

02 NCAC 48F .0305 COLLECTION AND SALE OF GINSENG

(a) Definitions:

- (1) Department. The North Carolina Department of Agriculture and Consumer Services;
- (2) Ginseng. Any plant of the species *Panax quinquefolius* including cuttings, roots, fruits, seeds, propagules or any other plant part;
- (3) Ginseng Dealer. Any person who purchases or otherwise obtains ginseng roots which have been collected or cultivated in North Carolina in any quantity for commercial use. This definition does not include those persons who directly collect or cultivate ginseng roots, or who obtain ginseng roots for their own personal use;
- (4) Export Certificate. A document issued to allow the export or shipment of ginseng out of the state by certifying that the ginseng covered by the document was legally collected or grown in North Carolina;
- (5) Five Year Old Wild Ginseng Plant. Any wild ginseng plant having at least three prongs (five-leaflet leaves) or, in the absence of leaves, having at least four discernible bud scars plus a bud on the neck (rhizome);
- (6) Inspector. An employee of the Department or any other person authorized by the Commissioner to enforce the Plant Protection and Conservation Act and the rules adopted thereunder;
- (7) Person. Individual, corporation, partnership, firm, or association;
- (8) Record of Ginseng Purchases. A document completed by a ginseng dealer on a form provided by the Department to record ginseng purchases;
- (9) Record of Harvest Season Collection. A document completed and signed by a collector of wild ginseng and by an Inspector, certifying that the ginseng covered by the document was legally collected during the harvest season; and
- (10) Statement Indicating Legal Collection of Ginseng from One's Own Land. A document completed and signed by a person verifying that the wild collected ginseng being sold was collected from that person's own land.

(b) Purpose. The purpose of this Rule is to regulate trade in ginseng in North Carolina, to obtain federal approval for the export of ginseng from the state, to support the ginseng trade within the state, and to protect the species from over-collection and extinction.

(c) Collection of Ginseng:

- (1) Harvest Season for the Collection of Ginseng. The ginseng harvest season shall be from September 1 through December 31;
- (2) Size of Collected Plants. Collection of any wild ginseng plant not meeting the definition of a five year old wild ginseng plant is prohibited except for the purpose of replanting;
- (3) Replanting of Ginseng. All persons collecting ginseng from the wild shall plant the seeds of collected plants within 100 feet of where the plants are located. Ginseng seeds may be collected from the wild for replanting to a different location only if the plant bearing the seeds is not also collected in the same harvest season;
- (4) Any person collecting wild ginseng on the lands of another for any purpose shall, at time of collection, have on his or her person written permission from the landowner, as required under G.S. 106-202.19(a)(1); and
- (5) Possession of freshly dug ginseng on the lands of another shall constitute prima facie evidence that the ginseng was taken from the same land on which the collector was found.

(d) Purchase, Collection and Sale of Ginseng:

- (1) Ginseng Dealer Permits. All ginseng dealers shall obtain a permit from the Plant Industry Division of the Department prior to purchasing ginseng. Permits shall be valid from July 1 or the date of issue, whichever is later, to the following June 30. No ginseng shall be purchased by a ginseng dealer without a current permit;
- (2) Fees. A ginseng dealer shall pay the following fee for a permit:
 - (A) Resident unlimited quantity - \$100.00
 - (B) Resident limited (up to 100 pounds per license period) - \$50.00
 - (C) Non-resident - \$500.00;
- (3) Buying Season for Ginseng. The buying season for wild or wild-simulated green ginseng is September 1 through March 31. The buying season for wild or wild-simulated dry ginseng is September 15 through March 31. To buy wild collected ginseng outside of this buying season a ginseng dealer must obtain from the collector either:

- (A) a completed Statement Indicating Legal Collection of Ginseng from One's Own Land; or
 - (B) a Record of Harvest Season Collection completed by the collector and signed by an Inspector;
- (4) Purchase Records. Every ginseng dealer shall keep a record of each purchase of ginseng collected or grown in North Carolina on the applicable Record of Ginseng Purchases provided by the Department. Forms from previous years, copies, or any forms other than those provided by the Department for the current permit period shall not be used. Records of Ginseng Purchases shall be made available for inspection by an Inspector and applicable records shall be surrendered to an Inspector upon issuance of an Export Certificate or upon request. The applicable Statement Indicating Legal Collection of Ginseng from One's Own Land or Record of Harvest Season Collection shall be attached to any Record of Ginseng Purchases recording a purchase of wild collected ginseng collected outside of the harvest season or bought outside of the buying season;
- (5) Purchase of Ginseng from Other Ginseng Dealers.
- (A) All ginseng dealers who purchase ginseng from other ginseng dealers located in North Carolina shall purchase only from those ginseng dealers that have valid dealer permits. Such purchases shall be recorded in a Record of Dealer-Dealer Transactions. Ginseng purchased from ginseng dealers who lack valid permits shall not be certified for export or shipment out of the state.
 - (B) Each dealer shall submit copies of purchase records monthly between September 1 and March 31. Annual dealer reports shall be provided to the Department at the end of the purchase season. The report must be submitted no later than April 30.
 - (C) A copy of end of season weight receipt shall be provided to the Department for any ginseng roots possessed by a dealer at the end of the buying season. The receipt must be retained by the dealer and presented at the time of any future certification of the ginseng for export;
- (6) Exportation and Shipment of Ginseng. All persons who have ginseng in any quantity and wish to export or ship any amount out of the state shall obtain an export certificate from an Inspector. There shall be no charge for an export certification. To obtain an export certificate a person must have accurate records of his purchases, present and surrender the original Record of Ginseng Purchases upon issuance of an export certificate and possess a valid ginseng dealer's permit; and
- (7) Importation of Ginseng. All ginseng imported into North Carolina from other states must obtain the appropriate certificates from the state of origin, which must be presented to a Department representative at the time of inspection.
- (e) Cultivation and Sale of Cultivated Ginseng.
- (1) Buying season for Cultivated Ginseng. Cultivated Ginseng may be sold at any time during the year provided that the grower's ginseng has been certified as Cultivated Ginseng; and
 - (2) Certifying Cultivated Ginseng. Cultivated Ginseng certified by a Department representative may be dug or sold any time during the year and does not require a state export certificate, as long as a copy of the certification records accompany the ginseng.

History Note: Authority G.S. 106-202.15; 106-202.21; Eff. June 30, 1981; Amended Eff. July 3, 2012; December 1, 2010; April 1, 2003; July 1, 1998; August 1, 1990; May 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.