

(H. B. 3118)

(No. 300)

(Approved December 8, 2003)

AN ACT

To amend the ninth paragraph of subsection (b)(1) of Section 22 of Act No. 83 of May 2, 1941, as amended, known as “Puerto Rico Electric Power Authority Act,” in order to grant a credit for the total consumption attributable to the use of electrical equipment or appliances whose health condition requires the use thereof, to establish that the Department of the Family shall certify the financial need of persons of scarce resources, to establish that the Department of Health shall certify the need in all cases in which the health condition of the person applying for the credit requires the use of said equipment or appliances and to establish that, in the case of persons with multiple sclerosis that are not certified by the Department of the Family as persons of scarce resources, the credit for consumption shall be limited to fifty (50) percent of the electric power consumption attributable to said equipment or appliances.

STATEMENT OF MOTIVES

Multiple sclerosis is a progressive illness that affects the nervous system in a disabling way. Although in most cases it affects persons between the ages of eighteen (18) and forty (40) and at least twice the women as opposed to men, in Puerto Rico there are over 800 known cases of boys, girls, men and women of all ages.

As of today, there is no absolute certainty of what causes multiple sclerosis, nor is there a cure for it. Although multiple sclerosis does not always present itself in the same manner in all cases, most persons affected by this condition present, in the first stages, periodic episodes or

exacerbations which alternate with the total or almost total recuperation between episodes. The pattern tends to change at a rate of approximately ten (10) years, when acute relapses are less frequent or disappear completely; but by then, the persons affected experience a progressive neurological deterioration characterized by a gradually growing disability.

The National Multiple Sclerosis Foundation recommends, after the condition has been medically diagnosed, to begin treatment as soon as possible with one of three variants of medications approved by the Food and Drug Administration—*interferon 1a* or *1b*, or *glatiramer*. These are immunomodulators to reduce the frequency of exacerbations and to retard a subsequent progressive stage, and entail injections daily, every two (2) days, or weekly.

Heat intolerance, observed in other neurological disorders, is particularly evident in persons affected by multiple sclerosis. Although an exercise regime is highly recommended to prevent the atrophy or numbness of muscles, many persons affected avoid exercise due to the effects produced by the increase in body temperature, such as fatigue—which is practically a universal component of multiple sclerosis and one of the most disabling traits of this neurological disorder—or the exacerbation of other existing symptoms. In fact, fatigue is usually severe enough to warrant an application for disability benefits, even if it is not as noticeable as other symptoms, as for example the difficulty walking due to muscular atrophy.

An increase in the body temperature for some reason makes the neurological symptoms more severe. Symptoms are usually alleviated if the person affected is refreshed in an air conditioned environment or by submerging into fresh water. Therefore, an exercise regime should be carefully designed for each case, taking into account the tolerance levels and

combining with strategies to keep themselves refreshed through fans, cold packs and air conditioners, in order to be able to control the symptoms produced by heat exposure.

The design and practice of an exercise regime and the treatment through known medications produce side effects for various hours and are very costly. One way to relieve the costs to be incurred by the persons affected by multiple sclerosis is to reduce the payment for electric power attributable to the use of necessary devices for the maintenance of the body temperature.

The “Puerto Rico Electric Power Authority Act” was amended before by Act No. 152 of July 19, 1998, in order to establish that the Department of the Family was to certify the need from persons of scarce financial resources, and the Department of Health was to certify the need of certain electronic equipment, as previous requirements to qualify for a subsidy for the consumption of electric power attributable to specialized electronic equipments, such as artificial respirators, air conditioners, artificial kidney machines or any other machine needed to sustain life. However, this benefit excludes persons who, while not being of scarce financial resources, are affected by the increase in the price of fuel and the resulting increases in the cost of electric power consumption who, for health reasons, require similar devices or cooling appliances—such as multiple sclerosis patients.

This Act tends to these cases, while leaving intact the requirement of the Department of Health’s certification, being this one indispensable only for the total credit of the electric power consumption attributable to cooling devices or electric appliances. In those cases in which a person suffers a health condition such as multiple sclerosis, which requires the use of similar cooling appliances or devices, said person shall obtain a certificate from the Department of Health; but if he or she does not obtain a certificate from the

Department of the Family as a person of scarce resources, then he or she shall only be entitled to fifty (50) percent of the electric power consumption attributable to similar devices or cooling appliances in his/her household.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- The ninth paragraph of subsection (b)(1) of Section 22 of Act No. 83 of May 2, 1941, as amended, known as “Puerto Rico Electric Power Authority Act,” is hereby amended to read as follows:

“Section 22.—

(a) ...

(b) (1) ...

...

An additional credit shall be granted for electric power consumption of electric appliances or equipments that a person uses to preserve his/her life, upon request, pursuant to the provisions herein. In the case of persons of scarce resources, the credit shall be for the total electric power consumption attributable to said appliances and equipment. In the cases of persons who have been diagnosed with multiple sclerosis, they shall be granted a fifty (50)-percent credit on the electric power consumption attributable to said appliances and equipment, even if they are not persons of scarce resources or do not present a certification that credits so. All applications shall be accompanied by a certification issued by the Department of Health regarding the health condition and need of the applicant of using electric appliances or equipment to preserve life, such as artificial respirators, air conditioners, artificial kidney machines or any other electric appliances, equipment or machines needed to preserve his/her life and which he or she needs. Furthermore, in the cases of applicants of scarce resources, all

applications must be accompanied by a certification of the Department of the Family to the effect that the applicant is a person of scarce financial resources, pursuant to how this concept is defined by said Department. The Authority shall determine through regulations the methods for computing the consumption of vital equipment and the Departments of Health and of the Family shall regulate the procedure for the certifications to be issued pursuant to this Act. In the case in which the person that needs to use the electric appliances or equipment to preserve life is not the subscriber, said benefit shall be transferred to the subscriber in charge of paying the bill for the electric power consumed by the person who needs to use the electric equipment to preserve life.

...

..."

Section 2.- The Department of the Family and the Department of health shall adopt the standards, guidelines, rules and regulations needed to meet the purposes of this Act. Furthermore, the Electric Power Authority shall amend, modify or repeal the necessary regulations to conform the same to the objectives of this Act.

Section 3.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 300 (H.B. 3118) of the 6th Session of the 14th Legislature of Puerto Rico:

AN ACT to amend the ninth paragraph of subsection (b)(1) of Section 22 of Act No. 83 of May 2, 1941, as amended, known as “Puerto Rico Electric Power Authority Act,” in order to grant a credit for the total consumption attributable to the use of electrical equipment or appliances whose health condition requires the use thereof, to establish that the Department of the Family shall certify the financial need of persons of scarce resources, etc.,

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

In San Juan, Puerto Rico, today 30th of August of 2004.

Elba Rosa Rodríguez-Fuentes
Director

