

SENATE BILL NO. 188

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATOR LINCOLN

Introduced: 4/25/97

Referred: State Affairs, Judiciary

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 45.50.471(b) is amended by adding a new paragraph to read:

4 (42) knowingly violating AS 45.65.062 - 45.65.068 (Native handicrafts
5 and other articles made in the state); in this paragraph, "knowingly" has the meaning
6 given in AS 11.81.900.

7 * **Sec. 2.** AS 45.65 is amended by adding new sections to read:

8 **Sec. 45.65.062. Display of poster.** (a) A person, except the person who
9 makes the handicraft, who sells or offers to sell at retail in the course of business an
10 authentic Native handicraft shall display a poster that complies with (b) of this section
11 in a prominent place on the sales premises.

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

1 (1) the following text: "Buy smart. To be assured that you are buying
2 authentic Native handicrafts, look for the silver hand seal. The silver hand seal
3 guarantees you that the article on which it appears was handcrafted by an Alaska
4 Eskimo, Aleut, or Indian person. If an article does not display this seal, there is no
5 guarantee that it was made in Alaska by an Alaska Native. Ask for a certificate of
6 origin with the sale of every Native handicraft that has a price of \$100 or more; the
7 certificate is required by AS 45.65.064. Report complaints to the Department of
8 Commerce and Economic Development"; and the address and phone number of the
9 department;

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

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

12 (c) In (a) of this section, "sells or offers to sell" includes selling or offering
13 to sell at bazaars and trade shows.

14 **Sec. 45.65.064. Certificates of origin.** (a) A person who makes an authentic
15 Native handicraft may not sell the handicraft for \$50 or more in the course of business
16 at retail or at wholesale unless the person provides the buyer with a written certificate
17 of origin that complies with (c) of this section.

18 (b) A person other than the person who made the handicraft may not sell an
19 authentic Native handicraft for \$100 or more in the course of business at retail or at
20 wholesale unless the seller provides the buyer with a written certificate of origin that
21 complies with (c) of this section.

22 (c) The person who made the handicraft being sold under (a) and (b) of this
23 section shall prepare the required certificate of origin. The certificate of origin may
24 be in any form as long as the information is complete and legible, and must contain
25 an accurate statement of the following information:

26 (1) the legal name of the person who made the handicraft, and any
27 business or assumed names used by the person when producing or marketing the
28 handicraft;

29 (2) a statement that the person who made the handicraft is a Native and
30 that "Native" is defined in AS 45.65.070;

31 (3) a description of the handicraft, including the primary materials used,

1 and where the item was produced;

2 (4) a statement that all materials used to produce the handicraft are
3 legal for the buyer to possess in the United States;

4 (5) a statement that a completed copy of this certificate must be
5 provided with the sale of every authentic Native handicraft that is sold by the maker
6 of the handicraft for \$50 or more, or that is sold by another person for \$100 or more;
7 and

8 (6) the printed name and original signature of the person who made the
9 handicraft.

10 (d) A seller who is not the maker of the handicraft being sold is not
11 responsible for the accuracy of the contents of the certificate of origin provided under
12 this section.

13 **Sec. 45.65.066. Alteration of article entitled to a seal or emblem.** A person,
14 other than the person who made the article, may not, in the course of the person's
15 business, add to, subtract from, or otherwise alter an article entitled to a seal or
16 emblem if the article has been signed by the maker or if an identification seal or
17 emblem has been attached to the article under AS 45.65.010.

18 **Sec. 45.65.068. Removal of identification seal or emblem.** Unless the person
19 made the article or purchased the article for the person's personal use, a person may
20 not remove an identification seal or emblem authorized under AS 45.65.010 from an
21 article entitled to a seal or emblem if the seal or emblem has been placed on the article
22 by the person who made the article.

23 * **Sec. 3.** AS 45.65.070 is amended by adding new paragraphs to read:

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

25 (A) authentic Native handicraft; or

26 (B) article that is eligible for an emblem under
27 AS 45.65.010(b);

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