

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 HOUSE BILL 2261

By: Hoskin of the House

5 and

6 Sparks of the Senate

7  
8  
9 AS INTRODUCED

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

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

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

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

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

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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