

(H. B. 277)

(No. 47-2025)

(Approved July 10, 2025)

AN ACT

To amend Section 4 of Act No. 51-2022, as amended, known as “Act to Ban the Sale and Use of Single-Use Plastic Products in Each Commercial, Sales, and Distribution Establishment Authorized to Engage in Business Pursuant to the Laws of the Commonwealth of Puerto Rico,” to establish a moratorium on the prohibitions and penalties established in Sections 4 and 6 until December 31, 2026; provide for the creation of a Working Committee tasked with proposing a structured regulatory framework to the Legislative Assembly; and for other related purposes.

STATEMENT OF MOTIVES

Act No. 51-2022, as amended, which prohibits the use of single-use plastic products in Puerto Rico, was enacted to reduce environmental pollution and promote sustainable practices. However, the implementation of Act No. 51, *supra*, has posed significant challenges to the restaurant industry and other businesses that rely on these products. The high costs of the alternatives, lack of competition in production and distribution, and the need to quickly adapt to new regulations have thrown the operations of this sector into disarray.

The restaurant industry, the small businesses, and other related sectors have raised significant concerns about the compliance costs entailed by this Act, as well as the lack of accessible and sustainable alternatives. This has reduced the competitiveness of these businesses and has adversely affected employment in this sector.

Therefore, it is necessary to review and amend the legislation in effect to strike a balance between environmental protection and the economic viability of

the affected industries. In view of the foregoing, this Act seeks to amend Act No. 51-2022, as amended, to establish a moratorium on the prohibitions and penalties established in Sections 4 and 6 until December 31, 2026. Likewise, this Act provides for the creation of a committee tasked with proposing a regulatory framework that encourages sustainable practices while safeguarding the financial stability of the sectors involved.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 4 of Act No. 51-2022, as amended, is hereby amended to read as follows:

“Section 4.- Prohibition.

Every commercial establishment within the territorial limits of Puerto Rico shall cease the practice of distributing or using single-use plastic products. Likewise, the wholesale or retail sale of single-use plastic products is hereby strictly prohibited. The use of a plastic product that is necessary for packaging any type of meat and that, due to its composition, lacks any other plastic alternative other than a single-use plastic product is hereby expressly excluded from this prohibition. Moreover, pharmacies, laboratories, hospitals, and any other public or private institutions or entities where the use of non-plastic products and the reuse of plastic products for specific health care practices or activities is restricted, conditioned, or prohibited by the laws or regulations of the United States or Puerto Rico government are expressly excluded from this Act.

During emergency periods...

A moratorium is hereby established on the prohibitions and penalties established in Section and Section 6 of this Act until December 31, 2026. This moratorium shall apply retroactively from the effective date of this Act and shall constitute a temporary solution in consideration of the new terms or conditions

established by the Working Committee created by law. The prohibitions and penalties provided in this Section and Section 6 shall take effect on January 1, 2027.”

Section 2.- A Working Committee is hereby created and tasked with proposing a structured regulatory framework to the Legislative Assembly for final analysis and amendment as necessary. The framework shall strike a financial-environmental balance, aimed at:

(a) Establishing rules for the production and disposal of single-use plastic products.

(b) Establishing incentives for sustainable alternatives.

(c) Certifying sustainable products.

(d) Enhancing citizen education and awareness.

(e) Recycling in schools.

(f) Promoting partnerships between the government, the industry, and non-governmental organizations to develop innovative and sustainable solutions.

(g) Monitoring and evaluation - A comprehensive monitoring and evaluation system shall be established to assess the impact of new regulations on both the industry and the environment. This system shall include the collection and analysis of data about single-use plastic products, the effectiveness of the alternatives implemented, and the public’s perception of the measures adopted.

This Committee shall be composed of the following representatives:

1. One (1) representative of the Department of Natural and Environmental Resources;

2. One (1) representative of the Department of Economic Development and Commerce;

3. The Secretary of the Department of Consumer Affairs;

4. Three (3) representatives of the industry, to wit:

(a) One (1) representative of the recycling industry;

(b) One (1) representative of the Puerto Rico Restaurant Association;

(c) One (1) representative of the Puerto Rico Chamber of Commerce;

5. One (1) representative of the House of Representatives of Puerto Rico, designated by its Speaker;

6. One (1) representative of the Senate of Puerto Rico, designated by its President;

7. One (1) representative of the duly recognized environmental groups, designated by the Governor of Puerto Rico.

This Committee shall be chaired by the Secretary of the Department of Consumer Affairs and, once established, shall draft a work plan in order to present a report with recommendations to the Legislative Assembly on or before June 30, 2026.

Section 3.- Constitutional Authority.

Nothing in this Act shall impair the constitutional authority of the Legislative Assembly to enact legislation to address the issue of single-use plastic products in Puerto Rico.

Section 4.- Severability.

If any provision of this Act were held to be unconstitutional or void by a competent Court, the holding to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of such holding shall be limited to the paragraph, subsection, or section thereof thus held to be unconstitutional.

Section 5.- Effectiveness.

This Act shall take effect upon its approval.