

571—78.6 (456A) Ginseng permits. The department shall issue a grower's permit or dealer's permit upon receipt of a signed and complete application. An application shall be submitted on the form provided by the department, and payment of the appropriate fee, if applicable, shall be included with the application. Harvester's permits are available for sale through the department's electronic licensing system for Iowa (ELSI), which may be accessed through license agents throughout the state or on the department's Web site. The department shall not issue a permit if the department determines that the permit will be detrimental to the survival of ginseng or will otherwise be in contravention of the laws of this state or applicable federal laws. A person shall not carry, possess or use any other person's permit issued pursuant to these rules, except as specifically provided by these rules.

78.6(1) *Grower's permits.*

a. A person must obtain a permit from the department to legally grow cultivated ginseng. There is no fee for the permit, except for the charge associated with ELSI.

b. In order to be considered, an application for a grower's permit shall be made on the form provided by the department, shall be complete, and shall be executed by the person seeking the grower's permit.

c. A grower's permit shall be valid for five years from the date of issuance.

d. An application for permit renewal must be filed with the department within 60 days of expiration of the existing permit.

78.6(2) *Dealer's permits.*

a. A dealer in Iowa must have a valid dealer's permit issued by the department. A dealer's paid employees and family members who work at a dealer's primary place of business as identified on the dealer's permit may operate legally under the dealer's permit. For purposes of this subrule, family members include a dealer's spouse, domestic partner, parents, siblings, and children.

b. In order to be considered, an application for a dealer's permit shall be made on the form provided by the department, shall be complete, and shall be executed by the person seeking the dealer's permit.

c. Dealer's permits shall be issued as either Class A or Class B. A Class A dealer's permit authorizes a person to deal in any amount of ginseng in a license year. The permit application shall be accompanied by a \$250 permit fee for Iowa residents and a \$500 permit fee for nonresidents. A Class B dealer's permit authorizes an Iowa resident to deal in not more than five pounds dry weight of wild ginseng in a license year. The permit application shall be accompanied by a \$50 permit fee. There shall be an additional charge associated with ELSI. The department's issuance of the permit may take in excess of 60 days to complete.

d. A dealer's permit shall be valid for a license year, from April 1 until March 31 of the following year.

e. A dealer's permit must be shown to the department when the department is certifying ginseng and must be shown to harvesters or other dealers when the dealer is buying ginseng.

78.6(3) *Harvester's permits.*

a. Any person who harvests wild ginseng must have a valid harvester's permit issued by the department and shall produce such permit upon the request of the department while the person is engaged in harvesting activities, including the person's moving to or from the harvest site, transporting ginseng and the selling of the harvested ginseng.

b. An application for a harvester's permit shall be made on the form provided by the department, unless the harvester's permit is purchased through ELSI, and shall be accompanied by a fee of \$35 for residents and \$65 for nonresidents. There shall be an additional charge associated with ELSI. The application and subsequent harvester's permit shall be signed by the applicant.

c. A harvester's permit shall be valid from September 1 through March 15 of the following year.

d. A harvester who has a valid harvester's permit may sell wild ginseng from September 1 through March 15 of the following year.

e. A harvester with a valid harvester's permit may retain no more than four ounces of dry wild ginseng for personal consumption for one year beyond the expiration date of the permit. All wild ginseng

possessed pursuant to this paragraph shall be for the harvester's personal use only and may not be lawfully sold.

f. No person may sell, barter or otherwise offer for sale any ginseng that has been unlawfully collected, obtained or possessed in violation of this chapter, the Code of Iowa, or the Code of Federal Regulations.

78.6(4) Duplicate permits. A duplicate grower's permit, harvester's permit or dealer's permit may be issued upon application to the department and the payment of a \$5 fee, plus any charges assessed to use ELSI to issue the duplicate permit.

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