

VERMONT REGULATIONS FOR THE COLLECTION, CULTIVATION AND  
SALE OF AMERICAN GINSENG

SECTION I. STATUTORY AUTHORITY.

This rule is established by the Agency of Agriculture, Food and Markets under the authority granted the Secretary at 6 V.S.A., § 4029 "Rules; distribution; penalties", 6 V.S.A. § 4031, 'Plants taken from the wild', and 6 V.S.A., § 1 (a) (10), 'General powers of agency; secretary of agriculture, food and markets'.

SECTION II. DEFINITIONS.

1. "Agency" means the Vermont Agency of Agriculture, Food and Markets.
2. "Collecting" means cutting, gathering, rooting, severing, injuring, destroying, removing, transplanting, harvesting, or carrying away any ginseng plants or parts thereof for commercial purposes.
3. "Ginseng" means the roots in whole, part, or in any form, of American Ginseng (*Panax quinquefolius* L.).
4. "Cultivated Ginseng" means ginseng growing under controlled conditions from seed, roots, or rootlets planted in prepared beds either in woods or under the shade of artificial structures, wild ginseng transplanted from its original location and subsequently subjected to controlled conditions, or ginseng otherwise manipulated by horticultural practices, and collectively includes ginseng defined or described as 'artificially propagated', 'woods-grown', 'woods-cultivated' or 'field grown'.
5. "Ginseng Collector" means a person who collects wild ginseng.
6. "Green Ginseng" means ginseng root from which the moisture has not been removed by drying.
7. "Wild Ginseng" means ginseng growing, living or found in a natural state.
8. "Ginseng Dealer" means any person selling certified ginseng, or moving certified ginseng interstate for commercial gain.
9. "Foreign Ginseng" means ginseng not originating from within the borders of the State of Vermont.
10. "Ginseng Collector's Permit" means the permit issued by the Secretary which enables a person to collect wild ginseng within this state between September 1 and October 31 of a given year when done in accordance with these rules and 6 V.S.A. Chapter 206.
11. "Ginseng Dealer's Permit" means the permit issued by the Secretary which enables a person to act as a ginseng dealer within this state when done in accordance with these regulations and 6 V.S.A. Chapter 206.
12. "Person" means any individual, partnership, corporation or other business entity.

13. "Secretary" means the Secretary of the Agency of Agriculture, Food and Markets or their designee.

14. "Wild-Simulated Ginseng" means ginseng grown from cultivated seeds planted in hardwood forests without any other human intervention (e.g. removal of vegetation, application of fertilizers, pesticides), has wild ginseng-like characteristics, and therefore is for all practical purposes, indistinguishable from wild ginseng.

### SECTION III. PERMITS ISSUED BY THE VERMONT AGENCY OF AGRICULTURE.

#### 1. Ginseng Collector's Permit

(A) Every person engaged in the collection of wild ginseng in Vermont for commercial purposes shall apply for and have in their possession prior to collecting wild ginseng a ginseng collector's permit. Applications for permits shall be made on forms supplied by the Secretary.

A permit shall be issued by the Secretary only after receipt of the completed forms and payment in full of applicable fees as established in statute at the time of application.

#### (B) Term of Permit

Ginseng collector's permits shall be valid for a period of three years from the date of issuance, from April 1 to March 31, inclusive, and

Permits issued during a calendar year shall be good through the end of that calendar year, and for the two complete subsequent licensure years following (to March 31).

#### 2. Ginseng Dealer's Permit

(A) A dealer in ginseng shall be required to have a valid dealer's permit prior to engaging in commerce in Vermont wild ginseng, applied for and received in compliance with these rules. Applications for permits shall be made on forms supplied by the Secretary.

Persons engaging in commerce in cultivated ginseng will be considered dealers and shall apply for and receive a ginseng dealer's permit prior to submission of cultivated roots for certification under Section V.

#### (B) Term of Permit

Ginseng dealer's permits shall be valid for a period of three years from the date of issuance, from April 1 to March 31, inclusive, and

Permits issued during a calendar year shall be good through the end of that calendar year, and for the two complete subsequent licensure years following (to March 31).

(C) In cases where a population of wild ginseng is in imminent danger of destruction due to land development or other pressures, the Secretary may grant single-use variances allowing transplantation of endangered plants to a location safe from encroachment or development. The variance will be presented in the form of a permit. Specific details, including (but not

limited to) how many plants are eligible, locations of plants, their destination and treatment will be included in the permit conditions.

Under no circumstances shall the Secretary grant a permittee the right to collect underage ginseng, or collect appropriately-aged ginseng out of season for the purposes of certification and entrance into commerce. Furthermore, any wild ginseng transplanted under such permit will remain wild, by definition and practice, and cannot be subjected to horticultural practices with the intent of converting wild or wild simulated ginseng to cultivated ginseng.

Any commerce in salvaged plants remains subject to applicable international treaties, Federal and State laws, and these rules, variances notwithstanding.

#### SECTION IV. COLLECTION, CULTIVATION AND SALE OF AMERICAN GINSENG.

##### 1. Collecting Wild Ginseng

###### (A) Season

(i) Wild ginseng shall only be collected yearly between September 1 and October 31.

(ii) No person shall purchase ginseng, knowing the same to have been harvested between the first (1<sup>st</sup>) day of November and the 31<sup>st</sup> day of August.

###### (B) Maturity

(i) Only plants with at least three five-leaflet leaves (or three prongs or more) shall be collected.

(ii) Plants with green, unripe fruit (seeds) shall not be collected.

###### (C) Seeds

Any ripe seed which is found on any collected wild ginseng at the time of collection shall be planted in the immediate locale from which the root was taken.

##### 2. Ginseng Collectors

(A) No person shall collect wild ginseng for commercial purposes without first obtaining a permit to do so from the Secretary, using forms provided by the Secretary.

(B) Collectors are responsible for obtaining permission to collect wild ginseng on property owned by persons other than themselves.

Collection of ginseng on State or Federal lands without a written permit issued by an appropriate authority is prohibited.

(C) Any collector who enters ginseng directly into interstate commerce shall be considered a ginseng dealer under Section VI.

(D) Upon receipt of completed forms and fees, the Secretary may issue a ginseng collector's permit. Collector's permits shall be valid during the period September 1 to October 31 for three years from the date of issuance, including the year of issuance. It shall further

provide that any wild ginseng root collected must be certified by the Secretary by March 31 of the year following collection.

The Secretary may suspend, revoke, or refuse to grant any collector's permit for any violation of 6 V.S.A. Chapter 206, or these rules.

## SECTION V. CERTIFICATION OF ROOTS

1. All wild ginseng roots intended for export from Vermont shall be certified by the Secretary, using forms provided by the Agency. Certification must occur on or before March 31 of the year immediately following collection by the Secretary before export. Certification shall include the weight of roots submitted for certification. Inspection of roots to verify maturity shall be made at this time. Roots without crown or neck portion may not be certified unless age can be determined.

(A) The Secretary shall only certify wild ginseng roots ten (10) years of age or older for export, as determined by counting bud scale scars on necks or by other generally recognized and accepted means.

(B) No ginseng less than ten (10) years of age may be certified for export, with the exception of the following, which shall be confirmed through written oath or affidavit at the time of certification:

(i) A collector may harvest and submit for certification seven (7), eight (8), or nine (9) year old ginseng collected and harvested from land owned by the collector, and

(ii) The collector's own land from which 7-9 year old ginseng is harvested must be a minimum of five (5) contiguous acres in size or be presently enrolled in the Vermont use value appraisal program with the Vermont Department of Taxes.

(C) The Secretary shall have the right of entry to privately owned property from which 7-9 year old ginseng is collected and submitted for certification solely for purposes of verifying the identity of wild ginseng on those properties.

2. Foreign ginseng may not be imported into Vermont without first being certified by the state of origin.

Foreign ginseng, brought into Vermont with intent to transplant (replant), having been certified prior to movement by the state of origin, shall not be recertified as Vermont wild ginseng after replanting and any subsequent collection. In this case, replanted ginseng may only be certified by the Secretary as cultivated.

It shall be the responsibility of the transporting party(ies) and any subsequent collectors/dealers to maintain certification traceability.

3. Certification of cultivated ginseng will be performed as requested or required to verify state of origin and non-wild status only. Vermont cultivated ginseng is not subject to either the minimum age or harvest season certification criteria.

4. Green wild ginseng root will only be eligible for certification with the entire neck and annual bud portions attached, in order to verify collection occurred during the dormant season. Any green root without attached dormant buds present will not be eligible for certification and will be subject to seizure.

Green ginseng must be certified no later than December 31 of the year in which it was collected.

5. The Secretary may seize any ginseng found not to be in compliance with these rules.

## SECTION VI. GINSENG DEALERS.

### 1. Permit

Any ginseng dealer who buys wild or cultivated ginseng in Vermont shall obtain a Ginseng Dealer's Permit from the Secretary. This permit shall be valid for a period of three years, inclusive. Application shall be made on forms provided by the Secretary.

### 2. Records

All ginseng dealers shall keep records, on forms furnished by the Agency, of all commerce in ginseng. These records will include date of transaction, month collected, status of roots (green or dry, wild or cultivated), county where collected, weight of ginseng bought or sold, average age of roots, approximate number of roots per pound, collector's-permit number, and signature of collector. These records shall be kept for a period of three years and shall be made available to the Agency at the time of certification and upon request.

### 3. Certification

Ginseng dealers when dealing in Vermont ginseng shall handle only ginseng certified in accordance with of these rules.

### 4. Foreign Ginseng

Ginseng dealers purchasing ginseng from outside of Vermont shall be responsible for documenting compliance with these rules. Information on improprieties should be reported to the Agency immediately upon observation of the impropriety.

### 5. Out of State Dealers

Ginseng dealers based outside Vermont dealing in Vermont wild ginseng shall have in their possession a valid Vermont Ginseng Dealer's Permit prior to requesting certification of their Vermont-sourced ginseng.

### 6. Denial, Suspension, or Revocation of Permits

The Secretary may suspend, revoke, or refuse to grant any Ginseng Dealer's Permit for any violation of 6 V.S.A. Chapter 206 or these rules.

Statutory Authority: 6 V.S.A. § 4029, 6 V.S.A § 4031