

**SENATE BILL NO. 273**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATOR LINCOLN

Introduced: 2/9/96

Referred: STA, L&C

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to Native handicrafts and other articles made in the state."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 \* **Section 1.** AS 45.65 is amended by adding new sections to read:

4           Sec. 45.65.062. DISPLAY OF POSTER. (a) A person, except the person who  
5 makes the handicraft, who sells or offers to sell at retail an authentic Native handicraft  
6 shall display a poster that complies with (b) of this section in a prominent place on the  
7 sales premises.

8           (b) The commissioner shall design and produce the poster required by (a) of  
9 this section and make the poster available without charge to the persons required to  
10 display the poster. The poster must be at least 11 inches by 17 inches in size and  
11 contain

12           (1) the following text: "Buy smart. To be assured that you are buying  
13 authentic Native handicrafts, look for the silver hand seal. The silver hand seal  
14 guarantees you that the article on which it appears was handcrafted by an Alaska  
15 Eskimo, Aleut, or Indian person. If an article does not display this seal, there is no

1 guarantee that it was made in Alaska by an Alaska Native. Ask for a certificate of  
2 origin with the sale of every Native handicraft that has a retail fair market value of  
3 \$100 or more. Report complaints to the Department of Commerce and Economic  
4 Development"; and the address and phone number of the department;

5 (2) a copy of the identification seal described in AS 45.65.030(a); and

6 (3) a copy of the seal of the state.

7 (c) A person who knowingly violates (a) of this section is guilty of a class B  
8 misdemeanor.

9 (d) In (a) of this section, "sells or offers to sell" includes selling or offering  
10 to sell at bazaars and trade shows.

11 Sec. 45.65.064. CERTIFICATES OF ORIGIN. (a) Unless the person made  
12 the handicraft, a person may not sell at retail an authentic Native handicraft that has  
13 a retail fair market value of \$100 or more unless the seller provides the buyer with a  
14 written certificate of origin that complies with (c) of this section. The certificate of  
15 origin required by this section may be in any form as long as the information is  
16 complete and legible.

17 (b) Unless the person made the handicraft, a person may not sell at wholesale  
18 an authentic Native handicraft that has a retail fair market value of \$100 or more  
19 unless the seller provides the buyer with the information required by (c) of this section  
20 on the invoice or on a separate sheet attached to the invoice.

21 (c) A certificate of origin must contain the following information:

22 (1) the business name and address of the seller;

23 (2) the legal name of the person who made the handicraft, and any  
24 business or assumed names used by the person when producing or marketing the  
25 handicraft;

26 (3) a statement that the person who made the handicraft is a Native  
27 and that "Native" is defined in AS 45.65.070;

28 (4) a description of the handicraft, including the primary materials  
29 used, and where the item was produced;

30 (5) a statement that all materials used to produce the handicraft are  
31 legal for the buyer to possess in the United States;

1 (6) a statement that a completed copy of this certificate must be  
2 provided with the sale of every authentic Native handicraft with a retail fair market  
3 value of \$100 or more; and

4 (7) the printed name of the seller and an original signature by the  
5 seller.

6 (d) A person who knowingly violates this section is guilty of a class B  
7 misdemeanor.

8 Sec. 45.65.066. ALTERATION OF ARTICLE ENTITLED TO A SEAL OR  
9 EMBLEM. A person, other than the person who made the article, may not in the  
10 course of the person's business add to, subtract from, or otherwise alter an article  
11 entitled to a seal or emblem if the article has been signed by the maker or if an  
12 identification seal or emblem has been attached to the article under AS 45.65.010. A  
13 person who knowingly violates this section is guilty of a class B misdemeanor.

14 Sec. 45.65.068. REMOVAL OF IDENTIFICATION SEAL OR EMBLEM.  
15 Unless the person made the article or purchased the article for the person's personal  
16 use, a person may not remove an identification seal or emblem authorized under  
17 AS 45.65.010 from an article entitled to a seal or emblem if the seal or emblem has  
18 been placed on the article by the person who made the article. A person who  
19 knowingly violates this section is guilty of a class B misdemeanor.

20 \* Sec. 2. AS 45.65.070 is amended by adding new paragraphs to read:

21 (6) "article entitled to a seal or emblem" means an

22 (A) authentic Native handicraft; or

23 (B) article that is eligible for an emblem under  
24 AS 45.65.010(b);

25 (7) "knowingly" has the meaning given in AS 11.81.900.