



**OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT**

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

WHEREAS, the Director of Health has confirmed community spread of COVID-19 in American Samoa; and

WHEREAS, there have been 18 COVID-related deaths in American Samoa; and

WHEREAS, 5,475 people in American Samoa have contracted COVID-19; and

WHEREAS, 1,712 people have recovered from COVID-19 in American Samoa; 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 a booster shot, 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, LEMANU P. S. MAUGA, 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/>

These restrictions and exceptions are in effect, but exceptions may be granted by the Governor or the Lieutenant Governor.

1. Mask Use

- (a) All persons, businesses, organizations, or agencies are required to mandate mask use inside of any school, any government-owned or leased building or any building that is open to the public. All persons must wear a mask that covers their mouth and nose in the following circumstances:
 - (1) In or at a location where mask use is required by the person or agency who controls that location;
 - (2) At a public gathering or inside a building that is open to the public;
 - (3) When occupying a bus, taxi, or other vehicle engaged in commercial transportation;
 - (4) Paragraphs (1) - (3) do not apply to:
 - (A) children under 2 years of age;
 - (B) a person who cannot wear a mask or cannot safely wear a mask, because of a disability as defined by the Americans with Disabilities Act (42 U.S.C. § 1201 *et seq.*);
 - (C) a person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or regulations; and
 - (D) a person who is the sole occupant of a vehicle or office.
- (b) Mask use is not required for outdoor exercise by individuals exercising alone.
- (c) 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. Public Gatherings

- (a) Public gatherings are prohibited except as provided in this Section.
- (b) Outdoor public gatherings are allowed if:
 - (1) No more than 20 people are present;
 - (2) Mask use is required; and
 - (3) Social distancing can be maintained to keep people at least 6 feet apart.
- (c) Indoor public gatherings are allowed if:
 - (1) No more than 10 people are present;
 - (2) Mask use is required;
 - (3) Social distancing can be maintained to keep people at least 6 feet apart; and

- (4) The gathering is held in a well-ventilated place.
- (d) Requests for exceptions should be made by submitting a site safety plan to the Emergency Operations Center at eoc.opschief@asdhs.as.gov or (684) 699-3800 Ext: 116.

3. Curfew

- (a) A curfew shall be in effect from 9:00 pm each night until 4:30 am. While the curfew is in effect, no person shall leave their home unless they are seeking emergency medical care or assistance from law enforcement, they are engaged in or traveling to or from an activity that is permitted by this Declaration or by an exception granted by the Lieutenant Governor through the EOC in writing.
- (b) Buses and taxis may operate 24 hours a day. Mask use is required in buses and taxis.
- (c) Gas stations may resume their normal business hours.
- (d) All other businesses shall close at 8:00 pm unless they are providing medical or emergency services or an exception has been granted by the Lieutenant Governor through the EOC in writing.

4. Workplaces

- (a) Employers should maintain minimal on-site staffing and the use of remote work to the maximum extent possible is encouraged.
- (b) Employers, public and private, shall take precautions to protect their workers and customers from COVID-19 including but not limited to:
 - (1) Encouraging employees to be tested for COVID-19 if they show symptoms of infection.
 - (2) Mandating mask use in accordance with Section 1 of this Declaration.
 - (3) Providing for social distancing by
 - (A) Limiting access to their facilities to prevent overcrowding and allow for social distancing;
 - (B) Arranging the workspace so that employees are at least 6 feet apart;
 - (C) Taking actions to keep customers from clustering near cash registers and in other locations where customers tend to gather; and
 - (D) Limiting access to in-door break areas so that people eat individually and separately.
 - (4) Maximizing the ventilation for indoor locations.
- (c) Schools and colleges shall be closed for in-person classes. All classes shall be conducted remotely.
- (d) The Hope House, LBJ TMC, and the Tafuna Correctional Facility will be closed for visitation.

- (e) Restaurants may provide take-out only. Dine-in service is prohibited.
- (f) The following are activities and businesses are closed and prohibited:
 - (1) Bars;
 - (2) Bingo;
 - (3) Child daycare facilities;
 - (4) Gyms and fitness centers;
 - (5) Hair salons, barbershops, nail salons or services;
 - (6) Movie theaters;
 - (7) Outdoor fundraising activities; and
 - (8) Recreational facilities that are open to the public.
- (g) Requests for exceptions should be made by submitting a site safety plan to the Emergency Operations Center at eoc.opschief@asdhs.as.gov or (684) 699-3800 Ext: 116.
- (h) If an exception is granted under Subsection (f), the EOC will provide the business with a sign that summarizes the exception that was granted.
- (i) Government agencies shall advise the public about alternative means of providing services while office staff is reduced.
- (j) Access to government buildings
 - (1) No person shall be admitted to a government-owned or leased building without showing proof of full vaccination² or evidence of a negative test within the last 24 hours.
 - (2) Unvaccinated persons without proof of a negative test may enter government facilities only for the purpose of receiving emergency medical care, COVID testing, or COVID vaccination.
 - (3) Departments, agencies, and offices shall post signs at all entry points informing the public of the masking and entry requirements.
 - (4) This subsection does not apply to employees who are going to their place of employment in accordance with accommodations made pursuant to Section 7 of this Declaration.

5. Quarantine and Isolation

- (a) Any person who tests positive for COVID-19:
 - (1) Should be issued a directive to isolate for up to 21 days; and

² For the purposes of this declaration, "full vaccination" means that the person has received the full course of vaccination and 14 or more days elapsed after the final administration of the vaccine.

- (2) Register or be registered on TALOFAPASS (<https://talofapass.as.gov/>) for contact tracing and/or for daily reporting that the individual is abiding by all quarantine and isolation protocols and requirements.
- (b) A.S.C.A. § 13.0215(d)(3) regarding quarantine and isolation is suspended in part.
- (1) The Director of Health or his designee is authorized to quarantine a person for up to twenty-one days without notice if that person was or may have been exposed to COVID-19. Quarantine may be at the individual's home or residence or a designated quarantine facility. Quarantine for more than twenty-one days must be authorized by the High Court of American Samoa.
 - (2) The Director of Health or his designee is authorized to isolate a person for up to twenty-one days without notice if that person is infected or reasonably believed to be infected with COVID-19. Isolation may be at the individual's home or residence or a designated quarantine facility. Isolation for more than twenty-one days must be authorized by the High Court of American Samoa.
- (c) A copy of Directives for Home Isolation/Quarantine may be provided to law enforcement officers and pulenu'us who are specifically charged with confirming compliance with those directives. In accordance with A.S.C.A. § 13.0219(f), no law enforcement officer or pulenu'u who receives Directives pursuant to this paragraph may further disclose any information they receive or make or retain any copies of Directives except as the law allows. All copies of directives shall be returned to the Department of Health when the quarantine or isolation period is over.

6. Entry Requirements

- (a) All entry permits will continue to be suspended until further notice with the exception of Guest Worker Permits issued for employment at a cannery or call center pursuant to A.S.C.A. § 41.0901 *et seq.* and any entry permits authorized by the Governor's Authorized Representative ("GAR").
- (b) Any person entering the Territory,
 - (1) Must register with TALOFAPASS (<https://talofapass.as.gov/>) the online travel program approved by the COVID-19 Task Force, the Department of Health, and the Department of Legal Affairs. If the person is coming from a place with community spread of COVID-19, that registration must take place 21 days prior to entering the Territory,
 - (2) Must show proof of full vaccination if they are 5 years old or older unless the person is not medically qualified,
 - (3) Must show proof of negative test or tests prior to arrival as required by the Department of Health, and

- (4) Must submit to a quarantine upon arrival if required by the Department of Health.
 - (5) Any person who makes false statements or provides fraudulent documents to TALOFAPASS will be subject to criminal prosecution and civil liability.
 - (6) 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.
- (c) All air and sea travel will be suspended unless approved by the Governor or Lieutenant Governor upon the assurance that the health and safety of American Samoa residents will be protected.
 - (d) All air crew 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 a negative COVID-19 test at least 72 hours prior to arrival, evidence of having recovered from COVID-19 in the last 6 months, or proof of complete vaccination at least 14 days prior to arrival. Agents for cargo flights are responsible for providing that proof to the Department of Health.
 - (e) Air crew will not be permitted to exit their aircraft without the prior written approval of the Governor or the Lieutenant Governor unless it is necessary to comply with safety requirements or regulations.
 - (1) Anyone permitted to stay overnight will be subject to quarantine.
 - (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.
 - (f) 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 a negative COVID-19 test, evidence of having recovered from COVID-19 in the last 6 months, or proof of complete vaccination at least 14 days prior to arrival for each person on the vessel at least 72 hours prior to arrival.
 - (1) No person will be allowed to disembark from any vessel unless they are residents of American Samoa without prior written approval of the Governor or Lieutenant Governor. Residents will need to comply with the requirements of Paragraph (b) of this Section
 - (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.

- (g) The requirements of A.S.C.A. §§ 41.0208(a) and 41.0501 are waived to the extent that people entering American Samoa may be transported from port facilities at Fagatogo or the Pago Pago International Airport to a designated alternate location before they will be required to prove that they are not subject to exclusion. Alternate locations will be designated by the Lieutenant Governor. For purposes of A.S.C.A. §§ 41.0208(a) and 41.0501, the alternate location will be considered a Port of Entry. Additionally, the alternate location shall be considered a secure area for the purposes of A.S.C.A. § 27.1003.

7. Government Employee Vaccine Mandate

A full course of vaccination against COVID-19 is mandatory for all Executive Branch employees of the American Samoa Government, including but not limited to, career service employees, political appointees, and contract employees. Semi-autonomous authorities and entities which have their own personnel hiring, compensation, leave, disciplinary and termination rules and policies have adopted their own rules for their employees' COVID-19 vaccine requirements.

- (a) Employees must provide the Director of Human Resources with evidence of having completed the full course of vaccination against COVID-19 that is approved by the FDA or the World Health Organization. Departments and agencies may collect proof of vaccination from their employees on behalf of the Director of Human Resources.
- (b) Evidence of full course of vaccination must be documented in the form of a copy of the record of immunization from a health care provider or pharmacy, a copy of the COVID-19 Vaccination Record Card, a copy of medical records documenting the vaccination, a copy of immunization records from a public health or state/territory immunization information system, or a copy of any other official documentation containing the type of vaccine administered, date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine(s). Employees may be required to certify under penalty of perjury that the documentation they are submitting is true and correct.
- (c) Employees who fail to provide evidence of vaccination as required by Subsection (a) or do not have an approved accommodation under Subsection (f), are not permitted to work in any position inside a government-owned or leased building, or a government-owned or leased vehicle, or any worksite or location where they will be in the presence of other ASG employees or members of the public in the course of their employment.
- (d) Any employee who does not comply with Subsections (a) or (i) shall be placed on leave by the employee's department or agency and the Director of Human Resources until the employee provides proof of vaccination as required by Subsection (a), the employee has an approved accommodation under Subsection (f), or the ongoing public health emergency and state of emergency is over. Pursuant to A.S.A.C. §§ 4.0802(e) and 4.1005(a)(2), employees may use their accumulated annual or sick leave while they are on leave. Otherwise, the leave shall be without pay.

- (e) Nothing in this Declaration prohibits the termination of an employee for violation of standards established administratively which govern employee conduct and deportment pursuant to A.S.C.A. § 7.0801 or abandonment of position pursuant to A.S.C.A. § 7.0804.
- (f) Exceptions to the vaccination requirement of this Declaration of Ongoing Public Health Emergency and State of Emergency will only be permitted as required by law. A reasonable accommodation may be provided to employees who communicate in writing to the Department of Human Resources that they are not vaccinated against COVID-19 because of a disability pursuant to the Americans with Disabilities Act (42 U.S.C. § 1201 *et seq*) or a valid medical reason or because of a sincerely held religious belief, practice, or observance. Requests for exemptions and accommodation must promptly be directed to the Director of Human Resources. Determining whether an exception is legally required includes consideration of relevant factors, including the basis for the request; the nature of the employee's job responsibilities; and the reasonably foreseeable effects and any burden on government operations; and the protection of other employees and the public from COVID-19.
- (g) The Department of Human Resources shall notify ASG department and agency directors of any employees who have failed to provide proof of a full course of vaccination without having applied for and been granted an exemption or accommodation.
- (h) No employee hired after November 1, 2021 shall begin work until they demonstrate that they can comply with Subsection (a) or they are granted an exception and accommodation pursuant to Subsection (f).
- (i) COVID-19 booster shots are mandated for certain first responders and essential workers who are eligible and not exempted:
 - (1) In addition to the other requirements of this Section, the employees in the categories listed in Paragraph (4) must demonstrate proof of having received a COVID-19 booster vaccine by May 13 2022 to the Director of Human Resources or they shall be placed on leave in accordance with Subsection (d).
 - (2) Booster vaccines are not required until 2 months after receiving the Johnson & Johnson vaccine or 5 months after receiving the second shot of the Pfizer-BioNTech or Moderna vaccine.³
 - (3) Employees who have been granted an exception and accommodation pursuant to Subsection (f) are exempt from receiving a booster, but their accommodations should be reassessed due to the community spread that currently exists in American Samoa.
 - (4) This subsection applies to:

³ See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/booster-shot.html>

- (A) Healthcare workers;
 - (B) Police officers;
 - (C) Firefighters;
 - (D) Emergency Medical Technicians; and
 - (E) Employees who work at the Tafuna Correctional Facility and the Juvenile Detention Center.
- (5) The American Samoa Medical Center shall immediately adopt a policy mandating that all eligible employees at the Lyndon Baines Johnson Tropical Medical Center shall receive COVID-19 booster shots not later than May 13, 2022, unless they have been granted an exception due to a disability pursuant to the Americans with Disabilities Act (42 U.S.C. § 1201 *et seq*) or a valid medical reason or because of a sincerely held religious belief, practice, or observance.

8. 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.

9. Transporting Human Remains

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

10. 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.

11. Emergency Rulemaking

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

12. 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.

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

The Department of Health may be contacted at dohcovid19clearance@doh.as or **684-633-5871/5872**.

This declaration will be effective April 13, 2022 at 12:01am and supersedes the Declaration dated March 14, 2022 and the amendments to that declaration. It will be in effect for thirty (30) days and will expire on May 13, 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 and Lieutenant Governor of the Territory of American Samoa.

Dated: April 12, 2022



LEMANU P. S. MAUGA
GOVERNOR