

(S.B. 1805)  
(Conference)

**(No. 331)**

(Approved September 2, 2000)

## **AN ACT**

To amend Section 3 of Act No. 121 of July 12, 1986, as amended, known as the “Bill of Rights of Elderly Persons”; to amend paragraphs (2) and (3) of subsection (a) and subsection (b) of Section 1 of Act No. 100 of June 30, 1959, as amended; to amend Section 13 and rename the term “aged person” for the term “elderly person” in Act No. 94 of June 22, 1977, as amended, known as “Establishments for the Aged”; to add a new Section 3 and renumber Sections 3 and 4 as Sections 4 and 5, respectively, in Act No. 43 of June 15, 1966; to amend Section 1 of Act No. 108 of July 12, 1985, as amended; to amend Section 32 and change the term “aged person” for the term “elderly person” used in Act No. 171 of June 30, 1968, as amended; to amend subsection (a) of Section 2 and rename the term “elderly person” used in Act No. 165 of August 23, 1996, known as the “Rental Housing Program for Low Income Elderly Persons” ; to add a new subsection (n) to Section 5 of Act No. 68 of July 11, 1988, as amended, known as “Office of the Affairs of the Elderly Act;” and to repeal Joint Resolution No. 22 of April 30, 1970; in order to make consistent the use of the term elderly person, to broaden the benefits provided by certain legislation, to incorporate the rights acknowledged through special legislation, to grant new rights to elderly persons, to establish a Puerto Rico Elderly Protection Center which shall have an Elderly Emergency and Assistance Direct Telephone Line to be known as “Golden Line;” and for other related purposes.

## **STATEMENT OF MOTIVES**

Demographic data projections for Puerto Rico point toward a continuous increase in the age sixty (60) and over population. Life

expectancy increased from 46 years in 1940 to 74.21 years for 1990, this being one of the highest indexes in the world when compared with the rest of the developed countries.

Puerto Rico is also the first on the list of countries with a high proportion of persons over sixty (60) years of age. It is estimated that for the year 2000, fifty-six (56) percent of these persons over (60) years of age shall be women, of which forty (40) percent should be between 65 and 74 years of age, a third of which shall be widows. In addition, it is calculated that this population sector will increase to more than 552,000 persons, and for the year 2013, it should have more than 688,000 persons. The growth rhythm of the older population exceeds by far the increase of Puerto Rico's total population. Between 1980 and 1990, the annual population growth rate for elderly persons was 3.04 percent; while for Puerto Rico's total population it was only 0.97 percent. According to the statistical analysis available, this population segment shall have the highest growth during subsequent years.

The particular characteristics of this group indicate they have greater functional dependency, an intensive use of health and social services and more requirements of living units. It has been estimated that the annual average income is eight thousand five hundred thirty (8,530) dollars, with the social security benefits as the main source of income.

During the course of the years, the Legislature has granted countless benefits and rights to elderly persons in accordance to their needs. Even more, with the approval of Act No. 121 of July 12, 1986, as amended, known as the "Bill of Rights of Elderly Persons," the government of Puerto Rico declared as public policy to assure for this sector the furnishing and accessibility of services and transportation means; providing means to

enable them to remain with their family and respect for their individual rights, limiting them only when it is needed for their health and safety.

In order to reaffirm the commitment we have with elderly persons, it is important to analyze and evaluate the needs of this population group, taking into consideration the innovations and demands of modern Puerto Rican society. If it is true that we have extended and implemented programs with greater benefits for the elderly in areas such as housing, it is also true that in the health area, their income does not increase in proportion with the costs of equipment, medical services and medication.

Another urgent need we are taking into consideration by approving this Act is to provide the rights acknowledged to them by our regulations and government programs. Precisely, it has been identified that the majority of them do not have the necessary resources to exercise and claim the benefits and rights that have been granted. This is why we establish through legislation a direct line for emergency and assistance of elderly persons, to be called the “Golden Line”, through which this population segment or any citizen may notify emergencies, abuse or negligence situations twenty-four (24) hours a day, seven (7) days a week.

Moreover, they are granted the benefit of receiving a copy of their birth and marriage certificates and verifications free of charge. In addition, any person over sixty (60) years of age is granted half-price admission and any person over seventy-five (75) years of age is granted free admission, to any performance, artistic or sports activity offered by any municipality, agency, department, dependency, political subdivision facility and any other instrumentality of the Commonwealth of Puerto Rico, and to any public transportation service offered by said municipalities or public agencies or instrumentalities.

Then again, the Bill of Rights of Elderly Persons does not include all the legislation in effect that benefits this population segment. As a general rule, many of the citizens of this group do not know the rights and privileges granted to them through special legislation. Therefore, this Bill of Rights is hereby amended in order to consign a catalog of the rights that have been granted or acknowledged to elderly persons through special legislation.

In view of the above, this Legislature deems necessary and convenient to provide elderly persons a single document containing all their rights and benefits. In addition, we deem necessary to bring into uniformity the definition of the term “elderly person” in every law that makes reference to this group of persons, as well as the amount of fines imposed upon crimes in which the affected party is an elderly person to make easier the implementation if these laws.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- Section 3 of Act No. 121 of July 12, 1986, as amended, known as the “Bill of Rights of Elderly Persons,” is hereby amended to read as follows:

“Section 3.- Bill of Rights of Elderly Persons

**GENERAL RIGHTS**

All elderly persons shall be entitled to:

- a. Have the effectiveness of their rights, benefits, responsibilities and privileges established by the Bill of Rights of the Constitution of the Commonwealth of Puerto Rico and of the United States of America, as well as laws and regulations of the Commonwealth of Puerto Rico and of the United States of America, fully guaranteed.

- b. Be free from all interference, coercion, discrimination or reprisal to or when exercising their civil rights.
- c. ...
- d. ...
- e. ...
- f. ...
- g. ...
- h. Participate in workshops and receive counseling and professional and technical help that shall allow them to develop their potential;
- i. Be heard, considered and consulted in all matters that affect them and in issues of public interest, without restrictions, interferences, coercion, discrimination or reprisals;
- j. Choose with which family member or members they wish to live, or the place where they would like to live within a loving, understanding and peaceful environment;
- k. Enjoy and have access to recreational, sports and cultural service programs in the community, unless a medical determination sustained by a medical record establishes that it affects his/her health;
- l. ...
- m. ...
- n. ...
- o. ...
- p. Not be subjected to involuntary restraint in a hospital, substitute or residential home, unless otherwise provided by a medical or

legal order, or that it is necessary due to a state of emergency to avoid harm to self or to others;

- q. Associate, communicate and meet in private with other persons, unless it violates other persons' rights;
- r. Receive their correspondence unopened, unless otherwise authorized in writing by him/her or his/her physician;
- s. Enjoy confidentiality of the information contained in his/her medical records, which shall not be divulged without his/her written consent;
- t. Inspect all medical records under the custody of persons who render medical services or any other kind;
- u. Go before the Unit to Investigate and Prosecute Civil Rights Violations of the Department of Justice or any Court of First Instance of the judicial district where he/she resides, in order to claim any right or benefit established by law, to request the suspension of any action which contravenes this Act, or to request a Restraining Order for being the victim of abuse or of any conduct which constitutes a crime as typified in the Penal Code of the Commonwealth of Puerto Rico, or in any other special law.

#### RIGHTS GRANTED THROUGH SPECIAL LEGISLATION

All elderly persons shall be entitled to:

- a. Receive any kind of educational, informational and cultural material produced by the Department of Education through the program created to offer educational, informational and cultural services, to be distributed free of charge to entities,

organizations and centers that group the elderly, as provided in Act No. 22 of April 26, 1954, as amended.

- b. Receive training and re-training in accordance with the provisions of the Employment Opportunities Development Fund created by virtue of Act No. 74 of June 21, 1956, as amended, known as the "Puerto Rico Employment Security Act."
- c. Receive a subsidy in the monthly rental fee of his/her house and in the interests on loans granted for improvements in order to facilitate mobility and enjoyment of the home, in accordance with and pursuant to Act No. 173 of August 31, 1996, known as the "Housing Rental and Improvement Subsidy Program for Low-Income Elderly Persons."
- d. Participate in any act to be held during the Day of Homage to Old Age, which shall be celebrated on the day of April of every year so determined by the Governor of Puerto Rico, as provided in Act No. 24 of April 27, 1933.
- e. Receive copy of his/her birth and marriage certificates and verifications free of charge, pursuant to the provisions of Act No. 43 of June 15, 1966.
- f. Receive half-price admission (persons over sixty (60) years of age) and free admission (persons over seventy-five (75) years of age), for those duly identified with a card or any other proof of age issued by the government, to every performance and artistic or sports activity offered by any municipality, agency, department, dependency, political subdivision facility and any other instrumentality of the Commonwealth of Puerto Rico, and

to any public transportation service offered by said municipalities or public agencies or instrumentalities, pursuant to Act No. 108 of June 12, 1985.

- g. Receive tax exemption on income from the sale or exchange of his/her main home, pursuant to the provisions of Section 1022 of Act No. 120 of October 31, 1994, as amended, known as the “1994 Internal Revenue Code of Puerto Rico.”
- h. Receive equal employment conditions in relation to work salary, wages, pay or remuneration, terms, ranks, conditions and privileges, or being deprived of employment opportunities or affected his/her status as employment, as provided by Act No. 100 of June 30, 1959, as amended.
- i. Receive from his/her spouse, ascendants, descendants in the nearest degree or siblings; food, housing, clothing and medical assistance, as provided in Section 142, *et seq.*, of the Puerto Rico Civil Code.
- j. File a judicial claim to receive support, in accordance with the provisions of Section 142, *et seq.*, of the Puerto Rico Civil Code and Section 158 of the Puerto Rico Penal Code, Act No. 112 of July 22, 1974, as amended.
- k. Bring a judicial claim against his/her spouse or descendant, in the nearest degree, or against any person in charge of his/her care, who has left him/her in any place with the intention of abandoning him/her, in accordance with the provisions of Section 142, *et seq.*, of the Puerto Rico Civil Code and Section 158 of the Puerto Rico Penal Code, Act No. 112 of July 22, 1974, as amended.



- l. File a judicial claim against any person who has used force or violence against him/her, in accordance with the provisions of Section 142, *et seq.*, of the Puerto Rico Civil Code.
- m. Receive a funeral services plan if the elderly person is indigent, does not have relatives or they do not have the resources with which to pay for it, as provided in Act No. 171 of June 30, 1968, as amended, known as the “Organic Act of the Department of the Family.”
- n. Serve the Government of Puerto Rico in any of its public agencies, instrumentalities or corporations, including municipalities, without detriment to his/her retirement pension, be it for age or years of service, in any of the pension or retirement systems of the Government of Puerto Rico, or any of its agencies and instrumentalities, or any retirement or pension fund created by virtue of the laws of Puerto Rico, subject to the regulations established in Act No. 40 of June 15, 1959, as amended, and Act No. 10 of April 20, 1967, as amended.
- o. Receive help and orientation through the Elderly Emergency and Assistance Direct Telephone Line, to be called the “Golden Line”, twenty-four (24) hours a day, seven (7) days a week, pursuant to the provisions of Act No. 68 of July 11, 1988, as amended, known as the “Office of the Affairs of the Elderly Act.”

Section 2.- Paragraphs (2) and (3) of Subsection (a) and subsection (b) of Section 1 of Act No. 100 of June 30, 1959, as amended, are hereby amended to read as follows:

“Section 1.- Discrimination because of age, race, color, sex, social or national origin, social condition, political affiliation, political or religious ideology.

Any employer who discharges, lays off or discriminates against an employee regarding his/her salary, wage, pay or remuneration, terms, rank, conditions or privileges of his/her work, or who fails to or refuses to hire or rehire a person, or who limits or classifies his/her employees in any way which tends to deprive a person of employment opportunities, or that affects his/her status as employee because of his/her age, as defined below, race, color, sex, social or national origin, social condition, political affiliation or political or religious ideology of the employee or applicant for employment:

(a) Shall incur in civil liability

(1) ...

(2) or for a sum of not less than five hundred (500) dollars nor more than two thousand (2,000) dollars, at the discretion of the court, if no pecuniary damages are determined;

(3) or twice the amount of the damages sustained if such amount is under the sum of five hundred (500) dollars, and;

(b) he/she shall also incur a misdemeanor, and upon conviction, shall be punished by a fine of not less than five hundred (500) dollars nor more than two thousand (2,000) dollars, or by imprisonment in jail for a term not greater than six (6) months, or by both penalties, at the discretion of the court.

...”

Section 3.- Section 13 of Act No. 94 of June 22, 1977, as amended, known as the “Establishments for the Elderly Act,” is hereby amended to read as follows:

“Section 13.- Penalties

Any person or entity that operates or maintains an establishment for care of the elderly without a license issued by the Department, or that continues to operate it after its license has been canceled, suspended or denied pursuant to the procedures provided in this Act, shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than five hundred (500) dollars nor greater than two thousand (2,000) dollars, or by imprisonment for a term of not more than six months, or both penalties at the discretion of the Court.”

...”

Section 4.- Act No. 94 of June 22, 1977, as amended, known as the “Establishments for the Elderly Act,” is hereby amended in order to substitute the term “aged person” for the term “elderly person.”

Section 5.- A new Section 3 is hereby added and Sections 3 and 4 are hereby renumbered as Sections 4 and 5, respectively, of Act No. 43 of June 15, 1966, to read as follows:

“Section 3.- Vital Statistics Registrars are hereby authorized to issue to any person over sixty (60) years of age, birth, marriage, and death certificates or verifications free of charge.”

Section 6.- Section 1 of Act No. 108 of July 12, 1985, as amended, is hereby amended to read as follows:

“Section 1. ...

Every municipality, agency, department, office, political subdivision and any other instrumentality of the Commonwealth of Puerto Rico is hereby directed to grant free admission to every duly identified person over seventy-five (75) years of age to every performance and artistic or sports

activity offered in their facilities, and to all public transportation services rendered by said agencies or government offices.

Section 7.- Section 32 of Act No. 171 of June 30, 1968, as amended, known as the “Organic Act of the Department of the Family,” is hereby amended to read as follows:

“The Secretary is also authorized to establish and set in motion, a funeral service plan for indigent elderly person who die having no kin or whose kin, if they have them, do not have the resources with which to pay for the funeral services.”

Section 8.- Act No. 171 of June 30, 1968, as amended, is hereby amended to substitute the term “aged person” for the term “elderly person.”

Section 9.- Subsection (a) of Section 2 in Act No. 165 of August 23, 1996, is hereby amended to read as follows:

“Section 2.- Definitions

For the purposes of this Act, the following terms and phrases shall have the meaning stated below:

(a) Elderly person – refers to every person sixty (60) years or older, who does not own a house, and whose income is within the limits to participate in the program established through regulations by the Secretary of Housing, which shall be equal to or more liberal than but never more restrictive, the limits established by the Federal Government.

(b) ...”

Section 10.- Act No. 165 of August 23, 1996, known as the “Rental Housing Program for Low Income Elderly Persons,” is hereby amended to substitute the term “elderly person” in said Act.

Section 11.- A new subsection (n) is hereby added to Section 5 of Act No. 68 of July 11, 1988, as amended, known as the “Office of the Affairs of the Elderly Act,” to read as follows:

“Section 5.- Functions and Duties

The Office shall have the following functions and duties without it being understood as a limitation:

(a) ...

It shall establish a Puerto Rico Elderly Protection Center which shall have a Direct Telephone Line for Elderly Emergency and Assistance to be known as the “Golden Line”, and shall provide the Center with all the resources needed, including a special communications system, free of charge, through which this population segment or any citizen may notify emergency, abuse or negligent situations twenty-four (24) hours a day, seven (7) days a week.”

Section 12.- Joint Resolution No. 22 of April 30, 1970, is hereby repealed.

Section 13.- Separability Clause.

If any of the provisions of this Act or its application to any person or circumstance is disputed or declared unconstitutional or null, said ruling or invalidation shall not affect any of its remaining provisions or applications.

Section 14.- Effectiveness

This Act shall take effect immediately after its approval.

**CERTIFICATION**

I hereby certify to the Secretary of State that the following Act No. 331 (S.B. 1805) (Conference) of the 7<sup>th</sup> Session of the 13<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 3 of Act No. 121 of July 12, 1986, as amended, known as the “Bill of Rights of Elderly Persons”; to amend paragraphs (2) and (3) of subsection (a) and subsection (b) of Section 1 of Act No. 100 of June 30, 1959, as amended; to amend Section 13 and rename the term “aged person” for the term “elderly person” in Act No. 94 of June 22, 1977, as amended, known as “Establishments for the Aged;”, etc.,

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

In San Juan, Puerto Rico, today 25<sup>th</sup> of August of 2005.

Francisco J. Domenech  
Director