

(H. B. 3272)

(No. 257)

(Approved September 3, 2003)

AN ACT

To amend subsection (a) of Section 302, and subsection (b) of Section 306 of Act No. 4 of June 23, 1971, as amended, known as the “Controlled Substances Act of Puerto Rico,” to empower the Secretary of Health to establish a staggered certification of registration renewal system for persons who manufacture, distribute and dispense controlled substances in the Commonwealth of Puerto Rico, and to amend the language and eliminate the date of June 30th as the date for the renewal of said certifications.

STATEMENT OF MOTIVES

The “Controlled Substances Act of Puerto Rico,” rules all matters concerning the control of the manufacturing, distribution and dispensing of controlled substances. The Secretary of Health is hereby empowered to those rules and regulations necessary and convenient to enforce this legislation.

The Law itself provides for the persons who manufacture, distribute and dispense controlled substances in Puerto Rico, or those who wish to dedicate themselves to manufacturing, distributing and dispensing same, to register and obtain a certification of registration issued by the Secretary of health annually, pursuant to the rules and regulations promulgated by said government official.

Moreover, the law imposes the obligation on all persons who are registered and authorized to manufacture, distribute and dispense controlled substances for same to annually prepare and maintain a complete and exact inventory of the stock of controlled substances in their custody and to

maintain a complete and exact updated report of each substance manufactured, distributed, dispensed, received, sold, delivered, or in any other manner made available by same, a copy of which shall be remitted to the Department of Health when requesting renewal of the registration on June 30th of each year.

This gives us an idea of the load of work that is generated by the task of reviewing, analyzing and justifying the issuing of a registration certification, considering that it deals with a matter that should be addressed with utmost care and diligence, due to the implications that ill use and negligent or indiscriminate distribution of controlled substances may entail for the citizenry.

On the other hand, it is the public policy of the Commonwealth of Puerto Rico to promote that its agencies, departments and other dependencies establish the adequate mechanisms to ease and expedite the processing of certifications, permits and licenses obtained from the government daily by the citizenry.

For years, the mechanism of applying for the renewal of the registration certification for the manufacturing, distribution and dispensing of controlled substances has not satisfied the needs of all those persons who require same to render, in turn, essential services to our citizens.

Thus, it is necessary to amend the law, and empower the Secretary of Health for same to establish an easy and expedited procedure for obtaining said certifications. In this manner, the recipient of the registration certification shall obtain the corresponding permits subject to a staggered calendar, pursuant to the rules and regulations that the Secretary of Health deems necessary to implement this Act.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- A second paragraph is hereby added to subsection (a) of Section 302 of Act No. 4 of June 23, 1971, as amended, known as the “Controlled Substances Act of Puerto Rico,” to read as follows:

“Section 302.-Persons That Must Register

- (a) Any person who manufactures, distributes and dispenses controlled substances in the Commonwealth of Puerto Rico, or wishes to dedicate to the manufacturing, distribution and dispensing of controlled substances in the Commonwealth of Puerto Rico shall obtain a registration certification annually, issued by the Secretary of Health, pursuant to the rules and regulations approved and promulgated by said government official.

The Secretary shall establish a staggered system for the renewal of the registration certification. Said system shall be designed in such a manner, that each year the application for renewal and the inventories and reports that must be submitted by persons authorized for the manufacturing, distribution and dispensing of controlled substances coincide with the month in which same were inscribed for the first time in the registry. When the date coincides with a holiday, the due date for the renewal and submittal of inventories and reports shall be the next workday.

- (b) ...
- (c) ...
- (d) ...

(e) ...

(f) ...”

Section 2. – The language in Section 306 of Act No. 4 of June 23, 1971, as amended, known as the “Controlled Substances Act of Puerto Rico,” is hereby amended, and the date of June 30 of each year for the filing of the application and the reports and inventories is hereby eliminated to read as follows:

“Section 306. Reports and Inventories

(a) ...

(b) Each inventory or report required pursuant to this Section:

(1) Shall be in agreement with and contain such relevant matters as required by the regulation of the Secretary and the forms provided by same to said effects; provided that a copy of the required annual inventory shall be submitted to the Department at the time of requesting the annual renewal of the registry at the due date of same.

(2) ...

(3) ...”

Section 3.- This Act shall take effect one hundred eighty (180) days after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 257 (H.B. 3272) of the 5th Session of the 14th Legislature of Puerto Rico:

AN ACT to amend subsection (a) of Section 302, and subsection (b) of Section 306 of Act No. 4 of June 23, 1971, as amended, known as the “Controlled Substances Act of Puerto Rico,” to empower the Secretary of Health to establish a staggered certification of registration renewal system for persons who manufacture, distribute and dispense controlled substances in the Commonwealth of Puerto Rico, and to amend the language and eliminate the date of June 30th as the date for the renewal of said certifications,

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

In San Juan, Puerto Rico, today 23rd of August of 2004.

Elba Rosa Rodríguez-Fuentes
Director