

CHAPTER 78
GINSENG HARVESTING AND SALE
[Prior to 12/31/86, Conservation Commission[290] Ch 21]

571—78.1(456A) Definitions. As used in this rule:

“*Cultivated ginseng*” means ginseng that is artificially propagated and maintained under controlled conditions, for example, in intensively or intermittently prepared or managed gardens or patches, under artificial or natural shade.

“*Dealer*” means anyone who purchases and sells wild or cultivated ginseng.

“*Department*” means the Iowa department of natural resources.

“*Director*” means the director of the Iowa department of natural resources or a designee.

“*Ginseng*” means dry root, live root, seeds, or other parts of American ginseng (*Panax quinquefolius*) that is cultivated or wild.

“*Grower*” means a person who grows cultivated ginseng and who sells cultivated ginseng to a dealer.

“*Harvester*” means any person who harvests wild ginseng and sells it, but does not purchase ginseng.

“*Wild ginseng*” means ginseng that is not grown or nurtured by a person beyond planting of local seed at the site of collection.

“*Woods-grown ginseng*” means ginseng that has been nurtured in any way by humans, including but not limited to watering, weeding, use of pesticides, soil tillage and fertilization; considered to be cultivated ginseng.

571—78.2(456A) Season for legal harvest. Persons may dig American ginseng, either wild or cultivated, for the purposes of marketing from September 1 through October 31 of each year.

571—78.3(456A) Ginseng permits. Ginseng growers’ permits, wild ginseng harvesters’ permits and ginseng dealers’ permits shall be issued upon filing of an application provided by the department and accompanied by the appropriate permit fee.

78.3(1) *Free grower permit.* Growers of cultivated ginseng are required to obtain a permit, for which there is no charge, from the department. This permit shall be valid for five years from the date of issuance. Applications for permit renewal must be filed with the department within 60 days of expiration.

78.3(2) *Wild ginseng harvester’s permit.*

a. Every harvester of wild ginseng must have in possession a valid permit to harvest wild ginseng for the current harvest season when harvesting, possessing or transporting wild ginseng. No person, while harvesting, shall carry or have in possession any wild ginseng harvester’s permit issued to another person.

b. Wild ginseng harvesters’ permits shall be issued upon filing of an application accompanied by a \$10 permit fee with the department of natural resources. The application period shall be from May 15 through October 31 of each year.

c. The wild ginseng harvester’s permit shall be valid from September 1 through March 15 of the following year, both dates inclusive.

d. Harvesters with valid Iowa ginseng harvesters’ permits may sell wild ginseng from September 1 through March 15 of the following year.

e. The wild ginseng harvester’s permit shall include the applicant’s signature, address, and other facts as may be required by the department.

f. Harvesters with valid Iowa ginseng harvesters’ permits may retain no more than four ounces of dry wild ginseng for personal consumption for one year beyond the expiration date of the permit.

78.3(3) *Ginseng dealer’s permit and registration.*

a. All persons who buy and sell wild or cultivated ginseng in Iowa shall have a valid dealer’s ginseng permit in their own name, except for paid employees or family members of a licensed dealer who are working at that dealer’s primary place of business as indicated on the dealer’s permit. The dealer’s permit is used to register the dealer with the department.

- b.* Ginseng dealers' permits shall be issued upon filing of an application accompanied by a \$100 permit fee with the department.
- c.* The ginseng dealer's permit shall be valid from September 1 until August 31 of the following year.
- d.* The ginseng dealer's permit application must be filed with the department at least 15 days prior to the beginning of the legal harvest season in Iowa.

571—78.4(456A) Dealer's records. Each permitted ginseng dealer shall keep an accurate and complete record of each cultivated or wild ginseng purchase or sale. Forms for these records shall be provided by the department. A copy of each record shall be kept for a period of three years after the expiration of the dealer's permit.

78.4(1) The dealer's record of each ginseng purchase shall include:

- a.* Date of purchase;
- b.* Harvester's permit number or dealer's permit number of seller;
- c.* Dry weight of ginseng root purchased;
- d.* Name of county where ginseng was harvested if purchased from a harvester;
- e.* Additional information as may be requested by the department.

78.4(2) The dealer's record of each ginseng sale of cultivated or wild ginseng shall include:

- a.* Date of sale;
- b.* Name and address of buyer;
- c.* Dry weight of ginseng root sold;
- d.* Year in which the ginseng sold was harvested;
- e.* Additional information as may be requested by the department.

78.4(3) Each permitted dealer shall submit to the department copies of all purchase and sales records for cultivated and wild ginseng. These records shall be submitted to the department by April 15 and shall cover all sales and purchases from September 1 of the year of the harvest through March 31 of the following year.

78.4(4) Each dealer must submit a report to the department which inventories all cultivated and wild ginseng remaining in the dealer's possession after March 31. Any roots remaining with the dealer shall be weighed and certified by the dealer. The report shall be submitted to the department by April 15 of each year even if the dealer no longer has any ginseng roots in possession. The dealer shall keep a copy of the inventory report and record all future sales of the roots listed in the report. The dealer shall submit an amended annual report to the department within 30 days of the sale of all ginseng roots listed in the inventory report.

571—78.5(456A) Certification of shipments.

78.5(1) Shipments of cultivated and wild ginseng to points outside the state of Iowa by growers, harvesters and dealers shall be accompanied by a certificate of origin (shipping certificate). Shipping certificates are the certification of legal taking. Shipping certificate for cultivated ginseng will be issued to growers or dealers and will be based upon the permit holders' cultivation, purchase, and sales records and completed by the permit holder on forms provided by the department. Shipping certificates for wild ginseng will be issued by state personnel or their agents after the root has been weighed and certified at one of the locations designated by the department.

78.5(2) Shipping certificates shall be issued free to grower and dealer permit holders and for a fee of \$5 for each certificate to holders of harvester permits.

78.5(3) Rescinded IAB 8/9/00, effective 9/13/00.

78.5(4) Rescinded IAB 8/9/00, effective 9/13/00.

571—78.6(456A) Inspection.

78.6(1) Any permit issued under this chapter shall be shown to employees of the department upon request.

78.6(2) Any records required by this chapter to be maintained or submitted shall be produced for inspection upon request of employees of the department.

78.6(3) Failure to maintain records or to submit reports as required may result in the denial of the issuance of future permits.

78.6(4) Any violation of Iowa Code section 456A.24 or these rules is cause for revocation of any permit issued under authority of these rules.

571—78.7(456A) Restrictions. Wild ginseng plants shall be harvested only if they possess three or more true leaves (“prongs”). When harvesting wild ginseng, harvesters shall plant all seeds from harvested plants within 100 feet of the parent plants. Seed from wild ginseng may not be sold or transplanted away from the site of the parent plant.

These rules are intended to implement Iowa Code section 456A.24(11).

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