



## Ohio Administrative Code Rule 1501:31-40-02 Harvesting ginseng.

Effective: January 1, 2008

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(A) Dealers and buyers shall acquire a state dealer's registration permit each year prior to purchasing or otherwise acquiring Ohio ginseng legally harvested in that year. The dealer state registration permit is nontransferable and shall expire annually on August thirty-first of each calendar year.

(B) No person shall buy or otherwise acquire or possess Ohio dry uncertified wild or dry uncertified cultivated ginseng from April first through September fifteenth of each year, or green uncertified wild or green uncertified cultivated ginseng from April first through August thirty-first without written authorization from the chief of the division of wildlife. Live immature cultivated ginseng plants and seeds from cultivated ginseng plants sold by commercial growers for propagation purposed within the United States are no regarded as harvested and are exempt from the certification requirement and may be possessed at any time provided any person possessing such cultivated ginseng supplies proof of purchase, upon demand, to any law enforcement office having jurisdiction.

(C) No person within Ohio shall acquire ginseng from any collector, buyer, dealer, or grower without making and retaining an accurate legible record of the seller's name and address; dealer's state registration permit number and ginseng lot state certification of legal taking number when applicable; number of pounds and ounces green and/or dry weight of ginseng collected or cultivated in each Ohio county, compiled separately for wild and cultivated lots; year of harvest; and the date of the transaction. These records as well as the accompanying ginseng shall be open to inspection to any authorized employee of the division of wildlife and/or any law enforcement officer having jurisdiction at all reasonable hours.

(D) No person shall sell ginseng without providing to the purchaser an accurate record of his name and address; dealer's state registration permit number and ginseng lot state certification of legal taking number when applicable; number of pounds and ounces green and/or dry weight of ginseng collected or cultivated in each Ohio county, and compiled separately for wild and cultivated lots; and year of harvest.



(E) Dealers and buyers of ginseng shall display and distribute educational materials about ginseng, ginseng regulations, and the Ohio ginseng management program as provided by the chief of the division of wildlife.

(F) Dealers and buyers shall keep accurate legible records on all ginseng sold and purchased. These records shall be submitted to the chief of the division or his agent on a monthly or quarterly basis or as otherwise required; shall include purchases of ginseng to be sold on separate sheets from actual sales; and shall include:

- (1) The purchaser's and/or seller's name and address;
- (2) The other dealer's permit number and lot certification when applicable;
- (3) The number of pounds and ounces dry and/or green weight of ginseng collected or cultivated in an Ohio county, compiled separately for wild and cultivated lots;
- (4) The year of harvest; and
- (5) The date of the transaction of all Ohio ginseng sold.

These records as well as the accompanying ginseng shall be open to inspection by any authorized employee of the division of wildlife and/or any law enforcement officer having jurisdiction at all reasonable hours and must be available to support the origin of ginseng being certified for sale and shipment.

(G) In addition to other penalties provided by the law, the chief of the division of wildlife may refuse to issue a state registration permit to any person who fails to comply with the requirements listed in rules 1501:31-40-01 and 1501:31-40-03 of the Administrative Code. A person denied a permit is entitled to a hearing pursuant to Chapter 119. of the Revised Code.

(H) In addition to other penalties provided by law, the chief of the division of wildlife may suspend the registration permit issued to any person who fails to comply with the requirements listed in rules 1501:31-40-01 and 1501:31-40-03 of the Administrative Code. The opportunity for a hearing



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pursuant to Chapter 119. of the Revised Code shall be afforded to the person prior to the decision to suspend the permit.