

1 ENGROSSED HOUSE
2 BILL NO. 2261

By: Hoskin, Sherrer and Proctor
of the House

3 and

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

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

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

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

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

22 2. "American Indian" means a person who is a citizen or is an
23 ~~enrolled or who is a lineal descendant of one enrolled upon an~~
24 ~~enrollment listing of the Bureau of Indian Affairs or upon the~~

1 ~~enrollment listing of a recognized~~ member of an American Indian
2 ~~tribe, band or pueblo;~~

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

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

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

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

20 Section 74. It is unlawful to distribute, trade, sell or offer
21 for sale or trade within this state any article represented as being
22 made by American Indians unless the article actually is made or
23 assembled by American Indian labor or workmanship; ~~provided that~~
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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. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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1 Passed the House of Representatives the 7th day of March, 2016.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2016.

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8 Presiding Officer of the Senate