 16 disorder treatment services, including substance use disorder counseling
 17 services, to persons in their place of residence.

18 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 437 Original 2026 Regular Session Abraham

Present law provides for the regulation of facilities that are not otherwise required to be licensed by the La. Dept. of Health or the Dept. of Children and Family Services, that provide housing or temporary residence for individuals who have been arrested for the commission of a crime, and who are referred by a judicial agency.

Present law prohibits a facility from providing treatment to an individual and a judicial agency from referring an individual to a facility providing treatment until the La. Dept. of Health has adopted rules and certified that the facility is in compliance with its rules.

Proposed law repeals present law requirements for La. Dept. of Health approval.

Proposed law prohibits a facility from providing residential substance use treatment to any individual, unless the facility is licensed by the La. Dept. of Health as a behavioral health

service provider with the residential substance use treatment module.

Proposed law further prohibits any judicial agency from referring any individual to a facility providing residential substance use treatment until that facility has been surveyed and licensed by the La. Dept. of Health as a behavioral health service provider with the residential substance use treatment module.

Proposed law provides that any complaint regarding a residential facility providing residential substance use treatment without a license may be filed with the licensing section of the La. Dept. of Health for investigation.

Proposed law provides that nothing in proposed law prohibits a licensed physician, mental health professional, or behavioral health service provider from providing services to persons in their place of residence.

Effective August 1, 2026.

(Amends R.S. 40:2852(C)(2); adds R.S. 40:2852(C)(3)-(5))