



STATE OF WEST VIRGINIA  
DEPARTMENT OF AGRICULTURE  
CHARLESTON 25305

GUS R. DOUGLASS  
COMMISSIONER

FILED  
1961 APR 24 PM 1:04  
OFFICE OF THE  
SECRETARY OF STATE

NOTICE OF FINAL FILING - LEGISLATIVE RULE

LEGISLATIVE RULE: Ginseng Regulations  
SERIES 19

The attached legislative regulation is hereby final filed with the Secretary of State by the West Virginia Department of Agriculture as authorized by Senate Bill 748, Section 64-2-19(1a)(3) and Section 64-2-19(1a)(4).

Gus R. Douglass  
Agriculture Commissioner

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

FILED

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SECRETARY OF STATE

TITLE: Ginseng Regulations

Section 1. General

1.1 Scope - Legislative regulations relating to the digging, possession, and sale of wild, native or cultivated 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 digging wild, native or cultivated 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 Certificates and Ginseng Weight Receipts.

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 or cultivated 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 calendar year on forms prescribed by the Department. This form shall include

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WEST VIRGINIA STATE

the following:

- (1) An original dealer's signature is required to legally certify the statements on the form; however, the address is not necessary because such information is on the State's dealer application form.
- (2) Date of transaction.
- (3) Whether roots were wild or artificially propagated.
- (4) Whether roots were dried or green (fresh) at time of transaction.
- (5) Weight of roots.
- (6) State of origin of roots.
- (7) Identification numbers of the State certificates used to ship ginseng from the State.
- (8) The name and address of the seller or buyer of the ginseng of record shall be maintained by the dealer on his or her own copy of commerce record forms supplied by the State(s) of licensing, and shall be made available to the State ginseng program manager(s) if requested.
- (9) Inspection and certification by State personnel of all ginseng harvested in the State to authenticate that the ginseng was legally taken from wild or cultivated sources within the State.

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 Export 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.

5.4 Length of Time for Record Retention - Dealers shall maintain the commerce records for a period of three years.

#### Section 6, Uncertified Ginseng

6.1 Uncertified ginseng supplied to State-registered dealers must be returned to the State of origin within 30 calendar days for certification or the roots may not be exported from the country.

#### Section 7, Revocation of Permit

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



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COMMISSIONER

STATE OF WEST VIRGINIA  
DEPARTMENT OF AGRICULTURE  
CHARLESTON 25305

NOTICE OF RULE MODIFICATION

Legislative Rule: Ginseng Regulations  
SERIES XIX

The above titled rule has been modified to meet the Legislative Rule- Making Review Committee objections and such modifications have been incorporated into the attached proposed rule and filed in the Secretary of State's Office on the 5th day of January, 1987.

  
Gus R. Douglass, Agriculture Commissioner

ENTERED

H. B. 2582

(By Delegate Knight)

(Introduced February 4, 1987; referred to the  
Committee on Agriculture and Natural Resources  
then the Judiciary)

A BILL to amend article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section designated section nineteen (one-a) (four), relating to authorizing the director of the division of forestry of the department of agriculture to promulgate legislative rules relating to ginseng.

Be it enacted by the Legislature of West Virginia:

That article two, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section nineteen (one-a) (four), to read as follows:

ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE LEGISLATIVE RULES.

§64-2-19(1a)(4). Division of forestry; department of agriculture.

The legislative rules filed in the state register on the eighteenth day of August, one thousand nine hundred eighty-six,

1 modified by the director of the division of forestry of the  
2 department of agriculture to meet the objections of the  
3 legislative rule-making review committee and refiled in the state  
4 register on the fifth day of January, one thousand nine hundred  
5 eighty-seven, relating to the director of the division of  
6 forestry of the department of agriculture (ginseng) are  
7 authorized. These rules were proposed by the director of the  
8 division of forestry of the department of agriculture pursuant to  
9 sections three and four, article one-a, chapter nineteen of the  
10 code.

11

12 NOTE: The purpose of this bill is to authorize the Director  
13 of the Division of Forestry of the Department of Agriculture to  
14 promulgate legislative rules regulating the collecting, selling  
15 and purchasing of ginseng.

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17 This section is new; therefore, strike-throughs and  
18 underscoring have been omitted.

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Senate Bill No. 343

(By Senator Tucker)

[Introduced February 4, 1987; referred to the Committee  
on AGRICULTURE ; then to the  
Committee on THE JUDICIARY .]

A BILL to amend article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section designated section nineteen (one-a) (four), relating to authorizing the director of the division of forestry of the department of agriculture to promulgate legislative rules relating to ginseng.

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