



STATE OF WEST VIRGINIA  
DEPARTMENT OF AGRICULTURE  
CHARLESTON  
25305

Gus R. Douglass  
Commissioner

NOTICE OF PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Department of Agriculture

RULE TYPE: Legislative

RULE TITLE: Ginseng Regulations

A public hearing on the above proposed regulations will be held at 1:30 P.M., Monday, August 4, 1986, at the Guthrie Agricultural Complex, Building 2, John T. Johnson Auditorium, Charleston, West Virginia 25312.

Comments are not limited and may be oral or written.

A comment period on the above proposed rule has been scheduled and will end on August 5, 1986, at 4:00 P.M. Written comments are to be mailed to the following address: Forestry Division, West Virginia Department of Agriculture, Capitol Building, Charleston, WV 25305.

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate a review of these comments.

The issues to be heard shall be limited to the proposed regulations.

*Gus R. Douglass*

FILED  
1986 JUN 31 AM 10:01  
OFFICE OF THE SECRETARY OF STATE

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Ginseng Regulations

Type of Rule:  Legislative  Interpretive  Procedural

Agency West Virginia Department of Agriculture Address Capitol Building

Charleston, WV 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 00	\$ 00	\$ 00	\$ 00	\$ 00
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates: Regulations currently in effect and proposed regulations will require no changes or expenses.

3. Objectives of these rules: To regulate collecting, selling and purchasing of wild, native ginseng.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries;  
Specific groups of citizens.

none

C. Economic Impact on Citizens/Public at Large.

none

Date: July 1, 1986

Signature of Agency Head or Authorized Representative

*Lee R. Douglas*

WEST VIRGINIA LEGISLATIVE REGULATIONS  
STATE DEPARTMENT OF AGRICULTURE  
Chapter 19-1A  
SERIES XIX

1986 JUN 31 AM 10:01  
OFFICE OF THE SECRETARY OF STATE

FILED

TITLE: Ginseng Regulations

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Section 1. General

1.1 Scope - Legislative regulations relating to the collecting, selling and purchasing of wild, native ginseng.

1.2 Authority - W. Va. Code 19-1A-3, 19-1A-4(d)

1.3 Filing Date -

1.4 Effective Date -

Section 2. Season

2.1 Dates - The season for harvesting wild, native ginseng, in any part of West Virginia, shall begin on the 15th day of August and end on the 30th day of November of each calendar year.

Section 3. Unlawful Acts

3.1 Possession - It shall be illegal for any person to have uncertified ginseng (whether green or dry) in his or her possession between April 1 and August 14 of each calendar year and any uncertified ginseng unsold by March 31 of the year after harvest must be weighed and receipted at an official weigh station.

3.2 Certificates - It shall be illegal to alter West Virginia Ginseng Export and Ginseng Weight Receipt certificates. //

Section 4. Collector's Responsibilities

4.1 Permission - Any person collecting wild, native ginseng upon the enclosed or posted lands of another shall first obtain permission in writing from the owner, tenant or agent of such lands, and shall carry such written permission on his or her person when collecting ginseng on said lands.

4.2 Replanting - Any person collecting wild, native ginseng shall plant the seeds from the plants being collected at the site of the digging.

Section 5. Dealer's Responsibilities

5.1 Permit - Any person, firm or corporation who buys wild, native ginseng in West Virginia shall first obtain a Ginseng Dealer's Permit from the West Virginia Department of Agriculture.

5.2 Reporting - Authorized ginseng dealers in West Virginia shall report their ginseng commerce to the Forestry Division of the West Virginia Department of Agriculture each 30 days and submit a final report prior to April 15 of each

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calendar year on forms prescribed by the Department. All reports are due within 15 days after the close of the reporting period.

5.3 Certifying - Ginseng dealers shall be responsible for including a West Virginia Ginseng Certificate, numbered by the West Virginia Department of Agriculture, with each shipment of ginseng they move from the State. This certificate shall remain with the ginseng.

Section 6. Revocation of Permit

6.1 Any dealer convicted of violating any provision of these ginseng regulations is subject to having his or her Ginseng Dealer's Permit revoked.



Gus R. Douglass  
Commissioner

# NEWS RELEASE

West Virginia Department of Agriculture  
Information Division  
Charleston, WV 25305  
Phone: 348-3708

For Immediate Release

July 1, 1986

## HEARING SET ON GINSENG REGULATIONS

CHARLESTON, W.VA. -- Agriculture Commissioner Gus R. Douglass today announced that a public hearing has been scheduled for 1:30 p.m., Monday, August 4, 1986, in the Guthrie Agricultural Complex, Charleston, WV 25312, to discuss regulations relating to the collection and sale of wild, native ginseng as provided for in Chapter 19-1A-3 and 19-1A-4(d) of the State Code of West Virginia. The new regulations are necessary because of changes in the federal regulations and because the regulatory authority for the ginseng program was transferred from the Department of Natural Resources to the Department of Agriculture, effective July 1, 1986.

Copies of the regulations or further information on the location for the hearing may be obtained by calling (304) 348-2788 or by writing the Forestry Division, State Department of Agriculture, Capitol Building, Charleston, WV 25305.

Written comments may be mailed or delivered to the Forestry Division and will be read into the hearing record provided they are received by 4 p.m. on August 3, 1986.

Persons making oral presentations at the hearing are requested to also submit written comments at the close of their testimony in order to facilitate the review of such comments.