

AN ACT

No. 136

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TO PROHIBIT THE INDUCING, TEACHING, AND PRACTICING OF ABORTION; TO PROMOTE THE TEACHING AND DIVULGATION OF EUGENIC PRINCIPLES WITH A VIEW TO OBTAINING SOUND AND VIGOROUS OFFSPRING AND TO LOWERING THE HIGH COEFFICIENT OF INFANTILE MORTALITY.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

SECTION 1.- IT IS HEREBY PROHIBITED, EXCEPT IN THE CASE OF A THERAPEUTIC PRESCRIPTION BY A PHYSICIAN DULY AUTHORIZED TO PRACTICE MEDICINE IN PUERTO RICO, FOR THE PURPOSE OF PRESERVING HEALTH OR LIFE, TO PRESCRIBE, ADVISE, OR INDUCE ABORTION, OR TO PRACTICE ABORTION ON A PREGNANT WOMAN.

SECTION 2.- EVERY PERSON WHO, IN VIOLATION OF THE PROVISIONS OF SECTION 1 OF THIS ACT, MAY FURNISH, SUPPLY, PRESCRIBE, OR ADMINISTER TO A PREGNANT WOMAN, BY ORAL, RECTAL, OR VAGINAL INJECTIONS, ANY DRUG, SUBSTANCE, OR MEDICINAL, THERAPEUTIC, OR OPOIOTHERETIC AGENT, OR WHO USES ANY SURGICAL INSTRUMENT OR MECHANICAL AGENT WITH THE INTENTION OR PURPOSE OF CAUSING ABORTION, OR PRACTICING AN ABORTION, SHALL BE GUILTY OF A FELONY AND, UPON CONVICTION, SHALL BE PUNISHED BY IMPRISONMENT IN THE PENITENTIARY FOR FROM FIVE (5) TO TEN (10) YEARS, ON THE FIRST CONVICTION, AND OF TEN (10) YEARS IN CASES OF RECIDIVISM.

SECTION 3.-THE COMMISSIONER OF HEALTH IS HEREBY AUTHORIZED TO REGULATE THE TEACHING AND DIVULGATION OF EUGENIC PRINCIPLES IN PUBLIC-HEALTH UNITS AND PRE-NATAL, MATERNOLOGICAL, PUERICULTURAL CENTER, AND PUBLIC MATERNITY CLINICS OR HOSPITALS.

SECTION 4.-THE COMMISSIONER OF HEALTH, UPON RECOMMENDATION OF THE BOARD OF MEDICAL EXAMINERS, SHALL ISSUE A LICENSE TO TEACH AND PRACTICE EUGENIC PRINCIPLES IN PUBLIC INSTITUTIONS AND CENTERS TO PHYSICIANS WHO ARE SPECIALISTS IN OBSTETRICS, OR TO PHYSICIANS WHO ARE NOT SPECIALISTS, AND TO MIDWIFE-NURSES WHO PASS AN EXAMINATION OR WHO COMPLY WITH THE REGULATIONS PRESCRIBED FOR THE PURPOSE; PROVIDED, THAT IN NO CASE MAY A MIDWIFE-NURSE ENGAGE IN TEACHING, DIVULGING, OR PRACTICING EUGENIC PRINCIPLES, UNLESS UNDER THE IMMEDIATE DIRECTION OF A PHYSICIAN DULY AUTHORIZED TO TEACH, DIVULGE, AND PRACTICE EUGENICS.

SECTION 5. EUGENIC AND PUERICULTURAL ADVICE AND SCIENTIFIC INFORMATION IN REGARD TO CONTRACEPTIVE MEASURES MAY BE GIVEN TO, OR PRACTICED ON, MARRIED PERSONS, OR PERSONS WHO, NOT BEING MARRIED, PUBLICLY LIVE IN CONCUBINAGE, ONLY IN THE FOLLOWING CASES:

(1) WHEN BY ANY INFECTIOUS PROCESS ON THE PART OF EITHER OR BOTH PARENTS, THE PRODUCT OF THE CONCEPTION MAY BE INTERRUPTED, BRINGING ABOUT THE ABORTION, THE DEATH OF THE FETUS, OR THE BIRTH OF A PREMATURE, SUBNORMAL, OR UNDER DEVELOPED OFFSPRING;

(2) WHEN THE CONDITIONS OF ORGANIC POVERTY OR PHYSIOLOGICAL WRETCHEDNESS OF

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OF THE PARENTS MAY BE A DETERMINING FACTOR OF ABORTION, DEATH OF THE FETUS, OR BIRTH OF AN OFFSPRING SUFFERING FROM CONGENITAL WEAKNESS;

(3) WHEN ONE OR BOTH PARENTS ARE MENTALLY ABNORMAL, CURED LUNATICS, EPILEPTICS, OR TAINTED WITH NEUROPATHIC SYNDROME;

(4) WHEN ONE OR BOTH PARENTS ARE ALCOHOL, MORPHINE, COCAINE, OR MARIJUANA ADDICTS OR ARE ADDICTED TO THE USE OF ANY OTHER NARCOTIC OR TOXIC DRUGS;

(5) IN CASES IN WHICH ONE OR BOTH PARENTS SUFFER FROM ANY VENEREAL INFECTION;

(6) WHEN THE NERVOUS OR DIATHETIC CONDITION OF THE PARENTS PREDISPOSES THE EMBRYO OR FETUS TO ANY PATHOLOGIC PROCESS, OR TO CONSTITUTE A FACTOR OF DEGENERATION OF THE SPECIES;

(7) WHEN THE MOTHER IS SUFFERING FROM ANY OF THE CAUSES OF MATERNAL DISTOCIA WHICH MAKE IT IMPOSSIBLE OR VERY DIFFICULT FOR HER TO GIVE BIRTH IN A NATURAL WAY, OR WHEN HER ORGANIC CONDITION DOES NOT PERMIT HER TO COMPLETE THE TERM OF HER PREGNANCY WITHOUT SERIOUS RISK TO HER HEALTH OR LIFE, OR WITHOUT GUARANTY OF THE HEALTH OR LIFE OF THE FRUIT OF CONCEPTION;

(8) IN THE CASE OF HABITUAL CRIMINALS OR SOCIAL DEGENERATES;

(9) IN THE CASES OF PERSONS WHOSE FINANCIAL POVERTY OR POOR SOCIAL LIVING CONDITIONS DO NOT PERMIT THEM TO REAR AND EDUCATE THEIR CHILDREN.

SECTION 6.- THE COMMISSIONER OF HEALTH, AFTER DUE PROCESS OF LAW, MAY CANCEL THE LICENSE OF ANY ONE WHO DOES NOT COMPLY WITH, OR WHO VIOLATES, THE PROVISIONS OF THIS ACT.

SECTION 7.- ALL LAWS OR PARTS OF LAWS IN CONFLICT WITH THE PROVISIONS OF THIS ACT ARE HEREBY REPEALED.

SECTION 8.- THIS ACT SHALL TAKE EFFECT NINETY DAYS AFTER ITS APPROVAL.

APPROVED, MAY 15, 1937.