## HOUSE OF REPRESENTATIVES - FLOOR VERSION

## STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2261

By: Hoskin of the House

and

Sparks of the Senate

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HB2261 HFLR BOLD FACE denotes Committee Amendments.

## AS INTRODUCED

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

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

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

- Section 73. As used in this act the American Indian Arts and Crafts Sales Act of 1974, unless the context otherwise requires, the following terms or phrases shall have the following meanings:
- "American Indian tribe" means any Indian tribe, organized band or pueblo, which is domiciled in the United States federally recognized by the Bureau of Indian Affairs of the United States Department of the Interior;

- 2. "American Indian" means a person who is a citizen or is an enrolled or who is a lineal descendant of one enrolled upon an enrollment listing of the Bureau of Indian Affairs or upon the enrollment listing of a recognized member of an American Indian tribe, band or pueblo;
- 3. "Imitation American Indian arts and crafts" means any basic article purporting to be of <u>American</u> Indian style, make, origin or design which is not made by <u>American</u> Indian labor and workmanship;
- 4. "Authentic American Indian arts and crafts" means any article of American Indian style, make, origin or design which is made wholly or in part by American Indian labor and workmanship to include, but not be limited to, any Kachina doll, rosette, necklace, choker, barrette, hair tie, medallion, pin, pendant, bolo tie, belt, belt buckle, cuff links, tie clasp, tie bar, ring, earring, purse, blanket, shawl, moccasin, drum or, pottery or any visual or performing arts or literature which is not an imitation American Indian art or craft; and
- 5. "Merchant" means any person engaged in the sale to the public of imitation American Indian arts and crafts or authentic American Indian arts and crafts.
- SECTION 2. AMENDATORY 78 O.S. 2011, Section 74, is amended to read as follows:
- Section 74. It is unlawful to distribute, trade, sell or offer for sale or trade within this state any article represented as being

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

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

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

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

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

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