

**PUERTO RICO 1993 SESSION LAWS
12TH LEGISLATURE**

Additions and deletions are not identified in this document.

Act No. 62
S.B. No. 151
DEPARTMENT OF CONSUMER AFFAIRS

AN ACT to regulate the publicity and promotion of every product manufactured with tobacco in certain places to which a minor under eighteen (18) years of age may be exposed; authorize the Secretary of the Department of Consumer Affairs to establish and adopt the rules and regulations needed to implement this Act; and to impose penalties.

STATEMENT OF MOTIVES

Every day we see an increase in the number of young people and adolescents who develop the smoking habit. This social fact is of great concern since innumerable studies have shown the grave damage that the use of tobacco can inflict upon the health of a person.

One of the causes which induces and stimulates young people and adolescents to acquire the smoking habit is related to the excessive propaganda to which they are exposed. Each day we see how publicity campaigns continually promote the idea that smoking is a pleasant pastime and how they use attractive displays which appeal to the young and which convey the idea that it is necessary to smoke in order to stand out or achieve prominence.

An ever-increasing proportion of the \$4,000 million that tobacco companies spend every year to advertise their products is devoted to special promotional campaigns such as sporting events, advertising programs, campaigns for the distribution of cigarette samples, and advertisements in theaters and cinemas.

As can be observed, the areas selected by these companies to carry out their promotional campaigns are those most heavily patronized by our young people.

This problem, which is so detrimental to the health of this most important sector of our society--our young people and adolescents--makes our intervention necessary in order to regulate the publicity and promotional efforts expended on every product manufactured with tobacco.

This legislation aims to limit and regulate the publicity and promotion of products manufactured with tobacco. Although this bill places restrictions upon the freedom of expression, these restrictions clearly respond to the pressing interest of the Commonwealth to protect the health, safety and welfare of the citizens in general, and especially of our young people, who because of their inexperience may be more vulnerable.

Restricting access of our young people to tobacco products may restrain or prevent them from deciding to start smoking at an early age, a fact that has been revealed by a great many studies on the matter. These studies have shown that those communities which exercise active vigilance, are the ones which have achieved the greatest success.

It is our duty to help put an end to the negative stimulus which the tobacco industry exercises over our youth.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

<< Note: PR ST T. 23 § 1041 >>

Section 1.--This Act shall be known as the "Act to Regulate the Publicity and Promotion of Every Product Manufactured with Tobacco." Section 2.--For the purposes of this Act the following prohibitions are established:

<< PR ST T. 23 § 1041 >>

Section 2.--For the purposes of this Act the following prohibitions are established:

(a) No person may place or allow the placement of advertisements, signs, posters or commercial propaganda for cigarettes or any other product manufactured with tobacco, at a distance of less than five hundred (500) feet from a public or private school. This distance shall be measured from the point closest to the outer boundary of the lot occupied by the school, to the point where the advertisement, sign, poster or commercial propaganda is located.

(b) No person may undertake the publicity or commercial promotion of cigarettes or products manufactured with tobacco in cinemas, theaters and public parks. For the purposes of this Act public parks shall be deemed to be all coliseums, baseball parks, gymnasiums, basketball courts and passive recreation parks belonging to the Commonwealth or Municipal governments or their instrumentalities, corporations, agencies and dependencies.

(c) No person may distribute free samples of cigarettes or products manufactured with tobacco:

(1) To minors under eighteen (18) years of age.

(2) In places where, because of the activity being carried out, the presence of minors under eighteen years of age is allowed.

(3) Within a distance of less than five hundred (500) feet from a public or private school, it being understood that this distance shall be measured from the point closest to the outer boundary of the lot occupied by the school.

<< PR ST T. 23 § 1042 >>

Section 3.--The Secretary of the Department of Consumer Affairs must adopt such rules and regulations as needed to carry out the provisions of this Act. In the exercise of the faculties conferred by Act No. 5 of April 23, 1973, as amended, the Secretary may issue orders to cease and desist, and impose administrative fines for up to a maximum of ten thousand (10,000) dollars for violations of this Act or its regulations. For the purpose of imposing administrative fines, each day in which the same violation is incurred shall be deemed as a separate violation.

<< PR ST T. 23 § 1043 >>

Section 4.--When a person incurs violations of the provisions of this Act, and/or of any orders and resolutions issued hereunder, the Secretary may initiate a criminal action against the violator without limiting his/her capacity as stated in the preceding Section. This violation shall be deemed to be a misdemeanor, with the penalty of a fine that shall not exceed five hundred (500) dollars.

<< Note: PR ST T. 23 § 1041 >>

Section 5.--This Act shall take effect twenty-four (24) months after its approval, except for Section 3 by which the Secretary shall adopt the necessary rules and regulations, immediately after the approval of this Act.

Approved August 5, 1993.