

**RULES  
OF  
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF NATURAL AREAS**

**CHAPTER 0400-06-01  
GINSENG DEALER REGISTRATION**

**TABLE OF CONTENTS**

0400-06-01-.01	Purpose	0400-06-01-.07	Inspection and Export Certificate
0400-06-01-.02	Authority	0400-06-01-.08	Inspection at End of Buying Season Receipt and Weight
0400-06-01-.03	Definitions		
0400-06-01-.04	Registration, Permit and Fee	0400-06-01-.09	Registration and Reporting Form and Content
0400-06-01-.05	Reporting		
0400-06-01-.06	Record Keeping	0400-06-01-.10	Violation

**0400-06-01-.01 PURPOSE.**

The purpose of these regulations is to provide for the implementation of the ginseng dealers act requiring the registration of ginseng dealers and to permit the same, the submitting of an annual report and to require certain inspections of shipments of ginseng and further requiring the payment of a registration fee all of which is relative to the purchase, sale and/or export of wild or cultivated ginseng.

**Authority:** T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

**0400-06-01-.02 AUTHORITY.**

The regulations are issued under the authority granted to the Commissioner of the Tennessee Department of Environment and Conservation by T.C.A. § 62-28-104.

**Authority:** T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

**0400-06-01-.03 DEFINITIONS.**

As used in these regulations, the term:

- (1) "Buying Season" shall mean that period from September 1st for green roots and September 15th for dry roots through March 31st when it is legal for ginseng dealers to purchase ginseng from ginseng collectors.
- (2) "Cultivated" shall mean grown under natural or artificial shade and according to varying standards of cultivation procedures.
- (3) "Department" shall mean the Tennessee Department of Environment and Conservation.
- (4) "Export" shall mean to transport, ship, carry, haul, take or otherwise move wild or cultivated ginseng (said ginseng being previously collected or cultivated inside the State of Tennessee) to destination(s) outside the State of Tennessee and/or the United States.
- (5) "Ginseng" shall mean the plant or any part of the plant, *Panax quinquefolius* L., of the Araliaceae family cultivated and/or collected within the State of Tennessee.

(Rule 0400-06-01-.03, continued)

- (6) "Ginseng collector" shall mean any person who collects, digs, picks, pulls up, cuts, uproots, harvests or otherwise removes any part of the ginseng plant, either wild or cultivated, from its habitat for any purpose.
- (7) "Ginseng dealer" shall mean any person who purchases ginseng for the purpose of resale or any person who exports ginseng to a destination outside the State of Tennessee. This definition specifically excludes retail businesses that sell ginseng to the general public for consumption within the United States.
- (8) "Permit" shall mean the ginseng dealer permit as issued by the Tennessee Department of Environment and Conservation under the authority of T.C.A. § 62-28-101.
- (9) "Person" shall mean any individual, partnership, firm, organization, corporation, association, club or other entity.
- (10) "Purchase" shall mean to acquire, obtain, or receive or attempt to acquire, obtain or receive by exchange of money or other valuable consideration and shall specifically include barter or exchange.
- (11) "Sell", "Sale", or "Sold" shall mean to dispose of, transfer or convey or to attempt to dispose of, transfer or convey by exchange of money or other valuable consideration and shall specifically include barter or exchange.
- (12) "State" shall mean the State of Tennessee.
- (13) "Wild" shall mean grown under natural conditions without the use of any cultivation procedures.

**Authority:** T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

#### **0400-06-01-.04 REGISTRATION, PERMIT AND FEE.**

- (1) No person shall be a ginseng dealer without first registering and obtaining a ginseng dealer permit as issued by the Department.
- (2) The permit shall be issued and become effective on September 1st of each year and will be good and valid through August 31st of the next year.
- (3) Completed applications for registering and obtaining the permit shall be submitted to the Department prior to September 1st of each year along with a registration fee; the fee amount for registration shall be two hundred and fifty (\$250) dollars per year. Registration shall not be deemed complete and a permit shall not be issued until the registration fee has been paid in full to the Department. Blank application forms shall be provided by the Department upon request.
- (4) Upon registration and issuance of a permit, the ginseng dealer is authorized to sell, purchase, and/or export wild and/or cultivated ginseng pursuant to the following conditions:
  - (a) wild and/or cultivated ginseng that has been inspected and issued an export certificate pursuant to Rule 0400-06-01-.07 may be exported throughout the entire permit period, and

(Rule 0400-06-01-.04, continued)

- (b) ginseng may only be purchased from ginseng collectors during the period from September 1st for green roots and September 15th for dry roots through March 31st of each permit period, and
  - (c) wild ginseng may be sold to other registered and permitted ginseng dealers throughout the entire permit period if the ginseng was purchased from ginseng collectors during the period from September 1st for green roots and September 15th for dry roots through March 31st of each permit period.
- (5) The permit does not renew automatically and a new permit must be obtained annually pursuant to paragraphs (2) and (3) of this rule.
  - (6) If a permit application is received on or after September 1st, the permit issued pursuant to such application shall be effective only from the date of issuance.

**Authority:** T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Amendment filed August 3, 1990; effective September 17, 1990. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

#### **0400-06-01-.05 REPORTING.**

- (1) All ginseng dealers shall file with the department during the period from September 1st through March 31st monthly reports (purchase records) of all purchases of ginseng. The reports shall be submitted on forms which are provided by the Department. The reports shall include but shall not be limited to, the amount of ginseng purchased, whether it was wild or cultivated, whether it was green (fresh) or dry, the county or counties from which the ginseng was collected, and the dates on which it was collected and purchased. Reports will cover from the 1st day of the previous month to the last day of the previous month for the entire period from September 1st through March 31st. The reports shall be due no later than the last day of the month following the report period, the first report being due October 31st.
- (2) All ginseng dealers shall file with the Department an annual report on or before April 30th of each year, and it shall be submitted on forms provided by the Department. The annual report shall include, but shall not be limited to the amount, by weight, of all ginseng purchased and sold from April 1st of the previous year through March 31st of the current year, the county or counties from which the ginseng was collected, whether the ginseng was wild or cultivated, and the average price per pound paid for the ginseng.

**Authority:** T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

#### **0400-06-01-.06 RECORD KEEPING.**

- (1) All ginseng dealers shall keep records of all purchases and/or sales of ginseng. These records shall include but shall not be limited to the purchase or sale date, date of collection, county of collection or cultivation and the weight of the ginseng purchased or sold.
- (2) All ginseng dealers shall retain the records required by paragraph (1) of this rule for a period of 3 years from the date of the purchase or sale of ginseng.
- (3) Upon reasonable notice to the ginseng dealer, all records required by this rule shall be made available to the Department at the dealer's place of business and during normal dealer working hours.

(Rule 0400-06-01-.06, continued)

**Authority:** T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

#### **0400-06-01-.07 INSPECTION AND EXPORT CERTIFICATION.**

- (1) All ginseng dealers who export ginseng to destination(s) outside the state shall have each sale (hereinafter referred to as shipment) of ginseng inspected by and obtain an export certificate from a designated representative of the Department before any such shipment of ginseng is exported from this state.
- (2) The export certificate shall identify:
  - (a) the weight of the shipment of ginseng,
  - (b) whether the ginseng is wild or cultivated,
  - (c) the year the ginseng was collected,
  - (d) the ginseng dealer permit number,
  - (e) a shipment number, and
  - (f) date of shipment of ginseng.
- (3) The export certificate shall be verified and signed by the inspecting representative of the Department.
- (4) A copy of the export certificate shall be enclosed or attached to the shipment of the subject ginseng. A copy of the certificate shall be retained for a minimum of 3 years by the ginseng dealer and the export certificate original shall be retained by the ginseng dealer and submitted to the department in accordance with internal procedures of the Department within a reasonable time after the export of the said ginseng. These internal procedures are subject to change from time to time.

**Authority:** T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

#### **0400-06-01-.08 INSPECTION AT END OF BUYING SEASON AND WEIGHT RECEIPT.**

- (1) Any ginseng dealer possessing ginseng roots at the end of the buying season (i.e. after March 31st) shall obtain a receipt for that ginseng from a designated representative of the Department.
- (2) The receipt shall identify:
  - (a) the weight of the ginseng,
  - (b) whether the ginseng is wild or cultivated,
  - (c) the year the ginseng was collected, and
  - (d) the ginseng dealer's name and permit number.

(Rule 0400-06-01-.08, continued)

- (3) Upon verifying the weight of the ginseng, the designated representative of the Department shall sign and issue a receipt.
- (4) The receipt shall be retained by the dealer and presented at the time of and in exchange for any future certification of the ginseng for export.

**Authority:** T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

#### **0400-06-01-.09 REGISTRATION AND REPORTING FORM AND CONTENT.**

The Department is authorized to prescribe the form and content of the ginseng dealer permit, inspection certificate, sale and purchase records, monthly report form, and annual report form required by the regulations. The form and content of the forms are subject to change from time to time as deemed necessary by the Department.

**Authority:** T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Repeal and new rule filed December 13, 2012; effective March 13, 2013.

#### **0400-06-01-.10 VIOLATION.**

- (1) Any person violating the provisions of these regulations shall be guilty of a misdemeanor and punishable under the general laws relating to misdemeanors.
- (2) The Commissioner of the Tennessee Department of Environment and Conservation may suspend, revoke and/or deny the issuance of a permit to any ginseng dealer who violates the act or these regulations. The ginseng dealer shall have the right to contest and appeal any suspension, revocation and/or denial of his/her permit and the provisions of the Uniform Administrative Procedures Act, compiled in Chapter 5 of Title 4 of the T.C.A., and the Rules of the Secretary of State, Chapter 1360-01-07, shall apply to any such contest and appeal.

**Authority:** T.C.A. §§ 62-28-101 et seq., 70-8-201 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed November 14, 1983; effective February 13, 1984. Amendment filed July 29, 1988; effective October 29, 1988. Repeal and new rule filed December 13, 2012; effective March 13, 2013.