

American Samoa Registry Act

Chapter 04

CANCER REGISTRY

Sections:

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13.0401 Establishment.

A population-based, Territory-wide cancer registry is hereby established. The Department of Health shall administer and maintain the cancer registry established under this section.

History: 1998, PL 25-22.

13.0402 Cancer registry data and confidentiality.

The Department of Health shall collect, for each form of in-situ and invasive cancer (with the exception of basal cell and squamous cell carcinoma of the skin), data concerning:

- (1) demographic information about each case of cancer;
- (2) information on the industrial or occupational history of the individuals with the cancers, to the extent such information is available from the same record;
- (3) administrative information, including date of diagnosis and source of information;
- (4) pathological data characterizing the cancer, including the cancer site, stage of disease, incidence, and type treatment; and
- (5) other elements determined by the Department of Health.

All data collected under this section shall be considered confidential as to the names of persons or physicians concerned, except that researchers may use the names of such persons when requesting additional information for research studies when such studies have been approved by the Director of Health.

History: 1998, PL 25-22.

13.0403 Promulgation of rules.

The Department of Health shall develop rules necessary to:

- (1) ensure complete reporting by hospitals, laboratories, physicians and other health care practitioners diagnosing, or providing treatment for cancer patients;
- (2) ensure access to all records that would identify cases of cancer or establish characteristics of the cancer, treatment of the cancer, or medical status of the individual patient;
- (3) protect the confidentiality of all cancer data reported to the registry;

- (4) establish the format, quality requirements, completeness, and timeliness of required data;
- (5) and protect individuals complying with the law including provisions specifying that no person shall be held liable in any civil action with respect to a cancer case report provided to the cancer registry."

History: 1998, PL 25-22.

Chapter 05

VITAL STATISTICS

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13.0501 Birth and death certificate

(a) Certificates of birth and death shall be completed by the Department of Medical Services of the Government of American Samoa and forwarded to the Registrar of Vital Statistics as soon as possible, but in no event more than 6 months after birth, (b) The Registrar shall charge a fee for issuing a certified copy of a certificate of birth or death pursuant to 43.0102.

History: 1962, PL 7-12; 1968, PL 10-55.

13.0510 Definitions.

As used in this chapter:

(a) "Affidavit" means a written statement executed under oath by a person who at the time of birth was of sufficient age to have knowledge of the facts of birth and shall include the full name of the person whose birth is sought to be registered, the names of

his parents, the date and place of his birth, and the basis of the affiant's knowledge of these facts.

(b) "Documentary evidence" means an original or certified copy of a record which was executed at least 5 years prior to the date of application and which substantiates the date and place of birth of the person whose birth is sought to be registered; except that if the person whose birth is sought to be registered is under 12 years of age, the record need only have been executed at least 2 years before the date of application. Examples of documentary evidence which are generally considered acceptable are hospital records of birth, baptismal certificates or other church records, school and census records, statements in applications for insurance policies, military service records, voting registration records, family Bible records, the birth certificate of a child of the person whose birth is being registered, certificates of registry of marriage, and newspaper notices of birth.

History: 1968, PL 10-55.

13.0511 Reporting of births and deaths.

(a) The birth of every child shall be reported promptly to the pulenuu of the village where the child was born, together with such further particulars as the pulenuu may request. Within 30 days from the date of birth, the child shall be footprinted on a birth certificate provided by the Department of Health. The report of birth shall be made by the father or mother, or in the event of the death, absence or inability of the father or mother, by the owner of the house or place where the child was born.

(b) The death of every person shall be reported promptly to the pulenuu of the village where the death occurred, together with such further particulars as the pulenuu may request. The report of death shall be made by the occupant of the house or place where the death occurred, or by the relatives of the deceased.

(c) The pulenuu shall report all births and deaths, with such particulars as may be required, within 10 days following the birth or death, to the department of medical services. These reports shall be forwarded promptly to the Registrar of Vital Statistics, together with such comment as is pertinent.

(d) Births and deaths occurring at the LBJ Medical Center need not be reported to the pulenuu, but shall be reported by the Director of Health. Each child born at the center shall be footprinted on a birth certificate provided by the department.

History: 1962, PL 7-12; amd 1979, PL 16-25 § 1.

Amendments: 1979 subsections (a), (d): added provisions relating to footprinting.

13.0512 Fathers of illegitimates—Entry of name on records.

The father of an illegitimate child is not required to give information under this chapter regarding the birth of the child, and the father's name may not be entered on the records unless requested in writing by both the mother and the person acknowledging himself to be the father.

History: 1962, PL 7-12.

13.0513 Delayed registration of birth- Application- Form and contents.

(a) An application may be filed with the Registrar of Vital Statistics for the delayed registration of birth of any person born in this territory whose birth is not registered. Such application may be made only by the person whose birth is sought to be registered if he is 18 years of age or over at the time of filing the application. If the person whose birth is sought to be registered is under 18 years of age at the time of filing the application, the application may be made only by his mother, father, guardian, or matai.

(b) The application shall be made on the forms prescribed and furnished by the Registrar of Vital Statistics and shall contain such information and be accompanied by such affidavits and documentary evidence as required to enable the Registrar to determine whether such birth did in fact occur at the place and date alleged. The application and the birth certificate, if issued, shall contain the fingerprints of the applicant if the applicant is over 18 years of age, signed photographs of a size and type substantially similar to that required for U.S. passports shall be attached. One shall remain with the application and one shall be attached to the birth certificate so as to aid in identification of bearer.

History: 1968, 10-55; amd 1979, PL 16-25 § 1.

Amendments: 1979 Subsection (b): added second and third sentences relating to fingerprints and photos.

13.0514 Delayed registration of birth- Supporting evidence.

(a) When a birth is sought to be registered under this chapter and the date of application is less than 7 years following the date of birth, only one affidavit, of either the physician or other attendant at birth, or of the mother or father of the person whose birth is sought to be registered, is required.

(b) When a birth is sought to be registered under this chapter and the date of application is 7 years or more following the date of birth, there shall be required documentary evidence and affidavits as follows:

(1) two pieces of documentary evidence, at least one of which shall support the parentage; or

(2) one piece of documentary evidence and 2 affidavits, one by the physician and one by another attendant at birth; or

(3) one piece of documentary evidence and 2 affidavits executed by either the mother, father or another person having knowledge of the birth.

(c) The Registrar of Vital Statistics may dispense with the production of documentary evidence where he determines that it is unlikely that any exists.

History: 1968, PL 10-55.

13.0515 Delayed registration of birth- Review of application.

(a) Upon receipt by the Registrar of Vital Statistics of an application for delayed registration of birth, and payment of a reasonable fee to be set by the Registrar, the Registrar shall review the application, together with the affidavits and accompanying documentary evidence, and may accept the application if they comply with the provisions of this chapter.

(b) After acceptance by the Registrar, the application shall constitute a delayed certificate of birth, and the Registrar shall permanently preserve it.

(c) The Registrar shall maintain an index of all such certificates.

History: 1968, PL 10-55.

13.0516 Delayed certificate of birth-Evidence in judicial proceedings.

Delayed certificates of birth issued pursuant to this chapter shall not be considered as evidence in any action or proceeding involving estates or decedents or in any proceeding to establish heirship unless the affidavit of at least one person who knew the facts was filed at the time of the obtaining of the certificate.

History: 1968, PL 10-55.

13.0517 Identification cards.

(a) The Registrar of Vital Statistics is authorized and directed to prepare application forms necessary to issue an identification card to any American Samoan who requests one. The forms shall contain information required by the Registrar and be accompanied by such affidavits and documentary evidence necessary to enable the Registrar to ascertain the accuracy of the information. At a minimum the forms shall contain inquiries with respect to:

- (1) the date and place of birth;
- (2) the name of the father and mother if known;
- (3) the sex of the applicant; and
- (4) such additional matters as may be prescribed.

(b) The information on the application and photographs made under the provisions of this section shall be confidential, and shall be made available only to the applicant. If the applicant is under the age of 18 years of age the application shall be executed by one of the parents or legal guardian of the applicant.

(c) The Registrar of Vital Statistics shall set annually a fee for this service which fee shall cover all costs involved in producing the forms and identification cards.

History: 1990, PL 21-42.

13.0520 Procedure upon discovery of dead body-Report required.

(a) In case any dead body is found, and in case of any accidental death or death allegedly caused by unlawful means, the pulenuu shall report it without delay to the Attorney General for investigation. If such is not possible, the report shall be made to the local

representative of the Department of Health, who is authorized to act as coroner to investigate and report his findings to the Attorney General.

(b) The body shall not be removed until the arrival of the Attorney General or investigating officer unless necessary to prevent probable loss or mutilation of the body.

(c) No burial may take place until approved by the Attorney General.

History: 1962, PL 7-12.

13.0521 Making of required report relieves others of duty to report.

A report required by this chapter, when made by one of several persons responsible for making it, shall relieve the others of the duty to report.

History: 1968, PL 10-55.

13.0522 Autopsies.

(a) When any person dies, and the cause of death cannot otherwise be satisfactorily ascertained, an autopsy of the body to discover the cause of death may be performed if the Attorney General certifies in writing that the autopsy is necessary for the detection of possible crime, or if the Director of Health certifies in writing that the autopsy is necessary for public health purposes. The autopsy may be performed by a duly licensed physician or Samoan medical officer.

(b) It is unlawful for any person to obstruct or interfere with an autopsy authorized under this section.

History: 1962, PL 7-12.

13.0523 Burial permits.

(a) The body of a deceased Samoan shall not be buried until a burial permit has been issued by the county chief or his authorized representative.

(b) The body of a deceased non-Samoan shall not be buried until a burial permit has been issued by the Attorney General.

History: 1962, PL 7-12.

13.0530 Amendment of incorrect birth, death, or marriage record.

(a) Whenever the facts are not correctly stated in any certificate of birth, death, or marriage already registered, the person asserting the error may make an affidavit under oath stating the changes necessary to make the record correct, supported by the affidavit of one other person having knowledge of the facts, and file it with the Registrar.

(b) The Registrar of Vital Statistics shall review the affidavits and documents and may require further supporting evidence when he believes that it is necessary. If the Registrar is satisfied that the correction is properly supported, he shall accept the amendment.

(c) When the amendment is accepted, it shall be filed with and become a part of the pertinent record, but the original record shall not be altered. Certified copies of certificates may be made showing the correct information, but must show that it is an amended birth certificate.

History: 1968, PL 10-55.

13.0540 Violation-Penalty.

Any person who violates a provision of this chapter shall be guilty of a class B misdemeanor and upon conviction, sentenced accordingly.

History: 1968, PL 10-55; amd 1980, PL 16-90 § 54.

Amendments: 1980 Amended to conform with penalties provided for in Title 46, Criminal Justice.