

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1457 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Avery Frix

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1457

By: Frix

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to trademarks and labels; amending 78 O.S. 2011, Sections 74 and 75, as amended by Sections 2 and 3, Chapter 391, O.S.L. 2016 (78 O.S. Supp. 2016, Sections 74 and 75), which relate to the American Indian Arts and Crafts Sales Act of 1974; requiring merchants label certain products; requiring consistent labeling; repealing 78 O.S. 2011, Section 73, as amended by Section 1, Chapter 391, O.S.L. 2016 (78 O.S. Supp. 2016, Section 73), which relates to the American Indian Arts and Crafts Sales Act of 1974; and providing an effective date.

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

SECTION 1. AMENDATORY 78 O.S. 2011, Section 74, as amended by Section 2, Chapter 391, O.S.L. 2016 (78 O.S. Supp. 2016, Section 74), is amended to read as follows:

Section 74. ~~It is unlawful to~~ Merchants that distribute, trade, sell or offer for sale or trade within this state any article

1 represented as being made by American Indians ~~unless the article~~
2 ~~actually is made or assembled by American Indian labor or~~
3 ~~workmanship~~ shall make a labeling distinction between those items
4 made by a federally recognized tribe member and those that are not.
5 Merchants may exclusively label articles made by members of a
6 federally recognized tribe with language that states: "Article made
7 by a member of a federally recognized tribe". Any individual who is
8 not a member of a federally recognized tribe shall have the right to
9 distribute, trade, sell or offer for sale or trade articles that
10 depict Native American culture in any establishment within this
11 state; however, merchants shall prominently display a message with
12 the article that reads: "Article not made by a member of federally
13 recognized tribe". All articles purporting to be of silver shall be
14 made of coin or sterling silver.

15 SECTION 2. AMENDATORY 78 O.S. 2011, Section 75, as
16 amended by Section 3, Chapter 391, O.S.L. 2016 (78 O.S. Supp. 2016,
17 Section 75), is amended to read as follows:

18 Section 75. Any merchant who knowingly and willfully tags or
19 labels any article ~~as being an American Indian art or craft when it~~
20 ~~does not meet the specifications of the American Indian Arts and~~
21 ~~Crafts Sales Act of 1974~~ inconsistently with the requirements set
22 forth in Section 74 of this title shall be guilty of violating the
23 provisions of the Act and shall be punished by a fine of not less
24 than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars

1 (\$200.00), or by imprisonment for not less than thirty (30) days nor
2 more than ninety (90) days, or by both such fine and imprisonment.

3 SECTION 3. REPEALER 78 O.S. 2011, Section 73, as amended
4 by Section 1, Chapter 391, O.S.L. 2016 (78 O.S. Supp. 2016, Section
5 73), is hereby repealed.

6 SECTION 4. This act shall become effective November 1, 2017.
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8 56-1-6937 JBH 02/16/17
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