

Emergency Rules Adopted Pursuant to

A.S.C.A. § 4.1010

ASAC Title 24, Chapter 3 – Quarantine of Pets and Agricultural Products

I. Authority, Effective Date, and Expiration

(a) The Director of Agriculture and Director of Health find:

(1) The Director of Agriculture has the duty to propagate terms and conditions of entry into American Samoa of dogs and cats regarding disease control pursuant to American Samoa Administrative Code (ASAC) 24.0317.

(2) The Director of Health is empowered to promulgate rules to protect the public health pursuant to American Samoa Code Annotated (ASCA) §§ 13.0241 and 13.0326;

(3) On March 2020, the Governor of American Samoa declared a Public Health Emergency due to the threat of Covid-19 virus, a communicable disease;

(4) The Governor has extended the state of emergency multiple times and it remains effective;

(5) The Director of Agriculture and Director of Health find that because of the on-going state of emergency due to the COVID 19 pandemic there is an imminent peril to public health, safety and welfare which requires the promulgation of emergency rules pursuant to A.S.C.A. § 4.1010 to protect the health and safety of the people of American Samoa from the COVID-19 virus and rabies that may be spread thru imported service animals and emotional support animals.

(b) These Emergency Rules shall be in full force and effect when they are filed with the Secretary of American Samoa.

(c) These Emergency Rules shall expire 120 days after they become effective or upon the promulgation of new rules which supersede these emergency rules.

II. Definitions

As used in this chapter, these terms shall have the following meanings:

(a) Service Animals (SA)

(1) The Americans with Disabilities Act (ADA) defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or herself.

(2) Service animals assist persons with day-to-day activities and other tasks like:

(A) Alerting persons with hearing impairments to sounds.

(B) Pulling wheelchairs or carrying and picking up things for persons with mobility impairments.

(C) Assisting persons with mobility impairments with balance.

(3) If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government. All tasks must be related to the person's disability.

(4) A service animal is not a pet.

(b) Emotional Support Animals (ESA)

(1) Emotional Support Animals are animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA.

(2) The US Department of Transportation (USDOT) does not recognize an emotional support animal to be a service animal.

(3) A pet is also considered an emotional support animal.

(c) The American Samoa Repatriation Program (ASRP) adopts the use of these definitions.

III. CDC Guidelines for COVID-19 and Animals

- (a) Based on the available information to date, the risk of animals spreading COVID-19 to people is considered to be low.
- (b) More studies are needed to understand if and how different animals could be affected by COVID-19.
- (c) People with suspected or confirmed COVID-19 should avoid contact with animals, including pets, livestock, and wildlife.

IV. Allowing the import of SA and ESA into American Samoa via Hawaii

- (a) SA and ESA are allowed to be imported into American Samoa via Hawaii.
- (b) Importation of SA and ESA into American Samoa via Hawaii shall follow applicable American Samoa laws, federal and Hawaii state laws, Department of Agriculture (DoA) and Department of Health (DOH) policies and requirements under the ASRP permitting the transport, inspection and quarantine of dogs, cats, etc. into American Samoa.
- (c) All SA and ESA transiting through the State of Hawaii must also meet the following requirements as required by the State of Hawaii:
 - (1) Current Rabies Vaccines - Not expired and was administered 30 or more days before arriving in Hawaii.
 - (2) Rabies vaccine certificate (s).
 - (3) Dog & Cat Import Form (AQS-279).
 - (4) Provided 14 days before arriving in Hawaii.
 - (5) Certificate of Veterinary Inspection (also known as Health Certificate) executed no more than 14 days before arriving in Hawaii.
 - (6) Treated for ticks no more than 14 days before arriving in Hawaii.
- (d) All documents shall be provided to Hawaii Department of Health 14 days of SA/ESA arrival in Hawaii.
- (e) All documents shall also be provided to DOH and DoA 14 days before SA/ESA arrival in American Samoa.

V. Direct Airport Release (DAR)

- (a) Daniel K. Inouye International Airport Honolulu, Hawaii

(1) Emotional Support Animals may be granted DAR at the airport in Honolulu if they meet the following requirements:

(A) Microchip ID

(B) Current Rabies Vaccines - Not expired and was administered 30 or more days before arriving in Hawaii

(C) Prior Rabies Vaccine - Prior Vaccine was given 30 or more days before current vaccine

(D) Fluorescent Antibody Virus Neutralization Test (FAVN) Rabies Antibody Test – Test done 30 or more days before arriving in Hawaii. Test result must be greater than IU/ml

(E) Rabies vaccine certificate (s)

(F) Dog & Cat Import Form (AQS-279)

(2) Certificate of Veterinary Inspection (also known as Health Certificate)

(3) Provided 14 days before arriving in Hawaii

(4) ESA cannot be quarantined with handler

(b) Pago Pago International Airport – Pago Pago, American Samoa

(1) DAR is prohibited when arriving in Pago Pago.

(2) DoA will not accept any dogs or cats into American Samoa unless the animal's owner provides proof of rabies shot and a booster, which can be no less than three months apart and not more than one year apart to DoA 14 days before arrival to the Territory and proof that the animal has been spayed or neutered.

(3) SA, "Service dog", means any dog that is individually trained to work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work of tasks performed by a service dog must be directly related to the individual's disability. The work or tasks include but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people and sounds, pulling a

wheelchair, assisting an individual during a seizure, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behavior.

(4) SA/ESA owners will follow all guidelines and quarantine requirements from DoA.

(5) SA will be allowed to stay with its handler subject to the quarantining hotel's policies and any threatening behaviors exhibited by the animal.

(6) Animals are subject to inspection by DoA.

(7) All SA/ESA/Pets coming into American Samoa will be either spayed or neutered.

(8) ESA cannot be quarantined with handler.

VI. Quarantine with Service Animal and Emotional Support Animal – Transit

(a) Honolulu, Hawaii

(1) Service Animals are subject to release or quarantine as set by the State of Hawaii while within the jurisdiction of Hawaii and hotel policy.

(2) ESA or pets shall quarantine with the State of Hawaii while handler is quarantined with the AS Repatriation Program.

(3) The quarantine costs are to be borne by the owner and set by the State of Hawaii. This includes food and daily care.

(b) ESA shall quarantine at the Animal Quarantine Service facility in Halawa until date of departure.

(c) ESA shall be transported to Airport Animal Quarantine Holding Facility (AAQHF) at the Daniel K. Inouye International Airport in Honolulu in preparation for departure.

VII. Vicious or Dangerous Animal

(a) American Samoa Code Annotated (ASCA) 25.1610 prohibits importation of a vicious animal.

(b) The U.S. Department of Transportation sets its own policies for determining dogs it deems to be dangerous.

(c) A dog or cat may be imported if it meets the legal requirements for importation.

VIII. Process to request the transport of SA or ESA through ASRP

- (a) Traveler who requests any specific reasonable accommodation for SA must submit a request to DoA within 14 days of quarantine entry requirement.
- (b) Handler shall pay for the costs of quarantine for SA or ESA and obtain any required permit or license from the DoA.
- (c) Provide necessary documentation qualifying a SA to AS Medical Advisory Group and DoA (e.g., certificate, medical documentation, etc.).
- (d) All animals offered for importation, shall be accompanied by a satisfactory certificate from a licensed veterinarian stating that the animal has been given a prophylactic dose of anti-rabies vaccine no later than 30 days prior to date of arrival at the port of entry and said animal has been neutered or spayed.
- (e) Provide all necessary shots and vaccinations as required by the State of Hawaii and American Samoa. Documentation required to be submitted to DoA at 684-699-9272 and DOH via email hawaii.repat@doh.as.
- (f) Prior to arrival the dog must have passed one OIE-FAVN test after 12 months of age, with a level of 0.5 I.U. rabies antibody or greater as required entry into the State of Hawaii and a COVID-19 test and vaccine if such test and vaccine are approved and readily available.
- (g) Provide to the service animal or emotional support animal the distemper parvo vaccination if available.
- (h) Each and all SA must complete and fulfill the required USDOT Service Animal Air Transportation Form.
- (i) Traveler participating in the repatriation program must understand that any SA will be denied transport if the animal
 - (1) Violates safety requirements;
 - (2) Poses a direct threat to health and safety of others;
 - (3) Causes a significant disruption in the cabin or airport gate area;
 - (4) Violates health requirements.

(j) SA will be denied transport if proper DOT paperwork is not completed.

(k) Daily relief times for SA shall be coordinated between handler and onsite staff while in quarantine.

(l) Relieve time and area shall be coordinated for SA at Honolulu International Airport.

(m) ESA shall travel in a kennel and be checked in. Only animals recognized as pets (ESA's) as defined under FAA required to travel in a kennel and checked in. SA are exempted in this category.

(n) Upon entry to American Samoa:

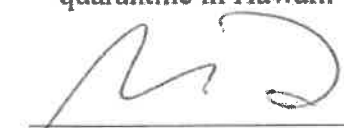
(1) Animals are subject to inspection by DoA.

(2) ESA shall quarantine with DoA for 3-5 days or until approved for release by DoA and DOH.

(3) Service animals, if repatriation requirements are fulfilled before traveling, are not to be separated from its handler during air travel from Hawaii to American Samoa unless the COVID 19 Task Force determines after advice from DOH and DOA that such separation is required to protect American Samoa public health and safety.


(4) DOH and DoA will work to ensure reasonable accommodations are made for the SA while in quarantine with the handler. This includes a safe process for the handler to have its SA relieve itself in an appropriate area without jeopardizing the travel bubble.

(5) All paperwork (permits, affidavits, certificates, etc...) shall be submitted to DoA at fax no. 684-699-9272 and DOH at hawaii.repat@doh.as at least 14 days prior to start of quarantine in Hawaii.



Solia Iosua Mutini
Director of Agriculture

Date: 1 Jul 21

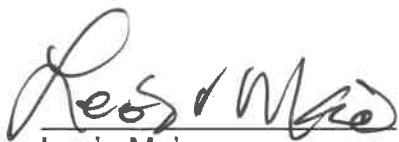


Motusa Tuileama Nua
Director of Health

Date: 1 Jul 2021

Acknowledgment of Filing

Rule 002-2021 – Adoption of Department of Agriculture Rules Pursuant to
A.S.C.A. § 4.1010



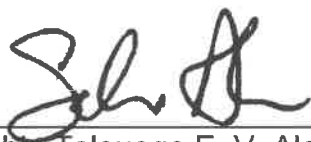
Leo'o Ma'o
Secretary of the Senate

Date: 7/02/2021



Vaiaitu Mulinu'u Maluia
Clerk of the House of Representatives

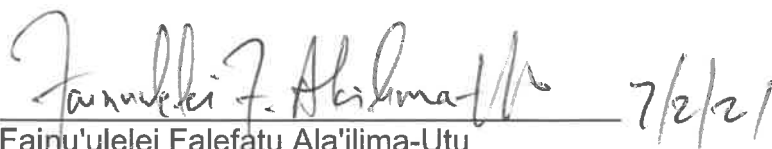
Date: 7/02/2021



Honorable Talauega E. V. Ale
Secretary of American Samoa

Date: 7/02/2021

American Samoa Rule 002-2021, Adoption of Department of Agriculture Rules Pursuant to A.S.C.A. § 4.1010 becomes effective on: July 2, 2021.



Fainu'ulelei Falefatu Ala'ilima-Utu
Attorney General of American Samoa

7/2/21