



LOLO M. MOLIGA
GOVERNOR

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EXECUTIVE ORDER NO. 001 - 2020

Section 1: Authority.

This executive order is hereby issued in accordance with the powers and authority granted to the Governor by Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa, and the American Samoa Code Annotated, Section 4.0111(a) and Section 26.0105(b).

Section 2: Policy.

It is the policy of the Executive Branch, which is affirmed by this order, to ensure compliance with public health measures and to protect the people of American Samoa.

Section 3: Recognition of Declared Public Health Emergency, Declared State of Emergency, and Imminent Threat to Public Health.

American Samoa remains in a declared Public Health Emergency, as defined in the American Samoa Code Annotated, Title 13, Chapter 3. Further, American Samoa remains in a declared State of Emergency (“disaster emergency”), as defined in the American Samoa Code Annotated, Title 26, Chapter 1. These prior declarations activated the emergency powers given to the Director of Health and the Executive Branch generally to contain the spread of COVID-19 and maintain the peace.

In prior declarations, as in this order, the executive branch recognized the threat of the COVID-19 pandemic to the health and welfare of the residents of American Samoa.

Section 4: Enforcement of Prior Directives.

The Commissioner of Public Safety, Director of Health, Attorney General, and other agency leaders shall begin immediate and comprehensive enforcement of the Declaration currently in effect, any subsequent amendments to the Declaration, and all lawful orders of the Director of Health and other emergency management agencies.

As provided in the American Samoa Code Annotated, Title 13, Chapter 3, violation of a public health directive in a declared Public Health Emergency is a Class A misdemeanor. A Class A misdemeanor carries up to a \$1000 fine and/or may serve up to 1 year in jail. Each violation may be charged as a separate offense.

Further, as provided in the American Samoa Code Annotated, Title 46, Chapter 45, congregating with other persons in a public place and refusing to comply with a lawful order of the police to disperse constitutes a Public Peace Disturbance, and is a Class B misdemeanor. A Class B misdemeanor carries up to a \$500 fine and/or may serve up to 6 months in jail. Each violation may be charged as a separate offense.

The public is advised that compliance with these directives is mandatory. Full compliance is necessary to protect the health of our most vulnerable citizens.

The Commissioner of Public Safety is directed to ensure compliance with public gathering restrictions, business closure requirements, quarantine directives, and other applicable directives. The Attorney General is directed to prosecute these violations to the fullest extent of the law.

Section 5: Additional Provisions related to Price Gouging and Quarantine.

Businesses must continue to provide necessary supplies for the public. Price gouging, as defined by the American Samoa Code Annotated, Title 27, Chapter 9, is prohibited. The public is encouraged to report incidents of price gouging to the Office of the Attorney General. The Attorney General is directed to investigate and prosecute price gouging complaints to the fullest extent of the law.

The provisions of the American Samoa Code Annotated, § 13.0215(d)(3) are suspended in part for the duration of the public health emergency. To protect both the rights of individuals and the health of the public, the Department of Health is authorized to quarantine and isolate individuals for 14 days without notice; however, all other provisions of § 13.0215 remain in effect.

Section 6: Effective Date.

This order shall be effective upon date of execution.

March 25, 2020

Date



LOLO M. MOLIGA
GOVERNOR OF AMERICAN SAMOA