

## **English Translation**

Office of the Commissioner of Insurance  
Government of Puerto Rico

January 14, 2026

CIRCULAR LETTER: CC-2026-2053-D

TO ALL INSURERS, HEALTH SERVICE ORGANIZATIONS, HEALTH PLANS, AND ANY ENTITY THAT PROVIDES HEALTH SERVICES BY CONTRACT

IN EFFECT: LAW NO. 10-2026 TO MAKE COMPULSORY THE ANNUAL SUBMISSION OF INFORMATION TO THE TOBACCO CONTROL DIVISION, ATTACHED TO THE DEPARTMENT OF HEALTH OF PUERTO RICO, REGARDING COVERAGES FOR THE TREATMENT OF THE USE OF AND DEPENDENCE ON TOBACCO AND ITS DERIVATIVES, AND TO ESTABLISH PENALTIES FOR NONCOMPLIANCE.

Dear Sirs and Madams:

On January 6, 2026, the Governor of Puerto Rico, Hon. Jenniffer González Colón, signed into law Act No. 10-2026 (hereinafter, “Act 10-2026”), which has the objective of strengthening the public policy of promoting smoking cessation and preventing the initiation of that practice. To achieve this objective, the flow of information necessary for the evaluation, improvement, and management of programs aimed at promoting good health through the treatment of the use of and dependence on tobacco and its derivatives is essential.

With that in mind, Act 10-2026 amended Article 3 of Act No. 21-2008, known as the “Act for the Protocol for Treatment of the Use of and Dependence on Tobacco and its Derivatives” (Act 21-2008), to require insurers, health service organizations, health plans, and any entity that provides health services by contract, as defined in Article 19.020 of the Puerto Rico Insurance Code, as amended, to “annually provide to the Division of Prevention, Control of Tobacco and Oral Health, attached to the Department of Health of Puerto Rico, the information concerning their medical coverages for the provision of services as required in this Article. This information must also include details on the medications available to their subscribers who require treatment for the use of and dependence on tobacco and its derivatives.”

The amendment introduced by Act 10-2026 also empowers the Secretary of Health to notify the Commissioner of Insurance of any insurer, health service organization, health plan, or any entity that provides health services by contract that fails to comply with the obligation set forth in Article 3 of Act 21-2008, as amended. For such purposes, this

measure authorizes the Commissioner of Insurance to commence a process to revoke a Certificate of Authority upon a second noncompliance with the provisions contained in that Article, as amended. In addition, it prevents the Secretary of Health from certifying to the Commissioner of Insurance that such entities meet the necessary requirements for the issuance of a Certificate of Authority until the entity demonstrates its compliance with the provisions of said Article 3.

The obligation imposed by Act 10-2026 on insurers, health service organizations, health plans, and any entity that provides health services by contract, as defined in Article 19.020 of the Puerto Rico Insurance Code, as amended, as well as the consequences for noncompliance, took effect immediately. For this reason, all concerned entities are required to take note of the provisions of said legislation, as amended, and strictly comply with the applicable statutory provisions.

Sincerely,

Att. Suzette Del Valle Lecároz  
Commissioner of Insurance