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1 2. "American Indian" means a person who is a citizen or is an
2 enrolled ~~or who is a lineal descendant of one enrolled upon an~~
3 ~~enrollment listing of the Bureau of Indian Affairs or upon the~~
4 ~~enrollment listing of a recognized~~ member of an American Indian
5 ~~tribe, band or pueblo;~~

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

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

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

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

23 Section 74. It is unlawful to distribute, trade, sell or offer
24 for sale or trade within this state any article represented as being

1 made by American Indians unless the article actually is made or
2 assembled by American Indian labor or workmanship; ~~provided that~~
3 ~~all.~~ All articles purporting to be of silver shall be made of coin
4 or sterling silver.

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

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

16 SECTION 4. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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21 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT, COMMERCE AND
22 REAL ESTATE, dated 02/17/2016 - DO PASS, As Coauthored.
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