



**OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT**

**DECLARATION OF ONGOING PUBLIC HEALTH
EMERGENCY AND STATE OF EMERGENCY**

- WHEREAS, 8,244 people in American Samoa have contracted COVID-19 and 8,196 people have recovered; and
- WHEREAS, 85.6% of the population of American Samoa is fully vaccinated, and 89.8% of the population has had at least one shot; and
- WHEREAS, there has been community spread of COVID-19 in American Samoa since February, and the current COVID positivity rate is at less than 1%; and
- WHEREAS, our understanding of COVID-19 has evolved as we have learned more about the disease and new variants of COVID-19 have come into existence; and
- WHEREAS, we want to encourage people to get tested for COVID-19 so they can be treated if it is medically appropriate; and
- WHEREAS, we want to encourage people to get vaccinated, including booster shots, to reduce the severity of the disease if they become infected; and
- WHEREAS, the President of the United States issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and
- WHEREAS, on February 18, 2022, the President extended the national emergency declared on March 13, 2020;¹ and
- WHEREAS, the President of the United States has approved a Major Disaster Declaration for American Samoa.

NOW THEREFORE, I, TALAUEGA E. V. ALE, Acting Governor of American Samoa, declare an ongoing public health emergency under A.S.C.A. § 13.0301 *et seq.* and a state of emergency under A.S.C.A. § 26.0101 *et seq.* for COVID-19. The Emergency Operations Center shall continue to be activated to coordinate response efforts.

Pursuant to A.S.C.A. § 13.0307 and § 26.0105, I further declare that:

¹ <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/02/18/notice-on-the-continuation-of-the-national-emergency-concerning-the-coronavirus-disease-2019-covid-19-pandemic-2/>

The following restrictions are in effect, but exceptions may be granted by the Governor or the Governor's Authorized Representative (GAR).

1. Mask Use

- (a) Proper mask use is one of our most important tools to prevent the spread of COVID-19 and other serious viruses throughout our community. Therefore, when attending activities involving contact with other persons, the following mask requirements apply:
 - (1) Any person who tests positive for COVID-19 must wear a mask for at least 10 days after a positive test or until the person tests negative;
 - (2) Any person who has been in close contact with a person or persons who recently tested positive for COVID-19 must wear a mask for at least 5 days after the close contact;
 - (3) Any person who has a cold, flu, fever, or other flu-like symptoms, including coughing and sneezing, is strongly encouraged to wear a mask until symptoms subside; and
 - (4) Any person who has a health condition that makes them susceptible to serious ailments from airborne viruses is encouraged to wear a mask.
- (b) Masks that meet the N-95 or KN-95 standards are the best masks to use. If they are not available, surgical masks may be used. Cloth masks should only be used if there are no other options available.

2. Vaccinations

- (a) All residents of American Samoa are strongly encouraged to vaccinate to prevent the effects of COVID-19.
 - (1) According to the Center for Disease Control, "COVID-19 vaccines available in the United States are safe and are effective at protecting people from getting seriously ill, being hospitalized, and even dying."²
 - (2) According to the World Health Organization, "Billions of people have been safely vaccinated against COVID-19."³
- (b) Vaccination is a requirement for entry into American Samoa, but exceptions may be granted for age, religion, and medical reasons in accordance with Section 5 of this Declaration.

3. Authority of Business and Property Owners

Nothing in this Declaration shall limit the authority of any private business or organization, including any medical or homecare facility from imposing additional restrictions necessary to protect its employees and customers and to prevent the spread of COVID-19.

² <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/vaccine-benefits.html>

³ <https://www.who.int/news-room/feature-stories/detail/safety-of-covid-19-vaccines>

4. Quarantine and Isolation

The Department of Health may issue isolation directives to restrict the movements of people who test positive for COVID-19 in accordance with A.S.C.A. § 13.0215.

5. Travel and Entry Requirements

- (a) Any person entering the Territory by air or sea, except crewmembers,
 - (1) Must register with TALOFAPASS (<https://talofapass.as.gov/>) the online travel program of the American Samoa Government at least 10 days prior to entering the Territory;
 - (2) Must show proof of full vaccination⁴ if they are 5 years old or older;
 - (3) Requests for vaccine accommodations for a medical condition or a sincerely held religious belief may be made by contacting the GAR at covidtravel@go.as.gov or 633-4121. Requests for accommodation must be received at least 10 days before travel.
 - (4) Entry is limited to residents, family members of residents, and people traveling for business or other approved purposes.
- (b) Any person entering the Territory must wear a mask, in accordance with Section 1 of this Declaration, while onboard an aircraft, boat or ship in transit to American Samoa.
- (c) ANY PERSON WHO MAKES FALSE STATEMENTS OR PROVIDES FRAUDULENT DOCUMENTS TO TALOFAPASS OR REFUSES TO COMPLY WITH QUARANTINE AND TESTING REQUIREMENTS ISSUED BY THE DEPARTMENT OF HEALTH SHALL BE SUBJECT TO CRIMINAL AND CIVIL PENALTIES INCLUDING BUT NOT LIMITED TO A **\$1,000 FINE**.
- (d) The GAR may make exceptions and authorize the entry of persons into the Territory without using the online travel program. Any person entering under an exception by the GAR must comply with the safety requirements mandated by the GAR. Any inquiries can be made at covidtravel@go.as.gov.
- (e) All aircrew must contact the Department of Health at least 96 hours prior to travel and provide documents required by the Director of Health. They must also submit proof of full vaccination at least 72 hours prior to arrival. Agents for cargo flights are responsible for providing that proof to the Department of Health.
- (f) Aircrew will not be permitted to exit their aircraft without the prior written approval of the Director of Health unless it is necessary to comply with safety requirements or regulations.
 - (1) Anyone permitted to stay overnight will be subject to quarantine.

⁴ For the purposes of this declaration, “full vaccination” means that the person has received the full course of COVID vaccination and 14 or more days elapsed after the final administration of the vaccine.

- (2) The Director of Health may establish policies or promulgate rules to govern personal protective equipment and procedures for airport operations including but not limited to, loading and unloading people, luggage, and cargo onto or off of aircraft.
- (g) Shipping agents for vessels, including but not limited to fishing and cargo vessels, entering American Samoa must provide the Department of Health documentation required by International Health Regulations and must provide the Department of Health proof of full vaccination for each crewmember at least 72 hours prior to arrival.
 - (1) No crew member will be allowed to disembark from any vessel without prior written approval of the Director of Health and the Attorney General.
 - (2) The Director of Health may establish policies or promulgate rules to govern the health precautions for the entry of vessels into the ports of American Samoa pursuant to his authority in Title 20, Chapter 13 of the American Samoa Code Annotated.

6. Price Gouging Prohibited

Price gouging is prohibited. This Declaration established a “State of Emergency” as the term is used in Title 27, Chapter 9 of the American Samoa Code Annotated. All violations of this provision will be prosecuted vigorously to the full extent of the law. The Attorney General is authorized to request justification from any business deemed to have substantially increased its prices during this Health Emergency period.

7. Transporting Human Remains

Requests for transporting human remains to or from American Samoa must be submitted to the GAR and the Department of Health. The request will be reviewed by the Department of Health prior to final approval or disapproval by the GAR.

8. Emergency Reciprocity for Medical Assistance from Outside the Territory

A.S.C.A. § 31.1001, relating to licensing of medical professionals, is suspended to the extent that any person who is licensed to provide medical services by a U.S. state, U.S. territory, or the District of Columbia shall be deemed as licensed in American Samoa provided that

- (a) The person is licensed as a physician, nurse practitioner, nurse, pharmacist, paramedic, emergency medical technician, or other medical provider in a U.S. state, U.S. territory, or the District of Columbia; and
- (b) The person’s license to provide medical services has not been suspended in any state, territory, or the District of Columbia; and
- (c) The person is preparing for, responding to, mitigating the effects of, or recovery from COVID-19; and
- (d) The person is a federal medical responder (uniformed service, federal government employee, or federal contractor) or is under contract with the American Samoa Medical Center Authority (LBJ Tropical Medical Center) or the Department of Health.

9. Villages

Nothing in this order affects the authority of village councils to enact regulations imposing curfews or restricting public gatherings pursuant to A.S.C.A. § 5.0305.

10. Emergency Rulemaking

Departments, Agencies, and Offices of the American Samoa Government may promulgate emergency rules to respond to the COVID-19 pandemic in accordance with established law and the Administrative Procedures Act. Emergency rules will be submitted to the Governor prior to promulgation.

11. Enforcement

ANY PERSON WHO VIOLATES THE REQUIREMENTS OF THIS DECLARATION OR VIOLATES A QUARANTINE OR ISOLATION ORDER ISSUED BY THE DIRECTOR OF HEALTH OR HIS DESIGNEE MAY BE CHARGED WITH A VIOLATION OF A.S.C.A. §§ 13.0323 OR 46.4703 AND PUNISHED BY UP TO **12 MONTHS IN JAIL OR A \$1,000 FINE.**

The Governor's Office may be contacted at covidtravel@go.as.gov or **684-633-4121**.

The Department of Health may be contacted at doh-covid19clearance@doh.as or **684-633-5871/5872**.

This Declaration will be effective September 25, 2022, and supersedes the Declaration dated August 25, 2022. It will be in effect for thirty (30) days and will expire on October 24, 2022. Exclusive authority for rendering all final decisions pertaining to the implementation of all prescribed mandates of this Emergency Declaration is vested in the Governor of the Territory of American Samoa and the GAR.

Dated: September 23, 2022



TALAUEGA E. V. ALE
ACTING GOVERNOR