

**RULES
OF
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF NATURAL AREAS**

**CHAPTER 0400-06-01
GINSENG DEALER REGISTRATION**

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0400-06-01-.01 PURPOSE.

The purpose of these regulations is to provide for the implementation of the ginseng dealers act requiring the registration of ginseng dealers and to permit the same, the submitting of an annual report and to require certain inspections of shipments of ginseng and further requiring the payment of a registration fee all of which is relative to the purchase, sale and/or export of wild or cultivated ginseng.

Authority: T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

0400-06-01-.02 AUTHORITY.

The regulations are issued under the authority granted to the Commissioner of the Tennessee Department of Environment and Conservation by T.C.A. § 62-28-104.

Authority: T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

0400-06-01-.03 DEFINITIONS.

As used in these regulations, the term:

- (1) "Buying Season" shall mean that period from September 1st for green roots and September 15th for dry roots through March 31st when it is legal for ginseng dealers to purchase ginseng from ginseng collectors.
- (2) "Cultivated" shall mean grown under natural or artificial shade and according to varying standards of cultivation procedures.
- (3) "Department" shall mean the Tennessee Department of Environment and Conservation.
- (4) "Export" shall mean to transport, ship, carry, haul, take or otherwise move wild or cultivated ginseng (said ginseng being previously collected or cultivated inside the State of Tennessee) to destination(s) outside the State of Tennessee and/or the United States.
- (5) "Ginseng" shall mean the plant or any part of the plant, *Panax quinquefolius* L., of the Araliaceae family cultivated and/or collected within the State of Tennessee.

(Rule 0400-06-01-.04, continued)

- (b) ginseng may only be purchased from ginseng collectors during the period from September 1st for green roots and September 15th for dry roots through March 31st of each permit period, and
 - (c) wild ginseng may be sold to other registered and permitted ginseng dealers throughout the entire permit period if the ginseng was purchased from ginseng collectors during the period from September 1st for green roots and September 15th for dry roots through March 31st of each permit period.
- (5) The permit does not renew automatically and a new permit must be obtained annually pursuant to paragraphs (2) and (3) of this rule.
 - (6) If a permit application is received on or after September 1st, the permit issued pursuant to such application shall be effective only from the date of issuance.

Authority: T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Amendment filed August 3, 1990; effective September 17, 1990. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

0400-06-01-.05 REPORTING.

- (1) All ginseng dealers shall file with the department during the period from September 1st through March 31st monthly reports (purchase records) of all purchases of ginseng. The reports shall be submitted on forms which are provided by the Department. The reports shall include but shall not be limited to, the amount of ginseng purchased, whether it was wild or cultivated, whether it was green (fresh) or dry, the county or counties from which the ginseng was collected, and the dates on which it was collected and purchased. Reports will cover from the 1st day of the previous month to the last day of the previous month for the entire period from September 1st through March 31st. The reports shall be due no later than the last day of the month following the report period, the first report being due October 31st.
- (2) All ginseng dealers shall file with the Department an annual report on or before April 30th of each year, and it shall be submitted on forms provided by the Department. The annual report shall include, but shall not be limited to the amount, by weight, of all ginseng purchased and sold from April 1st of the previous year through March 31st of the current year, the county or counties from which the ginseng was collected, whether the ginseng was wild or cultivated, and the average price per pound paid for the ginseng.

Authority: T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

0400-06-01-.06 RECORD KEEPING.

- (1) All ginseng dealers shall keep records of all purchases and/or sales of ginseng. These records shall include but shall not be limited to the purchase or sale date, date of collection, county of collection or cultivation and the weight of the ginseng purchased or sold.
- (2) All ginseng dealers shall retain the records required by paragraph (1) of this rule for a period of 3 years from the date of the purchase or sale of ginseng.
- (3) Upon reasonable notice to the ginseng dealer, all records required by this rule shall be made available to the Department at the dealer's place of business and during normal dealer working hours.

(Rule 0400-06-01-.08, continued)

- (3) Upon verifying the weight of the ginseng, the designated representative of the Department shall sign and issue a receipt.
- (4) The receipt shall be retained by the dealer and presented at the time of and in exchange for any future certification of the ginseng for export.

Authority: T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

0400-06-01-.09 REGISTRATION AND REPORTING FORM AND CONTENT.

The Department is authorized to prescribe the form and content of the ginseng dealer permit, inspection certificate, sale and purchase records, monthly report form, and annual report form required by the regulations. The form and content of the forms are subject to change from time to time as deemed necessary by the Department.

Authority: T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

0400-06-01-.10 VIOLATION.

- (1) Any person violating the provisions of these regulations shall be guilty of a misdemeanor and punishable under the general laws relating to misdemeanors.
- (2) The Commissioner of the Tennessee Department of Environment and Conservation may suspend, revoke and/or deny the issuance of a permit to any ginseng dealer who violates the act or these regulations. The ginseng dealer shall have the right to contest and appeal any suspension, revocation and/or denial of his/her permit and the provisions of the Uniform Administrative Procedures Act, compiled in Chapter 5 of Title 4 of the T.C.A., and the Rules of the Secretary of State, Chapter 1360-01-07, shall apply to any such contest and appeal.

Authority: T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Repeal and new rule filed December 13, 2012; effective March 13, 2013.



State of Tennessee

PUBLIC CHAPTER NO. 125

SENATE BILL NO. 919

By Southerland

Substituted for: House Bill No. 103

By Faison

AN ACT to amend Tennessee Code Annotated, Title 70, Chapter 8, Part 2, relative to ginseng.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 70-8-202(7), is amended by deleting the subdivision and substituting instead the following:

(7) "Wild ginseng" means ginseng occurring in its native woodland habitat, and includes the ginseng that is growing naturally in that habitat or that was introduced or increased in abundance in its natural habitat by sowing ginseng seed, introducing plantlets sourced from wild ginseng stock, or by transplanting ginseng plants from other woodland areas.

SECTION 2. Tennessee Code Annotated, Section 70-8-202, is further amended by inserting the following as a new subdivision:

() "Plantlets" means young or small plants, which naturally create stolons with plantlets on the ends as a form of asexual reproduction. Vegetative propagules or clippings of mature plants may be used to create plantlets;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.