

# An Act

ENROLLED HOUSE  
BILL NO. 2261

By: Hoskin, Sherrer, Proctor,  
Billy and Kirby of the  
House

and

Sparks and Dossett of the  
Senate

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; and  
modifying definitions.

SUBJECT: American Indian Arts and Crafts Sales Act of 1974

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

SECTION 1. AMENDATORY 78 O.S. 2011, Section 73, is  
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:

1. "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 American Indian style, make, origin or design which is not made by American 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 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.

Passed the House of Representatives the 19th day of May, 2016.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 24th day of May, 2016.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_