

1 ENGROSSED HOUSE
2 BILL NO. 2574

By: Hoskin and Billy of the
House

3 and

4 Sparks of the Senate
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8 An Act relating to American Indian Arts and Crafts;
9 amending 78 O.S. 2011, Sections 73, 74 and 75, which
10 relate to the American Indian Arts and Crafts Sales
11 Act of 1974; clarifying statutory language; modifying
12 definitions; and providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 78 O.S. 2011, Section 73, is
15 amended to read as follows:

16 Section 73. As used in ~~this act~~ the American Indian Arts and
17 Crafts Sales Act of 1974, unless the context otherwise requires, the
18 following terms or phrases shall have the following meanings:

19 1. "American Indian tribe" means any Indian tribe, ~~organized~~
20 ~~band or pueblo, which is domiciled in the United States~~ federally
21 recognized by the Bureau of Indian Affairs of the United States
22 Department of the Interior;

23 2. "American Indian" means a person who is a citizen or is an
24 ~~enrolled or who is a lineal descendant of one enrolled upon an~~

1 ~~enrollment listing of the Bureau of Indian Affairs or upon the~~
2 ~~enrollment listing of a recognized member of an American Indian~~
3 ~~tribe, band or pueblo;~~

4 3. "Imitation American Indian arts and crafts" means any basic
5 article purporting to be of American Indian style, make, origin or
6 design which is not made by American Indian labor and workmanship;

7 4. "Authentic American Indian arts and crafts" means any
8 article of American Indian style, make, origin or design which is
9 made wholly or in part by American Indian labor and workmanship to
10 include, but not be limited to, any Kachina doll, rosette, necklace,
11 choker, barrette, hair tie, medallion, pin, pendant, bolo tie, belt,
12 belt buckle, cuff links, tie clasp, tie bar, ring, earring, purse,
13 blanket, shawl, moccasin, drum or pottery or any visual or
14 performing arts or literature which is not an imitation American
15 Indian art or craft; and

16 5. "Merchant" means any person engaged in the sale to the
17 public of imitation American Indian arts and crafts or authentic
18 American Indian arts and crafts.

19 SECTION 2. AMENDATORY 78 O.S. 2011, Section 74, is
20 amended to read as follows:

21 Section 74. It is unlawful to distribute, trade, sell or offer
22 for sale or trade within this state any article represented as being
23 made by American Indians unless the article actually is made or
24 assembled by American Indian labor or workmanship; ~~provided that~~

1 ~~all.~~ All articles purporting to be of silver shall be made of coin
2 or sterling silver.

3 SECTION 3. AMENDATORY 78 O.S. 2011, Section 75, is
4 amended to read as follows:

5 Section 75. Any merchant who knowingly and willfully tags or
6 labels any article as being an American Indian art or craft when it
7 does not meet the specifications of ~~this act~~ the American Indian
8 Arts and Crafts Sales Act of 1974 shall be guilty of violating the
9 provisions of the ~~American Indian Arts and Crafts Sales Act~~ and
10 shall be punished by a fine of not less than Twenty-five Dollars
11 (\$25.00) nor more than Two Hundred Dollars (\$200.00), or by
12 imprisonment for not less than thirty (30) days nor more than ninety
13 (90) days, or by both such fine and imprisonment.

14 SECTION 4. This act shall become effective November 1, 2014.

15 Passed the House of Representatives the 13th day of March, 2014.

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18 Presiding Officer of the House
of Representatives

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20 Passed the Senate the ___ day of _____, 2014.

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23 Presiding Officer of the Senate

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