

LEGISLATIVE BILL 275

Approved by the Governor February 21, 1986

Introduced by Pappas, 42

AN ACT relating to personal property; to adopt the American Indian Arts and Crafts Sales Act; to provide a penalty; and to provide severability.

Be it enacted by the people of the State of Nebraska,

Section 1. This act shall be known and may be cited as the American Indian Arts and Crafts Sales Act.

Sec. 2. The purpose of the American Indian Arts and Crafts Sales Act is protection of the consumer and protection of American Indian craftpersons from false representation in the offering for sale, sale, trade, or purchase of authentic American Indian arts and crafts and natural and unnatural turquoise.

Sec. 3. As used in the American Indian Arts and Crafts Sales Act, unless the context otherwise requires:

(1) American Indian shall mean any person of at least one-quarter American Indian blood who is enrolled or is a lineal descendant of an American Indian enrolled upon enrollment listing of the federal Bureau of Indian Affairs;

(2) Imitation American Indian arts and crafts shall mean any American Indian-Style arts and crafts which are made by machine, made of synthetic or artificial material, or made by persons who are not American Indians;

(3) Authentic American Indian arts and crafts shall mean any arts and crafts which are handcrafted by American Indians and made of natural materials;

(4) Machine-made shall mean the manufacture of American Indian-style arts and crafts in mass production by mechanically stamping, casting, shaping, or weaving;

(5) Handcrafted arts and crafts shall mean any arts and crafts produced by individual hand labor through the use of findings, hand tools, and equipment for buffing, polishing, grinding, or drilling;

(6) Findings shall mean only those pieces that come under the category of clips, pins, stems, hooks, and toggles and other materials used in joining two or more parts of a single handcrafted product, but shall not mean bench-made beads, machine-made beads, or other

machine-made components;

(7) Spin cast shall mean the casting of jewelry components other than findings by means of centrifugal force;

(8) Natural turquoise shall mean an unadulterated mineral consisting of hydrous basic copper aluminum phosphate which has not been chemically altered or discolored other than by natural alteration or discoloration; and

(9) Unnatural turquoise shall mean any mineral, compound, or substance which is not natural turquoise, including the following: Stabilized turquoise which is turquoise of a soft, porous nature which has been chemically hardened, but not adulterated so as to change the coloration of the natural mineral; treated turquoise which is turquoise which has been chemically altered to produce a change in the coloration of the natural mineral; reconstituted turquoise which is turquoise dust and particles which have been mixed with plastic resins and compressed into a solid form so as to resemble natural turquoise; imitation turquoise which is any artificial compound or other mineral manufactured or treated so as to closely resemble natural turquoise in composition and color; and any other mineral which is represented as turquoise but is not natural turquoise.

Sec. 4. Any person engaged in manufacturing or producing American Indian arts and crafts shall provide accurate information to wholesale and retail sellers concerning the methods and materials used in manufacturing and producing such arts and crafts.

Sec. 5. Any person engaged in supplying natural turquoise, unnatural turquoise, or both for use in the manufacture or production of American Indian arts and crafts or for sale to consumers shall provide accurate information concerning the source and quality of the turquoise being supplied.

Sec. 6. Any person selling or offering for sale to consumers any American Indian arts and crafts shall make inquiry of manufacturers and producers of such arts and crafts concerning the methods and materials used in the manufacture and production of such arts and crafts for the purpose of determining whether such arts and crafts are authentic or imitation.

Sec. 7. It shall be unlawful for any person engaged in the manufacture, production, wholesale selling, or retail selling of American Indian arts and crafts to:

(1) Sell or offer for sale any products as being authentic American Indian arts and crafts unless

such products are made in accordance with the definition of authentic American Indian arts and crafts in the American Indian Arts and Crafts Sales Act;

(2) Sell or offer for sale any authentic American Indian arts and crafts purporting to be made of silver unless such products are made of coin silver or sterling silver;

(3) Sell or offer for sale any imitation American Indian arts and crafts unless such products are clearly designated as such by a tag attached to each product and containing the words Indian imitation in letters of a size of not less than fourteen-point type, except that if the imitation American Indian arts and crafts can be clearly labeled by the use of a display card in lieu of tagging each article, the person may label such arts and crafts with a printed display card in letters not less than one and one half inches in height and containing the words Indian imitation;

(4) Sell or offer for sale spin-cast components of American Indian jewelry, except findings, or use such spin-cast components in jewelry unless such jewelry is stamped as being so cast in its manufacture; or

(5) Sell or offer for sale unnatural turquoise unless represented by a display card or tag as being unnatural turquoise.

Sec. 8. Any person who violates any provision of the American Indian Arts and Crafts Sales Act shall be guilty of a Class IV misdemeanor.

Sec. 9. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.