

Title 2. Agriculture

Chapter II. State Plant Board, Department of Agriculture

Subchapter A. Generally

Part 27. Ginseng Rules

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"The previously described Rules governing the digging, harvesting, sale and exportation of wild or artificially propagated American Ginseng are in consonance with the Federal Rules pertaining to same. Said Rules, as promulgated by the Board, shall be amended in timely fashion, as required to maintain a harmonious relationship with Rules of the Federal Government.

IT IS ORDERED, that said amendments to the Rules of the Arkansas State Plant Board, shall be, and the same shall become effective on July 1,1998, as a result of this order and filing in compliance with Act 434 of 1967, as amended, on July 1, 1985."

Subpart 1. Generally

2 CAR § 27-101. Applicability.

In an effort to properly and efficiently perform the duties required by Acts 1985, No. 774, the following rules are hereby established by the State Plant Board and will apply to any person, business, or corporation who digs, harvests, sells, or exports wild or artificially propagated American ginseng, (*Panax quinquefolius*), as appropriate.

Authority. Arkansas Code § 2-20-702.

2 CAR § 27-102. Ginseng dealers — Requirements.

(a) Any person, business, or corporation who buys wild or artificially propagated American ginseng for sale across state lines shall:

(1) Be termed a dealer by intent of Acts 1985, No. 774; and

(2) Obtain a ginseng dealer license and a certificate of legal taking from the State Plant Board.

(b) An application for a ginseng dealer license (Form 535) must be completed and submitted to the board prior to the issuance of the Certificate of Legal Taking (Form 539), which shall be issued only when Arkansas-grown ginseng roots are certified by a state certifying official.

(c) Ginseng shall not enter or leave the State of Arkansas unless accompanied by a valid certificate of legal taking.

(d)(1) Licensed ginseng dealers shall keep true records of all ginseng that is purchased or sold.

(2) These records shall include but not be limited to:

(A) Name and address of collector or grower (Form 538A);

(B) Name and address of buyer (Form 538B);

(C) County where roots were collected or grown;

(D)(i) Weight in pounds and ounces of all ginseng roots purchased (Form 538A) or sold (detachment from Form 539) and the signature of the weigher (Form 539).

(ii) Also, whether green or dry weight;

(E) Copies of the Ginseng Nursery Certificate for cultivated ginseng (Form 536); and

(F) Copies of the Ginseng Certificate of Possession (Form 540).

(3)(A) This information is to be recorded for each transaction.

(B) These records shall be:

(i) Maintained for a minimum of three (3) years; and

(ii) Available upon request by authorized board representatives.

(4) Licensed ginseng dealers shall submit to the board all records of ginseng commerce every thirty (30) days with a year-end accounting to be received by the board by May 1 (Form 537).

(e) The Ginseng Nursery Certificate (Form 536) for artificially propagated ginseng will be completed by authorized board representatives.

(f) A Ginseng Certificate of Possession (Form 540) is to be completed by any licensed dealer who does not sell all ginseng roots purchased during the period September 15 to December 31 of harvest year.

(g)(1) A completed Certificate of Legal Taking (Form 539) shall be completed in duplicate for each shipment of wild or artificially propagated American ginseng from the state.

(2) The original certificate will be attached to the export.

(3) The detachment from Form 539 shall be maintained by the dealer for his or her records.

(4) The second copy shall be retained by the state certifying official.

Authority. Arkansas Code § 2-20-702.

2 CAR § 27-103. Ginseng harvesting, purchase, and possession.

(a) All trespass laws of the state shall be obeyed when digging wild American ginseng.

(b) The collecting season for wild and artificially propagated American ginseng shall be from September 1 to December 1 each calendar year.

(c)(1) Green, wild, or artificially propagated American ginseng roots shall not be possessed between April 1 and September 1 of each calendar year.

(2) Wild or artificially propagated American ginseng roots shall not be purchased by a licensed dealer during the period April 1 to September 15 each calendar year.

(d) Wild American ginseng roots shall be collected only:

(1) When the seeds are red; and

(2) From well-developed plants having a minimum of three (3) leaves or "prongs".

(e) Any person collecting wild American ginseng shall be required to plant the seeds from the collected plant at the digging site.

Authority. Arkansas Code § 2-20-702.

2 CAR § 27-104. Fees.

(a) Acts 1985, No. 774, Section 4, states that "the annual license fee for a ginseng dealer shall be fifty dollars (\$50.00), which shall accompany the application for a license."

(b) Acts 1985, No. 774, Section 4, requires an annual fee of twenty-five dollars (\$25.00) to accompany the request for ginseng nursery certification.

Authority. Arkansas Code §§ 2-20-702, 2-20-704, 2-20-705.