

SECOND REGULAR SESSION

HOUSE BILL NO. 1384

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

4555H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to sales of authentic American Indian arts or crafts, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be
2 known as section 407.315, to read as follows:

407.315. 1. As used in this section, the following terms mean:

2 **(1) "American Indian tribe", any Indian tribe federally recognized by the Bureau**
3 **of Indian Affairs of the United States Department of the Interior;**

4 **(2) "American Indian", a person who is a citizen or enrolled member of an**
5 **American Indian tribe;**

6 **(3) "Imitation American Indian art or craft", any basic article purporting to be of**
7 **American Indian style, make, origin, or design that was not made by American Indian**
8 **labor and workmanship;**

9 **(4) "Authentic American Indian art or craft", any article of American Indian style,**
10 **make, origin, or design that was made wholly or in part by American Indian labor and**
11 **workmanship including, but not limited to, any Kachina doll, rosette, necklace, choker,**
12 **barrette, hair tie, medallion, pin, pendant, bolo tie, belt, belt buckle, cuff links, tie clasp,**
13 **tie bar, ring, earring, purse, blanket, shawl, moccasin, drum, or pottery or any visual or**
14 **performing arts or literature;**

15 **(5) "Merchant", any person engaged in the sale to the public of imitation American**
16 **Indian art or craft or authentic American Indian art or craft.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **2. No merchant shall distribute, trade, sell, or offer for sale or trade within this**
18 **state any article represented as being made by American Indians unless the article is an**
19 **authentic American Indian art or craft. All such articles purporting to be of silver shall**
20 **be made of coin or sterling silver.**

21 **3. Any merchant who knowingly and willfully tags or labels any article as being an**
22 **American Indian art or craft when it does not meet the specifications of this section shall**
23 **be subject to a fine of not less than twenty-five dollars and not more than two hundred**
24 **dollars, to imprisonment for not less than thirty days and not more than ninety days, or to**
25 **both such fine and imprisonment.**

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