



**OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT**

DECLARATION OF ONGOING PUBLIC HEALTH EMERGENCY

WHEREAS, the Declaration of Public Health Emergency for the measles outbreak was first issued April 24, 2023 and two amendments were issued for that Emergency Declaration;

WHEREAS, the Director of Health has confirmed that there is an outbreak of Measles in American Samoa, with 2 laboratory confirmed cases and more than 52 suspected/probable cases.

WHEREAS, vaccination coverage has increased in elementary schools, high schools, early childhood education and daycare centers; and

WHEREAS, more than 2000 doses of the vaccine have been administered during this measles outbreak; and

WHEREAS, after peaks of new suspected/probable cases on April 21 and April 24, the rate of new suspected cases has dropped despite active ongoing surveillance; and

WHEREAS, the Department of Health, in coordination with other agencies, is capable of controlling and containing the spread of measles in American Samoa;

WHEREAS, the Territory of American Samoa continues to adapt our response to the measles outbreak; and

WHEREAS, the Department of Health needs to monitor remaining active cases and properly close out pending test results from off-island laboratories.

NOW THEREFORE, I, LEMANU P. S. MAUGA, Governor of American Samoa, declare a public health emergency exists under A.S.C.A. § 13.0301 et seq., the Emergency Health Powers Act, and a state of emergency under A.S.C.A. § 26.0101 et seq. for measles. The Department of Health and American Samoa Government are authorized to utilize all necessary powers to contain and prevent the imminent risk of further spread of measles. The Emergency Operations Center shall be activated to coordinate response efforts. This Emergency Declaration extends to the entire Territory of American Samoa, including all islands, ports, waters and all areas subject to the control of the American Samoa Government.

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

1. Schools

All public or private early childhood education schools and all daycare and childcare facilities were reopened on May 16, 2023. All public or private elementary schools, high schools and colleges were reopened on May 1, 2023. All students, teachers, support staff attending in-person learning and childcare employees at daycare and childcare facilities, must be fully vaccinated with the MMR Vaccine.¹ If required, schools will utilize online/distance learning, and all authorities, departments and offices shall support the Department of Education to ensure that students have access to online/distance learning.

2. Quarantine and Isolation

(a) Any person who tests positive for measles should be issued a directive to isolate up to twenty-one days;

(b) A.S.C.A. 13.0215 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 measles. Quarantine may be at the individual's home or residence or at 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 measles. 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.

(3) A copy of the Directives for Home Isolation/Home 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 the directives shall be returned to the Department of Health when quarantine or isolation period is over.

3. 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:

¹ For the purposes of this declaration, "full vaccination" means that the person has received two doses of MMR vaccine, separated by at least 28 days. <https://www.cdc.gov/vaccines/vpd/mmr/public/index.html>

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- (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, or recovery from measles; 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.

4. 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.

5. 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.

6. 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 ASCA 46.4703 or applicable law.

The Department of Health shall work with relevant departments and agencies to monitor the outbreak of measles in American Samoa and provide daily updates to the public on the status of the outbreak and the measures being taken to control it.

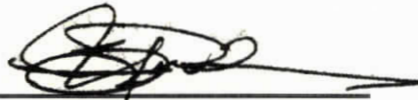
The Governor's Office may be contacted by email at legal@go.as.gov or telephone no. 684-633-4121.

The Department of Public Health may be contacted by email at tuinua@doh.as or telephone no. 684-633-5871/5872.

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This Emergency Declaration will be effective May 25, 2023 for two weeks until June 8, 2023 and supersedes the Emergency Declaration dated April 24, 2023 and the amendments to that Emergency Declaration. Exclusive authority for rendering all final decisions pertaining to the implementation of all prescribed mandates of this Emergency Declaration including granting exceptions to the restrictions and conditions therein, is vested in the Governor and Lieutenant Governor of the Territory of American Samoa.

Dated: May 24, 2023



LEMANU P. S. MAUGA
GOVERNOR OF AMERICAN SAMOA