

Health Department Act

Act No. 81 of March 14, 1912, as amended

(Contains amendments incorporated by:

Act No. 25 of March 28, 1914

Act No. 85 of July 31 1919

Act No. 86 of May 7, 1931

Act No. 156 of May 10, 1945

Act No. 6 of July 24, 1952

Act No. 430 of April 26, 1946

Act No. 345 of May 12, 1947

Act No. 240 of July 23, 1974

Act No. 5 of October 14, 1975

Act No. 13 of June 23, 1976

Act No. 126 of June 29, 1976

Act No. 101 of March 26, 1999

Act No. 250 of September 3, 2003

Act No. 544 of September 30, 2004)

Be it enacted by the Legislature of Puerto Rico:

Section 1. — [Secretary of Health - Head of Department; scope of power]. (3 L.P.R.A. § 171)

The Secretary of Health shall be the Head of the Department of Health, as provided by Sections 5 and 6 of Art. IV of the Constitution of the Commonwealth of Puerto Rico, and shall be charged with all matters provided by law, related to public health, sanitation and welfare, except those related to maritime quarantine services.

Sections 2 and 3. — [Repealed, Act No. 156 of May 10, 1945, § 1]

Section 4. — [Powers of Secretary of Health in cases of contagious disease]. (24 L.P.R.A. § 351)

That the Secretary of Health may cause to be removed to proper places designated by him any person sick with a quarantinable disease, or any other rapidly spreading, contagious or infectious disease, and shall have the control of public hospitals for the treatment of such cases. He may occupy, for the purpose of provisional hospitals, such buildings as may be necessary, without prejudice to the subsequent payment to the owner of an indemnity, the amount of which shall be determined in accordance with the procedure established by law in like actions; and he may cause proper care and attention to be given to the sick persons removed to the hospitals, at the

expense of the Commonwealth Government, as herein provided for, when it comes to his knowledge that such persons are too poor to defray the expenses of their attendance, or when it is necessary to take care of them in the interests of the public health. No person suffering from a quarantinable or other rapidly spreading, contagious or infectious disease shall be removed from a vessel, or from any other place set aside by competent authority for his isolation and treatment, without a written permit from the Secretary of Health or the official placed in charge of such vessel or place by the Secretary of Health. For the purpose of carrying out the duties prescribed by this section, the Secretary of Health, or any duly authorized physician employed in the Department of Health, may enter, at any time into private properties and dwellings for the inspection or examination of such premises, in accordance with the provisions of Section 30 of this Act [3 L.P.R.A. § 181].

Section 5. — [Emergency measures for epidemics]. (3 L.P.R.A. § 175)

In case an epidemic threatens the health of the Commonwealth, the Secretary of Health shall take such measures as he may deem necessary to combat same, and shall, with the approval of the Governor, incur such expenses as may be necessary, for account of the Commonwealth Government, chargeable to the Commonwealth Emergency Fund created by Act No. 33 of 1933 [*Note: Repealed by Act No. 91-1966*] [3 L.P.R.A. §§ 457-465].

Section 6. — [Annual report to Governor]. (3 L.P.R.A. § 174)

The Secretary of Health shall file an annual report with the Governor of Puerto Rico, for transmittal to the Legislature, wherein he shall set forth the sanitary services that shall have been rendered and the sanitary conditions prevailing in the Commonwealth of Puerto Rico at the time.

Section 7. — [Problems of public health; notices of diseases and epidemics]. (3 L.P.R.A. § 176)

The Secretary of Health shall, as entrusted to him by law, attend to all problems affecting public health and shall publish suitable notices covering the prevailing diseases and epidemics.

Section 8. — [Reorganization of Department; appointment of personnel]. (3 L.P.R.A. § 173)

The Secretary of Health may, provided it is not in conflict with legislative provisions, establish or reorganize, consolidate, or eliminate, divisions, bureaus, services, and offices, for the best conduct of the Department, and he shall appoint all the personnel necessary for the functioning of the Department in accordance with the "Puerto Rico Public Service Personnel Act".

Section 9. — [Undersecretary of Health; appointment, duties, tenure]. (3 L.P.R.A. § 172)

The Secretary of Health shall appoint an Undersecretary of Health, who shall be charged with the operational phase of all matters entrusted to the Secretary of Health by this, or any other act.

Section 10. — [Vital statistics and other services]. (3 L.P.R.A. § 177)

The Secretary of Health shall keep and have in his/her charge such vital statistics services, and all other services that are necessary for the performance of his/her duties and all other necessary services for the protection, care, improvement and conservation of public health that are assigned to him/her by law.

The Secretary of Health, through the Statistics Division of the Department of Health, shall be responsible for the publication of the Annual Vital Statistics Report, the Puerto Rico Statistics of Health Facilities Report, the Puerto Rico Health Professionals Report, and the State of the Health Report of the Penal Population of Puerto Rico, subject to the jurisdiction of the Correction and Rehabilitation Administration.

In turn, the Secretary shall place at the immediate disposal of the people the statistical services ordered pursuant to this legislation through their publication on the Internet web page of the Department of Health, in which the content and scope of each of the statistical services provided by the Department shall be stated concisely.

Section 11. — [Repealed, Act No. 156 of May 10, 1945, § 1]

Section 12. — [Regulations to prevent diseases and protect public health]. (3 L.P.R.A. § 178)

The Secretary of Health shall have power to prescribe, repeal, and amend rules and regulations:

- (1) For the purpose of preventing and suppressing infectious, contagious or epidemic diseases.
- (2) In order to protect public health in any service, business, activity, or case which may affect public health, such as the water supply service, food and beverages, construction of buildings, ventilation of buildings, drainage, plumbing installations, hotels, inns, boarding houses, sleeping houses, cafes, restaurants, eating houses, canteens, tenement houses, private dwellings, houses in general, schools, factories, workshops, industrial establishments, slaughterhouses and slaughtering, meat markets, markets, garbage, transportation of garbage and organic fertilizers, cleaning of latrines and sinks, public ways, railroads, street railways, hospitals, maisons de sante, sanatoriums, animals, corpses, cemeteries, interments and disinterments, autopsies, embalmings, barber and hairdressing shops, beauty salons, public baths, etc.; Provided, That nothing contained in this section shall authorize the promulgation of regulations that will deprive a female employee of the privilege of selecting the physician who is to make the examinations as to her physical condition. The Secretary of Health shall, by regulations, define the class of sanitary appliances to be installed and maintained in public and private buildings; shall prescribe rules and regulations for the burial and transportation of cadavers, and the regulations to be observed in respect to reporting, isolating, and treating infectious or contagious diseases, and guarding from contamination all streams from which water for drinking or domestic purposes is taken.
- (3) To establish a protocol, system, or program, among other administrative measures as necessary in order to institute multi-[sectored] system for uniform and coordinated management of traumas and medical emergencies in Puerto Rico.

The above mentioned system shall seek but is not limited to the following objectives:

- (a) The creation of a uniform protocol throughout the Island for the management and transportation of trauma patients.
- (b) The integration of all transportation services for trauma patients into the Trauma and Medical Emergency System.
- (c) The establishment of a Designation Process for Trauma and Stabilization Centers.
- (d) The creation of a National Trauma Register.
- (e) The creation of a quality assurance program, to include all phases involved in the care of trauma patients.
- (f) Providing advice and collaboration to the Legislature when preparing or to improve legislation that seeks to extend or strengthen medical malpractice coverage for participants of the Trauma and Medical Emergency System.
- (g) Coordinating all efforts and creating new prevention programs.
- (h) The creation of subsidy and incentive programs so as to help institutions to defray partial expenses incurred in the establishment of the Trauma and Medical Emergency System of Puerto Rico.
- (i) The adoption of any other initiatives necessary for the working order and effectiveness of the Trauma and Medical Emergency System herein instituted.

Section 13. — [Regulations to prevent diseases and protect public health - Procedure; hearings; approval]. (3 L.P.R.A. § 179)

The following procedure shall be followed to enable the Secretary of Health to prescribe, repeal or amend regulations, as expressly authorized to do so by this Act:

- (1) The Secretary of Health shall draft the proposed regulations.
- (2) The Secretary of Health or his representative shall call for a public hearing on the proposed regulations.
- (3) After the public hearing is held, the Secretary of Health shall prepare the proposed regulations, which shall be approved and promulgated, subject to the provisions of Act No. 112 of June 30, 1957.
- (4) After the regulations have been approved and signed by the Governor of Puerto Rico, the same shall have the force of law and shall be promulgated by the Secretary of State of Puerto Rico; Provided, That the Secretary of Health shall serve notice on the public that the said regulations have been promulgated and shall publish for general knowledge in at least two newspapers of general circulation in Puerto Rico a general description of the provisions of the regulations more likely to affect the public; Provided, also, That any interested party may obtain from the Secretary of Health a copy of the regulations in toto as promulgated; Provided, That copies of such regulations shall be forwarded to the members of the Legislature of Puerto Rico, to labor unions, to municipalities, to the courts, to the departments affected by said regulations and to other organizations of a civic-social nature; and Provided, further, That any citizen desiring to obtain a copy of such regulations shall obtain the same free of charge.

Section 14. — [Repealed, Act No. 156 of May 10, 1945, § 1]

Section 15. — [Regulations to prevent diseases and protect public health - Judicial notice of regulations]. (3 L.P.R.A. § 180)

All courts are required to take judicial notice of the adoption of such rules and regulations and of the publication thereof required by this Act.

Sections 16 and 17. — [Repealed, Act No. 156 of May 10, 1945, § 1]

Section 18. — [Notice to Health Council Coordinator of local health ordinances]. (3 L.P.R.A. § 184)

The mayors and administrators of the municipalities of Puerto Rico shall send a copy of all public health ordinances approved by the municipal legislatures, or boards of commissioners of the municipalities of Puerto Rico, to the Coordinating Health Council for its information, within thirty (30) days after their approval.

Section 19. — [Notice to Health Council Coordinator of local health ordinances]. (3 L.P.R.A. § 185)

The mayors and administrators of the municipalities of Puerto Rico shall send a copy of all public health ordinances approved by the municipal legislatures, or boards of commissioners of the municipalities of Puerto Rico, to the Coordinating Health Council for its information, within thirty (30) days after their approval.

Section 20. — [Examining boards to inform Secretary of authorized practitioners in health field]. (3 L.P.R.A. § 190)

It shall be the duty of all examining boards of physicians, pharmacists, nurses, dentists, and such others whose professions are related to health, to inform the Secretary of Health of any such professional persons who are authorized to practice in the Commonwealth.

Sections 21 to 25. — [Repealed, Act No. 156 of May 10, 1945, § 1]

Section 26. — [Health officers for municipalities; duties; expenses]. (3 L.P.R.A. § 188)

The health officer shall enforce all laws, ordinances and sanitary rules, and shall exercise general supervision over public health within his respective municipality or municipalities and towns. The health officer shall not receive any expense allowance for any duty within the limits of his respective territory, except upon special authority of the Secretary of Health, nor shall he travel on official business outside of his respective municipality or municipalities and towns without the approval of the Secretary.

That, beginning July 1, 1914, the municipalities of the Commonwealth shall, at their own expense, provide for and carry out the cleaning and watering of streets, the removal of garbage and other refuse, the draining of streets, ditches and other municipal lands, the cleaning of latrines, and other deposits of refuse in municipal properties, the cleaning and flushing of sewers,

the collection of dead and stray animals; Provided, That in case any municipality shall fail to attend properly to the duties fixed hereby, the Secretary of Health is authorized to remove and abate, at the expense of said municipality, the damage or nuisance which may result from such failure, and the Secretary of Treasury of Puerto Rico is hereby authorized, empowered and directed to retain the sum expended for such purposes from any revenues which he may collect pertaining to the said municipality, after having received due notice from the Secretary of Health of such expense. Provided, That should the expense so incurred by the Secretary of Health prove to be materially in excess of the average, normal expense of the said municipality for municipal sanitation, then the excess of such expense above the normal amount, or any portion of such excess may, with the approval of the Executive Council, be paid from the Emergency Fund provided by the act approved March 13, 1913, entitled "An Act for the purpose of making additional appropriations for the support of the government of Porto Rico and supplying certain deficiencies in previous appropriations, and for other purposes." Provided, further, That the appropriation made by each municipality for carrying on the work above prescribed shall in no case be less than the amount which the said municipality is required, in accordance with this Act, to contribute to the Commonwealth Treasury for the expenses of the Department of Health.

Section 27. — [Power to make arrests]. (3 L.P.R.A. § 186)

The Secretary of Health, medical inspectors, health officers, and assistants, shall have the power to make arrests of persons found or apprehended in the act of violating the sanitary law, or any sanitary rules or regulations promulgated thereunder, delivering them as soon as practicable to the nearest police officer, and at the same time making the necessary charges against such offenders, but nothing in this section contained shall authorize any of the officers or assistants enumerated herein to carry revolvers or other unlawful weapons while in the performance of their official duties.

Section 28. — [Report to health officers of contagious diseases]. (24 L.P.R.A. § 352)

Every person authorized to practice in Puerto Rico the profession of physician and surgeon, dental surgeon, and osteopath, and if the case has not been examined by a physician, practicante, nurses, and midwives, are obliged to notify the local health officer of the district in which the patient resides, of the suspicion or the existence of any of the following diseases regarding which they may have gained knowledge in the course of their professional work: angina streptococcus (epidemic), anthrax maligna (pustula maligna), asiatic cholera, acute epidemic conjunctivitis, diphtheria, dysentery (amebic or bacillary), scarlet fever, yellow fever, typhoid fever, paratyphoid fever, food infections (caused by the ingestion of food contaminated with bacillus of the salmonicidus group, bacillus botulinus, staphylococcus, etc.), influenza, epidemic cerebrospinal meningitis, glanders, pneumonia (in all its forms), plague (bubonic, pneumonic, or septicemic), acute anterior poliomyelitis (infantile paralysis), measles, exanthematous typhus, smallpox, Vincent's angina, chancroid, dengue, lethargic encephalitis (epidemic), Malta fever, puerperal fever, filariasis, tropical frambesia (buboes), gonorrhoea, leprosy, malaria, ophthalmia neonatorum, epidemic parotiditis, psittacosis, rubeola (epidemic roseola), cutaneous syphilis, tetanus (including infantile form), whooping cough, tuberculosis, tularemia, chicken pox, and hydrophobia.

Provided, That in every case of a fever lasting over seven (7) days, without precise diagnosis, the attending physician shall be obliged to send to the Biological Laboratory of the Department of Health, or to a laboratory approved for such purposes by the Secretary of Health, samples of blood in order to investigate the existence of typhoid fever, paratyphoid or malaria; and, Provided further, That in every case of chronic bronchial catarrh lasting over two months, samples of the sputum shall be sent to one of the laboratories above mentioned, in order to investigate the presence of the bacillus of tuberculosis.

Section 29. — [Inoculations obligatory]. (24 L.P.R.A. § 353)

The inoculation of vaccine virus is hereby declared obligatory and binding upon all the inhabitants of the Commonwealth during such period and under such form and interval of time as the Secretary of Health may determine; the inoculation of any other organic, prophylactic, or therapeutic product in cases of epidemic being also obligatory.

Section 30. — [Inspections and investigations; public places; private dwellings]. (3 L.P.R.A. § 181)

(a) The Secretary of Health or his/her authorized representatives, are hereby empowered to enter any building, house, shop or place at any hour of the day, to inspect and report on the sanitary conditions thereof, or to cause the prompt removal or correction of any public nuisance, in the form and manner prescribed in the sanitary regulations. The Secretary may likewise order the closing of any building, house, shop, or place, or similar establishment, when he/she confirms that the sanitary conditions thereof or the way that they operate, present an imminent public health problem. Likewise, and without impairing the power of the Secretary or his/her authorized representatives to close any building, house, shop, or place when they do not meet the minimum health requirements, the Secretary shall be empowered to impose fines on the owners, agents or persons in charge thereof for deficiencies in the sanitary conditions and requirements of said places, in accordance with Section 33 of this Act. Before proceeding to issue any of the penalties provided by this section, the owner, agent or person in charge of the building, house, shop, or place shall be notified by certified mail with receipt requested of the deficiencies found and shall be granted a reasonable period of time to correct them. Furthermore, he/she shall be advised that if he/she does not agree with the decision of the Secretary or his/her authorized representatives within fifteen (15) days from the date the notice was deposited in the mail, he/she may request the Secretary, and he/she shall be bound to grant a hearing to show cause as to why the penalties imposed should not be enforced. The owner, agent, or person in charge of the specific building, house, shop, or place, may appeal the decision of the Secretary to the Circuit Court of Appeals of Puerto Rico through an appeal to review, within the term of thirty (30) days following the issue thereof, without said action being understood to lift the penalty imposed. Except in those cases of extremely urgent or emergency situations, the inspections or investigations of the abovementioned structures shall only be performed with the prior permission of the legal occupant of the structure that will be inspected. If said occupant refuses to give permission for the inspection, any magistrate, upon receiving a sworn statement that there is probable cause therefor, may issue an order authorizing said official to enter said structure to perform the investigation or inspection; Provided, That nothing that is contained in the present shall be

limited in the sense of barring the right of the Secretary or his/her authorized representatives to enter the buildings, houses, shops, stores factories, restaurants, cafes and other places, except private living quarters, without previously obtaining permission from the owner or lodger, provided that the entering is done in good faith by the official with the purpose of making investigations or inspections that promote the public health.

(b) The Secretary of Health is hereby empowered to recover from the owner of said buildings, houses, shops, or places, the reasonable costs and expenses needed to implement the provisions of this Section. The Secretary of Health shall establish the terms and conditions regarding the implementation of said subsection through regulations.

(c) Furthermore, the Secretary is empowered to establish, through regulations to such effect, the amount of the fees to be charged for the inspections performed by the Deputy Secretary of Environmental Health, of any commercial, industrial or professional establishment, regarding compliance of the requirements of the sanitary regulations in effect. Any monies recovered or collected under the provisions of this section by the Department of Health or its authorized representatives shall be deposited in a special fund that shall be known as the "Environmental Health Fund", which amounts shall be destined to the various sanitary inspection programs.

Section 31. — [Liability to abate or remove public nuisance; lien on property]. (3 L.P.R.A. § 182)

In the event of the failure of the owner, agent or tenant of any property where a public nuisance exists to remove or abate the same within a reasonable time after the proper notification to perform the work has been served, the sanitary authorities are hereby empowered to remove or abate the nuisance at the expense of said owner, agent or tenant, and the party in interest shall be given due notice of the expenses thereby incurred, and shall reimburse the health authorities therefor. Any sums so paid by the sanitary officials for the removal or abatement of a nuisance shall be a lien upon the property from which removed, or upon which abated, and a legal claim against the owner, agent or tenant. This action shall not, however, relieve any such owner, agent or tenant from liability for the violation of the provisions of the sanitary regulations. The Secretary of Health shall file, in the Office of the Registrar of Property of the district in which the property upon which the lien attaches is located, a copy of the notice of expenses incurred in the removal or abatement of a nuisance, as herein provided, together with a description of the property from which the nuisance was removed, or upon which it was abated, which notice, from the time of its filing, as herein provided, shall be notice of the existence of the lien herein created to all persons.

Section 32. — [Claims against Commonwealth from enforcement of Department regulations]. (3 L.P.R.A. § 183)

Every person whose property may have been unjustly or illegally destroyed or injured by the enforcement of any order, regulation, ordinance, or by any action taken by the Department of Health, or be its employees or agents exempt from personal liability, may maintain the appropriate action against the Government of Puerto Rico for the recovery of proper damages; but in such cases the claim must be presented to the Secretary of Health, in writing, within thirty days after the occurrence of the acts which gave rise thereto, and the date, place and degree of

the damage or injury suffered, and the estimated value thereof shall set forth in the complaint under oath or affirmation. The Secretary of Health shall render his decision within twenty days after the receipt of the claim, and after hearing the official or employee responsible for the loss or damage. No judicial action can be brought against the Commonwealth Government for such damages or injury unless it be established that the claim was presented to the Secretary of Health in due time and that the Secretary has failed to decide, or has decided adversely or in a form not satisfactory to the claimant, within the period of twenty days allowed for him for decision.

Section 33. — Administrative Penalties and Fines: (3 L.P.R.A. § 187)

(a) Any natural or juridical person who violates the provisions of this Act or the regulations issued by the Department of Health thereunder shall incur a misdemeanor, and upon conviction, may be sentenced to imprisonment that shall not exceed six (6) months, or a fine of not more than five thousand dollars (\$5,000), or both penalties in the discretion of the court. In addition to the penalties imposed by the court, the penalty of restitution shall be imposed.

(b) Any natural or juridical person who violates the provisions of this Act or the regulations set forth by the Department of Health hereunder for the first time, shall be liable for an administrative fine of not more than five thousand dollars (\$5,000), as provided in the Uniform Administrative Procedures Act, Núm. 170 of August 12, 1988; as amended [3 L.P.R.A. §§ 2101 et seq.], in the case of a new violation of this Act or the regulations set forth by the Department by virtue thereof within the term of one (1) year, the fine imposed may be raised to a maximum of ten thousand dollars (\$10,000).

Section 34. — [Notice to Secretary prior to redress by court]. (3 L.P.R.A. § 184)

No court of justice shall make any order which may tend to hinder, retard, suspend or impede the Secretary of Health, the District Inspectors, or the Health Officers, or any of their duly authorized inspectors or agents, in their efforts to correct or suppress a public nuisance which may engender sickness or endanger public health, without previously notifying the Secretary of Health thereof, that he may have the opportunity, personally or through a legal representative, to appear at the trial of the motion which to that effect may have been filed.

Section 35. — [Repealed, Act No. 156 of May 10, 1945, § 1]

Section 36. — [Municipalities to maintain public works protecting health; enforcement]. (3 L.P.R.A. § 189)

It shall be the duty of the municipalities to maintain and repair the public works of a permanent character designed to protect public health, and the Secretary of Health, in case such obligation is not complied with within a reasonable time, shall notify the municipal legislature of the necessity of such maintenance and repair, and if no attention shall be paid to his said notification he shall notify the Secretary of Justice of Puerto Rico, whose duty it shall be to institute the proper legal proceeding in the Court of First Instance where the municipality is situated, in the name of the Commonwealth of Puerto Rico, for the purpose of compelling compliance with such notification; it shall also be the duty of the municipalities to construct public works of a permanent character

designed to protect public health, provided that the necessity therefor for the health of the inhabitants of the municipality is manifest, and that they have sufficient funds within their regular income for such construction, and the Secretary of Health may, in such cases, call attention to the necessity for the aforesaid public works, and in case that the same are not made within a reasonable time thereafter, then the Secretary of Health may bring the matter to the attention of the Secretary of Justice whose duty it shall be to commence the proper legal proceeding in the Court of First Instance where the municipality is situated, in the name of the Commonwealth of Puerto Rico, for the purpose of compelling compliance with said notification.

Section 37. — [Appearance or presentation of documents; refusal; subpoenas; penalties].
(3 L.P.R.A. § 189a)

The Secretary of Health, in the discharge of the duties and faculties vested in him by this Act, may issue subpoenas and if any person thus summoned fails to comply therewith or if, upon appearing before the Secretary of Health refuses to take an oath, to testify or to answer any pertinent questions or to file any pertinent document when so ordered, the Secretary of Health may request the assistance of the Court of First Instance to compel the appearance, statement and presentment of documents. Said court, for a proven just cause shall order any person to appear before the Secretary of Health and to file documents or testify with respect to matter being dealt with. Failure to comply with the summons of the court may be punished by it as contempt. Any person who fails or refuses to appear and to testify, who disregards any licit request or refuses to file books, papers and documents, if able to do so, in compliance with a subpoena or legal request of the Secretary of Health, shall be guilty of a misdemeanor and upon conviction, punished by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by imprisonment in jail for a term of not less than thirty (30) days nor more than six (6) months, or by both penalties, in the discretion of the court.

Section 38. — [Repealed, Act No. 156 of May 10, 1945, § 1]

Section 39. — That this Act shall take effect April 1, 1912.

Note. This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.