

## Chapter 02

### DEPARTMENT OF HEALTH

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#### **13.0201 General powers of the department.**

The Department of Health shall have general charge, oversight, and care of the health and lives of the people of the Territory of American Samoa. It shall have authority in matters of quarantine and other health matters and may declare and enforce quarantine when none exists and modify or release quarantine when it is established. When it is determined that there is imminent danger of epidemic or serious outbreak of communicable disease, it may refuse, modify, or limit attendance at any school in the Territory. When in the judgment of its director, there is deemed to be a potential health hazard, the department, through its director, may take precautionary measures to protect the public through the imposition of an embargo or the detention of products regulated by the department, or the removal of products regulated by the department from the market, or the declaration of quarantine; provided that the director must find evidence of a health hazard within seventy-two hours of the action taken or rescind the action. The director shall make public the findings. All police officers, and all other officers and employees of the government shall enforce the rules of the department. The department shall make, through its director, an annual report to the Governor, showing its expenditures and transactions, and such other information regarding the public health as it may deem of special interest.

**History:** 1998, PL 25-22.

#### **13.0202 Agents and inspectors.**

There shall be appointed by the Director of Health a suitable number of agents and inspectors in such localities as may be necessary, who shall carry into effect all laws and regulations for the public health, and such ordinances relating to public health as the director may direct.

**History:** 1998, PL 25-22.

#### **13.0203 Disbursement of moneys.**

For the purpose of carrying into effect the laws and regulations relating to the public health, the Department of Health may apportion and disburse all sums of money that are appropriated by the Legislature of American Samoa, or granted through federal health grants from the United States government, or the World Health Organization.

**History:** 1998, PL 25-22.

### **13.0204 Rules.**

The Department of Health may adopt such rules as it may consider expedient for the conduct of its business. The Department may amend or revise such rules from time to time. All rules made by the Department of Health shall be made in accordance with 4.1001 et seq., A.S.C.A.

**History:** 1998, PL 25-22.

### **13.0205 Subjects of health regulations generally.**

(a) The Department shall make such rules as it deems necessary for the public health and safety inspection:

(1) Nuisances, foul or noxious odors, gases, vapor, waters in which mosquitoes breed or may breed, sources of filth, and causes of sickness or disease, within the respective districts of the Territory, and on board any vessel;

(2) Adulteration and misbranding of food or drugs;

(3) Location, air space, ventilation, sanitation, drainage, sewage disposal and other health conditions of buildings, courts, construction projects, excavations, pools, watercourses, and areas;

(4) Fish and fishing;

(5) Interments and dead bodies;

(6) Disinterments of dead human bodies, including the exposing, disturbing, or removing of such bodies from their place of burial, or the opening, removing, or disturbing after due interment of any receptacle, coffin, or container holding human remains or a dead human body or part thereof and the issuance and terms of permits for the aforesaid disinterments of dead human bodies;

(7) Cemeteries and burying grounds;

(8) Hospitals, and free standing outpatient clinics;

(9) Any place or building where noisome or noxious trades or manufactures are carried on, or intended to be carried on;

(10) Milk;

(11) Poisons and hazardous substances, the latter term including, but not limited to, any substance or mixture of substances which (A) is corrosive, (B) is an irritant, (C) is a strong sensitizer, (D) is inflammable, or (E) generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children;

(12) Pig sties and chicken ranches;

(13) Places of business, industry, employment, commerce, and processes, materials, tools, machinery, and methods of work done therein, and places of public gathering, recreation, or entertainment;

(14) Any restaurant, theater, market, stand, shop, store, factory, building, wagon, vehicle, or place where any food, drug, or cosmetic is manufactured, compounded, processed, extracted, prepared, stored, distributed, sold, offered for sale, or offered for human consumption or use;

(15) Food, drugs, and cosmetics, and the manufacture, compounding, processing, extracting, preparing, storing, selling, and offering for sale or for consumption or use of any food, drug, or cosmetic;

(16) Sources of ionizing radiation;

(17) Medical examination, vaccination, revaccination, and immunization of school children. No child shall be subjected to such medical examination, vaccination, revaccination,

or immunization, whose parent or guardian shall in writing object thereto on grounds that such requirements are not in accordance with the religious tenets of an established church of which he is a member or adherent, but no such objection shall be recognized when, in the opinion of the department there is danger of an epidemic or serious outbreak of any communicable disease;

(18) Disinfectzation of aircraft entering or within the Territory as may be necessary to prevent the introduction, transmission, or spread of disease or the introduction or spread of any insect or other vector of significance to health;

(19) Fumigation which in the opinion of the department may be lethal, poisonous, noxious, or dangerous to human life.

(b) The Department may require such certificates, permits, or licenses as it may deem necessary to adequately regulate the conditions or businesses referred to in this section.

**History:** 1998, PL 25-22.

### **13.0206 Health promotion and disease prevention.**

The Department of Health shall seek to improve and maintain the health of the people of the Territory through the planning and implementation of programs, activities, and services that promote healthy behaviors and reduce health related risks and hazards, and by programs and services that serve to prevent the incidence of disease and injury. Health promotion and disease prevention activities and services conducted by the Department of Health will include:

(1) a program of health education throughout the Territory for the purpose of informing the public as to the cause of common diseases and injuries, and effective strategies for reducing the risk of occurrence, or consequences of such diseases and injuries;

(2) health promotion and disease prevention activities and programs in the Territory, including maternal and child health; chronic disease prevention and control; child immunizations; child vision and hearing screening, children with special health care needs services, dental health screening and prevention services; epidemiology, nutrition education and assessments; and prevention of sexually transmitted diseases, including acquired immune deficiency syndrome (AIDS);

(3) the collection, analysis, and dissemination of statistical information pertinent to any of its activities;

(4) cooperation and collaboration with other governmental agencies on issues, programs, and activities related to health improvement and maintenance;

(5) such other appropriate functions as may be determined to be effective in promotion health and prevention disease.

**History:** 1998, PL 25-22.

### **13.0207 Community health centers.**

The Department of Health shall administer and supervise community health center facilities and functions on Tutuila Island, Manu'a Islands, and Swains Island. The number and location of community health centers, and the scope of services provided shall be determined by the Department of Health based on service area population, community need, and available resources.

**History:** 1998, PL 25-22.

### **13.0208 Demonstration projects.**

The Department of Health may declare one or more community health centers as "demonstration projects". A demonstration project is defined as a community health center

established under Section 330 (e) of the Public Health Services Act, or other such project initiated to provide community health services in a manner distinctly different from other government community health centers for the purpose of demonstrating the improved health benefits of such project, or projects.

Other provisions of the American Samoa Code Annotated notwithstanding, the scope of services, standards of quality and performance, degree of autonomy, organization and staffing models, and services fee structure, of community health centers declared demonstration projects shall be determined by the Director of Health, with the approval of the Governor, during the period a community health center is declared a demonstration project.

**History:** 1998, PL 25-22.

### **13.0209 Health information and statistics.**

It shall be the responsibility of the Department of Health to administer a health information system which collects health and medical information. The health information system administered by the department may include system elements located in, and provide information services to, the hospital under cooperative agreements, or contracts, approved by the Director of Health and the hospital board.

**History:** 1998, PL 25-22.