

Law No. 79, March 13, 2004

To prohibit the distribution of breast milk substitutes to newborns in centers for maternity services, unless medically indicated or through written consent by the mother, father or legal guardian, the establishment of penalties for noncompliance, and other purposes.

Article 1 - Title

This law will be known as "Law regarding distribution of breast milk substitutes to newborns".

Article 3 - Regulations

(a) It is prohibited that, within the jurisdiction of the Commonwealth of Puerto Rico, centers for maternity services, day care centers or obstetrics, gynecology and pediatric offices who provide service to pregnant women with more than 6 months of gestation, or to infants less than 1 year old, distribute to newborns or infants breast milk substitutes, glucose in water, water, or any other food or drink other than breast milk, without previous written medical prescription, or express written consent from the mother, father, or legal guardian. The mother who wishes that breast milk substitutes be given to her neonate, will also be able to express her consent in written form at any moment subsequent to her delivery. In cases of medical emergency, where express written consent by the mother had not been granted, medical authorization can be granted posteriorly, with due reference to the events of the emergency situation.

(b) Physicians will not authorize the use of such food or beverages unless it is recommended by the best medical practice for the benefit of the the infant's health.

(c) The Department of Health will prepare information materials which duly illustrate the postulates of this Law, within 90 days of the Law's enforcement, and will make said materials available to Labor/Delivery rooms, day care centers, and offices of obstetricians and gynecologists; said materials will be displayed in centers for maternity services in places visible to patients and visitors. Labor/delivery rooms, day care centers, and obstetrics and gynecology offices will place this information material within 120 days of the promulgation of this Law.

Article 4 - Penalties

The Department of Health, through the Assistant Secretariat for Certification and Regulation of Health Care facilities, will be enabled to impose fines up to \$2,000 USD, for each act of noncompliance with this Law, following the applicable established regulations in the Law of Standard Administrative Procedure. In no case will the fine be less than \$500 USD.

Article 5 - Applicability

This Law will be applicable immediately following its approval.