

PUERTO RICO

Laws of Puerto Rico Title 5 – Agriculture Chapter 27 – Prevention of Plant Diseases

(Gesetze Puerto Rico, Titel 5 – Landwirtschaft, Kapitel 27 – Pflanzengesundheit)

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Für die Richtigkeit und Aktualität des Textes wird keine Gewähr übernommen.

Grundrechtsakt "Gesetz über Pflanzengesundheit" Nr. 93/1973. Geändert durch:

M1 Gesetz Nr. 51/1975

M2 Gesetz Nr. 15/2002

M3 Gesetz Nr. 35/2002

Stand: 2024

2023 Laws of Puerto Rico Title 5 – Agriculture Chapter 27 – Prevention of Plant Diseases

§§ 581 -589 - Repealed. Act June 5, 1973, No. 93, p. 397, § 16, eff. 120 days after June 5, 1973

§§ 590 -592 - Repealed. Act Sept. 9, 1996, No. 209, § 1, eff. Sept. 9, 1996

§§ 593, 594 - Repealed. Act July 11, 1979, No. 87, p. 209, § 3, eff. July 11, 1979

§§ 595, 596 - Repealed. Act Sept. 9, 1996, No. 209, § 1, eff. Sept. 9, 1996

§§ 597 -599 - Repealed. Act June 5, 1973, No. 93, p. 397, § 16, eff. 120 days after June 5, 1973

§§ 600 -602 - Repealed. Act June 5, 1973, No. 93, p. 397, § 16, eff. 120 days after June 5, 1973

§§ 603 -607 - Repealed. Act June 5, 1973, No. 93, p. 397, § 16, eff. 120 days after June 5, 1973

§§ 608, 609 - Repealed. Act June 5, 1973, No. 93, p. 397, § 16, eff. 120 days after June 5, 1973

§ 610. Coffee imports from infected areas—Prohibition

It shall be illegal to introduce into Puerto Rico any coffee plants, seeds or beans, or bags used for coffee, coming from the countries where the insect *Stephanoderes coffeae* exists, or from any other country which shall have imported coffee plants, seeds or beans coming from the said countries; Provided, That this prohibition does not include the roasted or ground coffee bean.

History—May 11, 1938, No. 184, p. 368, § 1

§ 611. Coffee imports from infected areas—Penalties

Any violation of the provisions of §§ 610—612 of this title shall be considered a misdemeanor, and punishable by a fine of not less than one hundred dollars (\$100) and imprisonment for not less than ten (10) days.

History—May 11, 1938, No. 184, p. 368, § 2.

§ 612 - Coffee imports from infected areas—Enforcement

The Secretary of Agriculture is authorized to prepare the regulations necessary for the best enforcement of §§ 610—612 of this title.

History—May 11, 1938, No. 184, p. 368, § 3.

§ 613. Short title

Sections 613—613n of this title may be cited as the “Plant Quarantine Act of Puerto Rico”.

History—June 5, 1973, No. 93, p. 397, § 1, eff. 120 days after June 5, 1973.

§ 613a. Definitions

- (a) Puerto Rico. — Means the Commonwealth of Puerto Rico.
- (b) Secretary. — Means the Secretary of Agriculture of Puerto Rico.
- (c) Department. — Means the Department of Agriculture of Puerto Rico.
- (d) Person. — Means [any] natural or [juridical] person, his agents, employees or representatives.
- (e) Inspector. — Means the representative of the Secretary duly authorized to enforce §§ 613—613n of this title and the regulations or quarantines promulgated hereunder.
- (f) Plants and plant products. — Means any vegetative matter and includes but does not limit itself to trees, shrubs, vines, forage and farinaceous plants, grains, garden stuff, cereals and parts or products of plants such as leaves, stems, branches, roots, fruits, flowers, bulbs, tubers, stolons, cuttings, buds, grafts, seeds, trunks and wood.
- (g) Plant pests. — Means any insect or other arthropod, mollusk mushroom, bacterial or viral disease, nematode, parasitic plant, or any other organism or thing harmful to plants or plant products, including any stage or phase of development of such organism or thing.
- (h) Vegetative material for propagation. — Means all plants and plant products, trees, shrubs, vines, bulbs, cuttings, grafts, buds and seeds cultivated or maintained for, or capable of propagation, distribution or sale, unless they be specifically excluded through regulation promulgated by the Secretary.

History—June 5, 1973, No. 93, p. 397, § 2, eff. 120 days after June 5, 1973.

§ 613b. Introduction of soil, earth or sand, prohibition

It is hereby prohibited to introduce into Puerto Rico, from any place abroad, soil, earth, sand or any similar material, unless by permit granted by the Secretary and in accordance with the conditions he may prescribe.

The Secretary may refuse to issue a permit or may suspend a permit he has issued to introduce any of the above mentioned materials when such introduction may involve any risk of propagation of plant pests in Puerto Rico.

History—June 5, 1973, No. 93, p. 397, § 3, eff. 120 days after June 5, 1973.

§ 613c. Powers of Secretary

The Secretary is hereby empowered to:

- (a) Promulgate such regulations and prescribe such measures to govern propagation establishments or nurseries in Puerto Rico, including the inspection and registration of same and the inspection and certification of vegetative material for propagation and the movement in Puerto Rico of vegetative material for propagation from said nurseries, as may be necessary to eradicate, control or prevent the propagation of plant pests.

(b) Establish through regulation the conditions under which the introduction and the movement in Puerto Rico of plants and plant products or vegetative material for propagation from other states, territories and districts of the United States, as well as from other countries, may be permitted.

(c) Declare as public nuisance any plant pest, as well as any plant product or other thing infested or infected with such plant pests or that may have been exposed to infestation or infection with such pests.

The declaration of public nuisance shall be notified in writing to the owner or person in charge of the place where the nuisance is, who shall be under obligation to destroy or order the destruction of the plant pest, plant, plant product, or vegetative material for propagation, without any compensation to the owner, if satisfactory treatment is not possible in the manner directed in the notice.

In case the owner or person in charge fails or refuses to comply with the terms of the notice, within the reasonable time established in said notice, the Secretary may proceed to give treatment to or destroy the plant pest, plant, plant product or vegetative material for propagation infested or infected, without payment of any compensation whatsoever. The expenses incurred by the Department to carry out such treatments or destruction shall be charged to the owner of such plants, products or materials. The provisions of § 613f of this title shall be applicable to the provisions hereof. Any person who, after having been notified of a public nuisance as provided in this section, disobeys the notice and refuses to eradicate or destroy said plant pest, plant, plant product or vegetative material for propagation, or who obstructs or attempts to obstruct said destruction or eradication shall be guilty of a misdemeanor and shall be subject to the penalties provided in §§ 613—613n of this title.

(d) Promulgate quarantine or quarantines with respect to any region or place in Puerto Rico or with respect to any state, territory or district of the United States, or foreign country, in which he may determine that any plant pest exists, and to prohibit the introduction or movement in Puerto Rico of any plant, plant product or thing coming from the area or place where such pest exists, when it is determined that such measure is necessary to protect the agricultural interests of Puerto Rico. In such cases, the quarantine may be absolute, or regulations may be adopted to prescribe the method and manner under which the prohibited goods may be moved to or within Puerto Rico and in which they may be sold or otherwise disposed of in Puerto Rico.

(e) Act by himself or through cooperation agreements with other persons, agencies or instrumentalities of the federal, Commonwealth or municipal Governments to enforce the measures that may be necessary to eradicate, suppress, control or prevent the introduction or propagation of plant pests in Puerto Rico.

(f) Limit or authorize through regulation the entry at those entry ports or entry places where facilities exist for the treatment or control of plant pests, of those plants, vegetative material for propagation or any other goods or material on which any quarantine prohibition exists.

(g) Promulgate those regulations or measures he deems necessary to require inspection for the shipment of plants, plant products and vegetative material for propagation, and to certify that same are apparently free from plant pests.

(h) Perform all necessary acts to attain the objectives of §§ 613—613n of this title.

(i) Fix and charge fees for the inspection of nurseries, farms which produce seeds for export, vegetable material, and maritime facilities; for taking samples and making the analysis of all matter related to the export and import of any of the vegetable materials contemplated in §§ 613—613n of

this title, as well as any other service provided by the Department of Agriculture as established through regulations to that effect.

History—June 5, 1973, No. 93, p. 397, § 4; Feb. 15, 2002, No. 35, § 1.

§ 613d. Authorization to inspect

The Secretary or his authorized representative is hereby empowered to:

(a) Stop and inspect, provided he is identified as such and without need of an order of inspection, any person or means of transportation or freight arriving at Puerto Rico from any place abroad, or moving within Puerto Rico, and any plant, plant product, goods or material transported or carried by such person or means of transportation or freight, provided that in the judgment of the Secretary or of his representative there is probable cause to believe that said person or means of transportation or freight carries any insect dead or alive or plant pest in violation of §§ 613—613n of this title or of any regulation prescribed hereunder, or that such means of transportation or freight, plant, plant product, goods or material is infested or infected or contains any plant pest or is being introduced or moved in violation of §§ 613—613n of this title or of any regulation or quarantine promulgated hereunder.

(b) Require the presentation for inspection of waybills, declarations, invoices, bills of lading, bills of goods, or any other documents relative to said plants, plant products, goods or materials arriving at Puerto Rico from any place abroad or moving within Puerto Rico, for the purpose of ascertaining that §§ 613—613n of this title or any regulation or quarantine promulgated hereunder be complied with. It shall be mandatory for the person in charge of such documents to make them accessible to the inspectors for the purpose above-mentioned.

(c) Open any luggage, bundle, container or package which contains or may contain plants, plant products, goods or matters capable of carrying or propagating plant pests, so as to make inspections and confiscate the goods or matter harboring plant pests.

(d) Enter, with the consent of the owner or keeper, or through an order of inspection to the effect, any place to make inspections of plants, plant products, goods or matter capable of carrying or propagating plant pests, and to confiscate any goods or matter harboring plant pests.

(e) Supervise or cause to be supervised, the treatment, cutting and destruction of plants and plant products or vegetative material for propagation whenever necessary to prevent or control the propagation of plant pests or to eradicate said pests.

(f) Inspect or cause to be inspected, as frequently as may be necessary, all establishments or nurseries for propagation in Puerto Rico.

(g) Require any person in possession of plants, plant products or other things capable of harboring or carrying plant pests to furnish complete information as to the origin and source of such matters; Provided, That if such person refuses to furnish the information, he having the capacity to do so, he shall be guilty of a misdemeanor; and, Provided, further, That said information shall not be used to charge such person with any offense or to prove same.

(h) Intercept and inspect any plants, plant products or goods or matter that may harbor or carry plant pests which are or have been introduced, transported or moved into Puerto Rico coming from any state, territory or district of the United States, or from any other country, while they are in the ship that has brought them to Puerto Rico or in transit in any vehicle in Puerto Rico, or after their arrival at the point of destination in Puerto Rico. If after inspection, such plants, plant products, goods or matter are found infested or infected with any plant pest, or if it is determined that such material may propagate

or transmit such pest, or that it has been or is being transported in violation of any quarantine or regulation promulgated by the Secretary, such plants, plant products, goods or matter may be submitted to treatment, if advisable to do so, and afterward their disposal authorized, or they may be returned to the sender, or may be destroyed.

History—June 5, 1973, No. 93, p. 397, § 5; June 22, 1975, No. 51, p. 117, § 1.

§ 613e. Treatment or destruction of infested plants—Notification

Whenever the Secretary or his authorized representative finds, upon an inspection, any plant or plant product or vegetative material for propagation infested or infected with any harmful plant pest, he shall give written notice to such effect to the owner or person in charge of the establishment or facilities where such plant or plant product is, and the owner or person in charge shall remove and destroy the plant or plant product infested or infected, if satisfactory treatment is not possible, or shall cause the plant, plant product or vegetative material for propagation to be treated in the manner directed in the notice.

In case the owner or person in charge fails or refuses to comply with the terms of the notice, within the reasonable time established in said notice, which in no case shall be less than 48 hours, the Secretary may proceed to give treatment or to destroy the plant, plant product or vegetative material for propagation infested or infected without payment of any compensation whatsoever. The expenses incurred by the Department in such treatment or destruction shall be charged to the owner of the plant or plant product.

History—June 5, 1973, No. 93, p. 397, § 6, *eff.* 120 days after June 5, 1973.

§ 613f. Treatment or destruction of infested plants—Damages, claims

In cases where as a result of the administrative treatment, any plant, plant product or vegetative material for propagation has been damaged or unduly confiscated or destroyed under the authority of §§ 613—613n of this title, through fault or negligence of the Secretary or his authorized representative, the owner may recover the loss and damages sustained by him through action brought against the Commonwealth under §§ 3077—3092a of Title 32, which authorizes claims against the Commonwealth. The provisions of subsections (a) and (b) of § 3081 of Title 32 shall not apply to such actions.

History—June 5, 1973, No. 93, p. 397, § 7, *eff.* 120 days after June 5, 1973.

§ 613g. Introduction of insects

The introduction into Puerto Rico of any insect alive or dead or in any stage of development, or of any plant pest, is hereby prohibited, unless authorized upon previous permit granted by the Secretary, and unless made in accordance with the conditions that the Secretary may prescribe in the permit.

The Secretary may refuse to issue a permit for the introduction into Puerto Rico of any insect alive or dead or in any stage of development or of any plant pest when said introduction may involve any risk of propagation of such insect or plant pest.

History—June 5, 1973, No. 93, p. 397, § 8, *eff.* 120 days after June 5, 1973.

§ 613h. Introduction of plants, etc., by experimental stations

The Secretary may permit the introduction by experimental stations of the Government of the United States and of the Government of Puerto Rico for experimental or scientific purposes of any kind of

plant, plant product, vegetative material for propagation, soil, earth or sand, as well as plant pests or any other material or goods whose introduction into Puerto Rico is prohibited or restricted under the authority of §§ 613—613n of this title. The introduction shall be made in accordance with the conditions and regulations that the Secretary may prescribe in such cases.

History—June 5, 1973, No. 93, p. 397, § 9, eff. 120 days after June 5, 1973.

§ 613i. Introduction of adult bees

There shall not be introduced into Puerto Rico from any state, territory or district of the United States or from any other country adult bees (queen bees, workers and drones or male bees) of all the species of the *Apis* genus, or eggs, larvae, nymphs or pupas, or honeycombs; Provided, That there may be introduced into Puerto Rico when in suitable cages, queen bees, together with a number of workers which shall not exceed thirty (30) and without a honeycomb containing eggs, larvae, nymphs or other bees. Introduction in these cases shall be made upon previous permit granted by the Secretary and under those conditions that the Secretary may prescribe in the permit.

History—June 5, 1973, No. 93, p. 397, § 10, eff. 120 days after June 5, 1973.

§ 613j. Receipt of plants, etc., subject to inspection; notice to Secretary

Any person, including shipping and airlines and other public carriers and military transports of any kind which may receive in Puerto Rico plants, plant products, vegetative material for propagation or other things capable of harboring or carrying plant pests and which are subject to inspection under the provisions of §§ 613—613n of this title or of the regulations or quarantines established hereunder shall forthwith notify the Secretary or an inspector, and isolate and keep said plant, plant product, or vegetative material or thing without being used or opened until submitted to inspection by an inspector and the latter makes the proper decision.

History—June 5, 1973, No. 93, p. 397, § 11, eff. 120 days after June 5, 1973.

§ 613k. Declaration of quarantine

Whenever by virtue of the provisions of §§ 613—613n of this title the Secretary declares any quarantine with respect to any orchard, nursery for propagation, farm, region or place in Puerto Rico, or with respect to any state, territory or district of the United States, or foreign country, because of the existence of any harmful plant pest in such places, it shall be illegal for any person, while this quarantine is in force, to introduce, move, sell or otherwise dispose of in Puerto Rico any plant, plant product, goods or thing covered by the provisions of such quarantine, except under the regulation that the Secretary may prescribe.

History—June 5, 1973, No. 93, p. 397, § 12, eff. 120 days after June 5, 1973

§ 613l. Plant Quarantine Technical Board

The Secretary is hereby authorized to appoint a Plant Quarantine Technical Board, composed of five (5) members, which shall be the advisory body of the Secretary in matters related with plant quarantine. Ex officio members of said Board shall be the Secretary, who shall be its Chairman, or the Subsecretary of Agriculture, and the head of the Plant Quarantine Service. The other three (3) members shall be designated from among those specialists in phytopathology or entomology or in any branch related therewith, who in any manner hold positions of their specialties in the government educational, technical or scientific institutions established in Puerto Rico. Such appointments shall be for an indefinite time and in the discretion of the Secretary, and the appointees shall serve without any

compensation. In the absence of any member, the Chairman of the Plant Quarantine Technical Board may designate a substitute or alternate member to said Board.

History—June 5, 1973, No. 93, p. 397, § 13, eff. 120 days after June 5, 1973.

§ 613m. Public hearings

The Secretary may hold public hearings when he deems it advisable, giving to any interested party the opportunity of being heard, before promulgating any quarantine or regulation under the authority of §§ 613—613n of this title.

History—June 5, 1973, No. 93, p. 397, § 14, eff. 120 days after June 5, 1973.

§ 613n. Penalties

Any person who violates any provision of §§ 613—613n of this title or of any quarantine or regulation promulgated by the Secretary hereunder, or who obstructs or may attempt to obstruct the implementation of §§ 613—613n of this title, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred [dollars] (\$100) and not greater than five hundred dollars (\$500) or by imprisonment in jail for a term of not less than one (1) month and not greater than (6) months, or both penalties at the discretion of the court.

Aside and independent from the criminal penalties stated above, any natural or juridical person who violates any provisions of §§ 613—613n of this title shall be subject to administrative penalties, at the discretion of the Secretary, pursuant to the following provisions:

(a) For the first infraction, there shall be imposed an administrative fine of not less than five thousand dollars (\$5,000) and not greater than twenty-five thousand dollars (\$25,000).

(b) For the second infraction, there shall be imposed an administrative fine of not less than twenty-five thousand dollars (\$25,000) and not greater than fifty thousand dollars (\$50,000).

(c) For the third infraction, there shall be imposed an administrative fine of not less than fifty thousand dollars (\$50,000) and not greater than seventy-five thousand dollars (\$75,000); Provided, That any natural or juridical person who violates the provisions of §§ 613—613n of this title for a third time shall be subject to the revocation of any right, license, permit, privilege or concession of any kind granted pursuant to the provisions of §§ 613—613n of this title and shall be declared ineligible for the exercise of any of the activities contemplated in §§ 613—613n of this title or any regulation promulgated thereunder. The Secretary shall establish, through regulations, a registry of natural or juridical persons to whom said rights and privileges have been revoked and see that these persons are kept in their ineligibility status pursuant to the stated above.

(d) Any person who has been declared ineligible to engage in any of the activities contemplated in §§ 613—613n of this title or any regulation promulgated thereunder, who violates any provision of §§ 613—613n of this title, shall be subject to an administrative fine of not less than seventy-five thousand dollars (\$75,000) and not greater than one hundred thousand dollars (\$100,000) for each violation incurred subsequently, without prejudice to the criminal penalties stated before.

History—June 5, 1973, No. 93, p. 397, § 15; June 22, 1975, No. 51, p. 117, § 2; Feb. 15, 2002, No. 35, § 2.

§ 613o. Control of plant diseases and pests; Special Fund—Creation

(a) A Special Fund, which shall be known as the Special Plant Quarantine Office Fund, is hereby created separate from any other fund of the Commonwealth of Puerto Rico, for the exclusive use of the Plant Quarantine Office.

(b) The one hundred percent (100%) of the money collected for the issue of certificates, permits, inspections, taking of samples and analysis, administrative fines and any other activity that generates income pursuant to the provisions of §§ 613—613n of this title, known as the “Plant Quarantine Office Act of Puerto Rico” shall be covered into this fund.

(c) This fund shall be administered by the Plant Quarantine Office and shall be used exclusively to improve and extend its operation and the services rendered by complementing its appropriated budget. The money covered into the fund for the collection of services rendered by the Plant Quarantine Office shall be used to complement the following activities of the Office: purchase of equipment, payment of travel expenses, purchase of materials, uniforms, equipment maintenance services, trips abroad in representation of the Department, educational material, maintenance of the buildings, and recruiting of personnel.

(d) A special account is hereby created in the Department of the Treasury in which the revenues obtained by virtue of this section shall be deposited. The collections and disbursements shall be made in accordance with the regulations to be adopted by the Secretary of Agriculture.

Said benefits shall be remitted in its totality to the Department of Agriculture and covered into the Special Fund in the Office for the Control of Plant Diseases and Pests (Plant Quarantine Office) created by this section.

History —Jan. 5, 2002, No. 15, §§ 1-4.