

Chapter 05

FACILITY'S HEALTH PERMITS

Top of Page

Sections:

- 25.0501 Health permits—Required— Issuance**
- 25.0502 Places where unprocessed fish or meat may be sold**
- 25.0503 Exemptions**
- 25.0504 Permit—Form —Duration**
- 25.0505 Permit—Display**
- 25.0506 Notice of intent to operate or open establishment**
- 25.0507 Inspections**
- 25.0508 Inspection—Report**
- 25.0509 Suspension or revocation of permit—Procedure—Appeal**
- 25.0510 Automatic suspension of business or alcoholic beverage license upon suspension or revocation of permit**
- 25.0511 Transfers of permits prohibited**

25.0501 Health permits—Required—Issuance.

(a) It is unlawful to operate, or open for business, without a valid health permit issued by the director of health:

- (1) any establishment defined as a restaurant;
- (2) any place defined as a food establishment;
- (3) any activity involving the sale of food or drink, such as catering, peddling, vending, etc.;
- (4) any barbershop or beauty parlor.

(b) The director shall issue such permit only if in his opinion the sanitary conditions are maintained at levels which adequately safeguard public health.

History:1972, PL 12-44 § 2.

25.0502 Places where unprocessed fish or meat may be sold.

No person may sell, or offer or display for sale any unprocessed fish or meat or parts of fish or meat other than in a food establishment or restaurant that has a valid health permit.

History:1972, PL 12-44 § 2.

25.0503 Exemptions.

This chapter does not apply to the operation of any establishment, including any market, wayside stand or roadside stand, used exclusively for the sale of any of the following items by the original producer thereof:

- (1) fresh, unprocessed fruits, vegetables and nuts;
- (2) eggs;
- (3) live poultry;
- (4) live pigs;
- (5) unprocessed fish sold the day they are caught.

History:1972, PL 12-44 § 2.

25.0504 Permit—Form—Duration.

The form of the permit must be prescribed by the director. It shall be valid for one year from the day of issuance. No fee or charge may be made for issuing a permit.

History: 1972, PL 12-44 § 2.

25.0505 Permit—Display.

Each health permit issued pursuant to this title must be displayed in a conspicuous place.

History: 1972, PL 12-44 § 2.

25.0506 Notice of intent to operate or open establishment.

At least 3 days before any person shall commence to operate or open for business any establishment or activity mentioned in this chapter, he shall notify the director in writing of his intent so that the premises may be inspected.

History: 1972, PL 12-44 § 2.

25.0507 Inspections.

As often as he deems necessary, the director shall inspect every establishment or activity subject to this chapter.

History: 1972, PL 12-44 § 2.

25.0508 Inspection—Report.

- (a) One copy of the inspection report shall be posted by the director in a conspicuous place on the premises designated by him. The original report shall be retained by the director.
- (b) No person other than the director may remove, deface, destroy or conceal such report.

History: 1972, PL 12-44 § 2.

25.0509 Suspension or revocation of permit— Procedure—Appeal.

(a) A permit may be suspended or revoked by the director of medical services upon the violation by the holder, or by a person in his employ or under his supervision or control, of any of the provisions of this title.

(b) A suspension as a penalty for repeated violations may not exceed 5 days. Other suspensions may be for such time as the violation remains uncorrected.

(c) A revoked permit no longer has any validity and may not be reinstated, except upon order of the district court after a hearing.

(d) Except as provided in subsection (e), notice of intent to suspend or revoke a permit must be given, and the notice must state fully the reason or reasons and allow the owner at least 10 days to correct the violation.

(e) If a permit has been suspended and, upon reinspection, the violation has not been corrected, the director may suspend or revoke the permit without further warning.

(f) When suspicion arises as to the possibility of transmission of infection from any restaurant employee, the director is authorized to require any or all of the following measures:

- (1) the immediate exclusion of the employee from all restaurants;
- (2) the immediate closing of the restaurant concerned until, in the opinion of the director, no further danger of disease outbreaks exists;
- (3) adequate medical examinations of the employee and his associates, with such laboratory examinations as may be indicated.

(g) An order of suspension or revocation may be appealed to the district court of American

Samoa.

History: 1972, PL 12-44 § 2; and 1979, PL 16-53 § 48.

Amendment: 1979 Subsections (c) and (g): substituted references to district court for references to High Court.

25.0510 Automatic suspension of business or alcoholic beverage license upon suspension or revocation of permit.

(a) Upon the suspension or revocation of a health permit, any alcoholic beverage license or business license previously issued to the permit holder with respect to the same premises must be automatically suspended, and it is unlawful to operate under such alcoholic beverage or business license during the period of suspension or after the revocation.

(b) This section may not be construed to preclude any action under 27.0501 et seq. relating to alcoholic beverages, for enforcement of the provisions of such title.

History: 1972, PL 12-44 § 2.

25.0511 Transfers of permits prohibited.

It is unlawful to transfer a permit to another person, or to post it on, or use it in any way in connection with, any other premises than that for which it is issued.

History: 1972, PL 12-44 § 2.