

(H. B. 1402)

(No. 21)

(Approved September 29, 2005)

AN ACT

To establish special business hours for commercial and alcoholic beverages sales establishments on Sunday July 10, 2005; to exclude hotels, inns and condo-hotels, stores in the duty zones of airports and ports from the provisions prohibiting the sale of alcoholic beverages on that date: and to fix penalties.

STATEMENT OF MOTIVES

A “Referendum on the Bicameral System of the Legislature” shall be held next July 10, 2005. Consequently, the referendum shall be held in the summer, the tourist peak season in our Island. For this reason, it is necessary to file legislation so that the tourist sector industry is not affected.

The Puerto Rico Electoral Act prohibits the sale of alcoholic beverages from 12:00 midnight of Saturday before the referendum is to be held, until 9:00 p.m. of the following Sunday. Furthermore, the businesses that sell alcoholic beverages may only open to the public on condition that they do not sell liquors, and thus the latter must be concealed or isolated from public view. The application of this restrictive provision will undoubtedly have a negative impact on the tourist sector of the Island.

On previous occasions, measures have been taken so that business hours for the sale of alcoholic beverages and for commercial establishments to open differ from that set forth in the Puerto Rico Electoral Act. It has allowed the sales thereof until 2:00 a.m. of the Sunday in which the voting is to be held and has allowed hotels, inns, condo-hotels and cruise ships to sell alcoholic beverages to its guests without time limitations. See Act No. 328 of November 13, 1999 and Act No. 290 of

November 7, 2003.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- The prohibition contained in Section 8.024 of Act No. 4 of December 20, 1977, as amended, known as the “Puerto Rico Electoral Act” on the opening of commercial establishments, bars, shops, clubs, houses, apartments, depots, barracks or pavilions for the dispensing, sale, traffic, distribution and free consumption of distilled spirits, liquors, fermented or alcohol containing wines shall apply on Sunday, July 10, 2005, from 2:00 a.m. until 3:00 p.m. of that day. The prohibition shall not apply to hotels, inns, and condo-hotels accredited by the Puerto Rico Tourism Company when said establishments are part of the services and amenities provided to their guests or visitors and the sale, service or distribution of alcoholic beverages is made for consumption within the premises of the hotel, inn, condo-hotel or cruise ship. The Racetrack may hold horse races on that day starting at 2:00 p.m. on the condition that their employees are allowed a reasonable time to exercise their right to vote, if they so desire. The prohibition shall not apply to commercial businesses that operate within duty-free zones of the ports and airports of the Puerto Rico Ports Authority, provided the alcoholic beverage sold is for delivery to the buyer once he/she has boarded the plane or ship, as the case may be.

Every commercial establishment that violates this Section shall be sanctioned with a fine of not less than five-thousand (5,000) dollars, or the cancellation of the license to dispense alcoholic beverages, or both penalties at the discretion of the court,

Section 2.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 21 (H.B. 1402) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to establish special business hours for commercial and alcoholic beverages sales establishments on Sunday July 10, 2005; to exclude hotels, inns and condo-hotels, stores in the duty zones of airports and ports from the provisions prohibiting the sale of alcoholic beverages on that date: and to fix penalties,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 1st of November of 2005.

Francisco J. Domenech
Director