

(H. B. 1651)

(No. 53)

(Approved January 31, 2006)

AN ACT

To amend subsection (a) of Section 5 of Act No. 72 of April 26, 1940, as amended, known as the “Food, Drugs, and Cosmetics Act of Puerto Rico,” to modify the penalties of fines to be imposed for violations to this Act, and to temper the same to the present reality.

STATEMENT OF MOTIVES

The Food, Drugs and Cosmetics Act of Puerto Rico, Act No. 72 of April 26, 1940, as amended, prohibits the manufacture, sale or delivery, possession or offer for sale of food, drugs, devices or cosmetics that have been adulterated or fraudulently labeled, as well as the diffusion of false advertisements; the alteration, mutilation, or removal of a label from food, drugs, devices or cosmetics; and other like or similar acts that are clearly listed in the statute.

This Act also authorizes the Secretary of Health to petition the Court of First Instance for a permanent injunction, or for a limited time, restricting the acts prohibited by the Act, even when there is another adequate recourse.

A violation to the provisions of the Act constitutes a misdemeanor and entails the penalty of imprisonment for a term not greater than three (3) months or a fine not greater than five hundred (500) dollars.

If the offense is committed after judgment has been rendered, prohibiting the action in question, then the penalty of imprisonment is for a

term not greater than one (1) year and the fine not greater than one thousand (1,000) dollars, or both penalties at the discretion of the court.

The above mentioned penalties of fines have remained unaltered since their date of approval, more than sixty-five (65) years ago. During that long period of time, the value of currency has substantially diminished.

Due to the importance of consumer interest in the articles protected by the Food, Drugs and Cosmetics Act, it is necessary that the fines established by this statute be tempered to the realities of the present economy.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsection (a) of Section 5 of Act No. 72 of April 26, 1940, as amended, is hereby amended to read as follows:

“Section 5.- (a) Any person who violates any of the provisions of Section 3, shall be guilty of a misdemeanor and upon conviction shall be punished with imprisonment for a term not greater than three (3) months or with a fine of not less than five hundred (500) dollars nor greater than five thousand (5,000) dollars, or with both penalties; if the violation is committed after judgment has been rendered in last instance, said person shall be punished with imprisonment for a term not greater than one (1) year or with a fine not greater than ten thousand (10,000) dollars, 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. 53 (H.B.1651) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection (a) of Section 5 of Act No. 72 of April 26, 1940, as amended, known as the “Food, Drugs, and Cosmetics Act of Puerto Rico,” to modify the penalties of fines to be imposed for violations to this Act, and to temper the same to the present reality,

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

In San Juan, Puerto Rico, today 10th of May of 2006.

Francisco J. Domenech
Director