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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; providing penalties; 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 or label containing only the words "Imitation Alaskan Native Craft" in letters not less than fourteen-point type or if the imitation Native arts and crafts can be clearly labeled

1 by the use of a display card, then in lieu of tagging or labeling  
2 each article, the merchant may label the imitation Native arts  
3 and crafts with a printed display card in letters of not less than  
4 one and one-half inch in height containing only the words "Imita-  
5 tion Alaskan Native Craft." The label or card shall be prominently  
6 displayed and maintained to designate the imitation Native arts  
7 and crafts at all times.

8 Sec. 4. PENALTY. Any merchant knowingly or wilfully viola-  
9 ting any of the provisions of this Act is punishable by a fine of  
10 not more than \$300.00, or by imprisonment for not more than 90 days,  
11 or by both the fine and imprisonment.

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

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

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

19 (3) "imitation Native arts and crafts" means any doll,  
20 ring, necklace, earrings, cuff links, tie clasp, tie bar, bracelet,  
21 choker, pin, pendant, barette, bolo tie, belt, belt buckle, carving  
22 from any material, beaded items from any material, parka, mukluk,  
23 skin clothing, basket or any art or craft native to Alaska:

24 (a) made by machine; or

25 (b) made either wholly or basically out of synthe-  
26 tic or artificial materials; or

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

29 (4) "authentic Native arts and crafts" means any doll,

1 ring, necklace, earrings, cuff links, tie clasp, tie bar, brace-  
2 let, choker, pin, pendant, barette, bolo tie, belt, belt buckle,  
3 carving from any material, beaded items of any material, parka,  
4 mukluk, skin clothing, basket or any art or craft native to Alaska  
5 which is not an imitation Native art or craft;

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

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

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

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  
25 without such approval.

26 Passed by the House February 1, 1961  
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