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IN THE HOUSE

BY MR. BLODGETT

HOUSE BILL NO. 4

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the regulation of the retail sale of authentic and imitation Native arts and crafts to prevent misrepresentation in the sale thereof; and providing for an effective date."

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

Section 1. PURPOSE OF ACT. The purpose of this Act is to protect the public under the police powers of the state from false representation in the sale of authentic and imitation Native arts and crafts.

Sec. 2. DUTY OF MERCHANT TO INQUIRE AS TO PRODUCER. Every merchant dealing in authentic Native arts and crafts or imitation Native arts and crafts, or both, shall make due inquiry of their suppliers of these arts and crafts concerning the methods of production used in producing these arts and crafts and to determine whether they are in fact authentic Alaskan Native arts and crafts or imitation Alaskan Native arts and crafts.

Sec. 3. DUTY OF MERCHANT TO LABEL. Every merchant selling or offering for sale imitation Alaskan Native arts and crafts shall clearly designate these articles as such by attaching to each article a tag containing the words "Alaskan Native Imitation" in letters not less than fourteen-point type or if the imitation Native arts and crafts can be clearly labeled by the use of a display card, then in lieu of tagging each article, the merchant

1 may label the imitation Native arts and crafts with a printed
2 display card in letters of not less than one and one-half inch
3 in height containing the words "Native Imitation." The label or
4 display card shall be maintained to designate the imitation Na-
5 tive arts and crafts at all times.

6 Sec. 4. PENALTY. Any merchant intentionally violating
7 any of the provisions of this Act is punishable by a fine of not
8 more than \$300.00, or by imprisonment for not more than 90 days,
9 or by both the fine and imprisonment.

10 Sec. 5. DEFINITIONS. As used in this Act:

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

14 (2) "Native" means any person who is a member of any
15 Eskimo, Aleut or Indian tribe, and any person who is a lineal
16 descendant of an Eskimo, Aleut or Indian, and possessing not less
17 than one quarter Native blood;

18 (3) "imitation Native arts and crafts" means any doll,
19 ring, necklace, earrings, cuff links, tie clasp, tie bar, bracelet,
20 choker, pin, pendant, barette, bolo tie, belt, belt buckle, carv-
21 ing from any material, parka, mukluk, skin clothing, basket:

22 (a) made by machine; or

23 (b) made either wholly or partially out of syn-
24 thetic or artificial materials; or

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

27 (4) "authentic Native arts and crafts" means any doll,
28 ring, necklace, earrings, cuff links, tie clasp, tie bar, brace-
29 let, choker, pin, pendant, barette, bolo tie, belt, belt buckle,

1 carving from any material, parka, mukluk, skin clothing, basket
2 which is not an imitation Native art or craft;

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

13 (6) "made by machine" means the producing or reproduc-
14 ing of the basic article in mass production by mechanically
15 stamping, casting, blanking, weaving, etching, carving, sand
16 blasting or otherwise mechanically shaping or designing the basic
17 article.

18 Sec. 6. SHORT TITLE. This Act may be cited as the "Native
19 Arts and Crafts Sales Act."

20 Sec. 7. EFFECTIVE DATE. This Act takes effect on the day
21 after its passage and approval or on the day it becomes law with-
22 out such approval.

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