

1 IN THE HOUSE

BY RULES COMMITTEE BY REQUEST

2 HOUSE BILL NO.441

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act reglating the retail sale of  
7 authentic and imitation Native arts and  
8 crafts to prevent misrepresentation in the  
9 sale thereof; requiring labeling of imitation  
10 Native arts and crafts; providing a penalty  
11 for violation; and providing for an effective  
12 date."

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

14 Section 1. SHORT TITLE. This Act may be cited as the "Native  
15 Arts and Crafts Sales Act."

16 Sec. 2. DEFINITIONS. As used in the Native Arts and Crafts  
17 Sales Act:

18 (1) "Native tribe" means any Native, Eskimo, Aleut, or  
19 Indian tribe or organized or unorganized band, which is domiciled  
20 in the State of Alaska;

21 (2) "Native" means any person who is a member of any  
22 Eskimo, Aleut or Indian tribe, and any person who is a lineal  
23 descendant of an Eskimo, Aleut or Indian and possessing not less  
24 than one quarter Native blood;

25 (3) "imitation Native arts and crafts" means any doll,  
26 ring, necklace, earrings, cuff links, tie clasp, tie bar, bracelet,  
27 choker, pin, pendant, barette, bolo tie, belt, belt buckle, carving  
28 from any material, parka, mukluk, skin clothing, basket:

29 (a) made by machine; or

1 (b) made either wholly or partially out of synthetic  
2 or artificial materials; or

3 (c) the basic article of which is not made by  
4 Aleut, Eskimo or Indian labor or workmanship in Alaska;

5 (4) "authentic Native arts and crafts" means any doll,  
6 ring, necklace, earrings, cuff links, tie clasp, tie bar, bracelet,  
7 choker, pin, pendant, barette, bolo tie, belt, belt buckle, carving  
8 from any material, parka, mukluk, skin clothing, basket which is  
9 not an imitation Native art or craft;

10 (5) "merchant" means any person, firm, association or  
11 corporation engaged in the retail sale to the public of imitation  
12 Native arts and crafts or authentic Alaska Native arts and crafts  
13 and who represents them to be of Alaskan Native style, origin or  
14 design. Such representation will be presumed if such person,  
15 firm, association or corporation uses the word "Native", "Native  
16 trader", "Native curios" or the name of any Native tribe in the  
17 name of the business, in advertising the business, or in adver-  
18 tising labeling or identifying any products or articles sold by  
19 such person, firm, association or corporation; and

20 (6) "made by machine" means the producing or reproducing  
21 of the basic article in mass production by mechanically stamping,  
22 casting, blanking, weaving, etching, carving, sand blasting or  
23 otherwise mechanically shaping or designing the basic article.

24 Sec. 3. PURPOSE OF ACT. The purpose of the Native Arts and  
25 Crafts Sales Act is to protect the public, under the police powers  
26 of the state, from false representation in the sale of authentic  
27 and imitation Native arts and crafts.

28 Sec. 4. INQUIRY AS TO PRODUCER. It is hereby made the duty  
29 of every merchant dealing in authentic Native arts and crafts or

1 imitation Native arts and crafts, or both, to make due inquiry of  
2 their suppliers of such arts and crafts concerning the methods of  
3 production used in producing such arts and crafts and to determine  
4 whether such arts and crafts are in fact authentic Alaskan Native  
5 arts and crafts or imitation Alaskan Native arts and crafts.

6 Sec. 5. LABELING. Every merchant selling or offering for  
7 sale imitation Alaskan Native arts and crafts shall clearly desig-  
8 nate such articles as such by attaching to each article a tag  
9 containing the words "Alaskan Native Imitation" in letters not  
10 less than fourteen-point type or if the imitation Native arts and  
11 crafts can be clearly labeled by the use of a display card, then  
12 in lieu of tagging each article, the merchant may label the  
13 imitation Native arts and crafts with a printed display card in  
14 letters of not less than one and one-half inch in height containing  
15 the words "Native Imitation". The label or display card shall be  
16 maintained to designate the imitation Native arts and crafts at  
17 all times.

18 Sec. 6. PENALTY. Any merchant intentionally violating any  
19 of the provisions of the Native Arts and Crafts Sales Act shall  
20 be punished by a fine of not more than three hundred dollars  
21 (\$300), or by imprisonment for not more than ninety days, or by  
22 both such fine and imprisonment.

23 Sec. 7. EFFECTIVE DATE. This Act takes effect on the day  
24 after its passage and approval or on the day it becomes law without  
25 such approval.  
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