

**GENERAL GOVERNMENT**  
**Department of Agriculture**  
**Office of Marketing**  
**(Amended at ARRS Committee)**

**302 KAR 45:020. Ginseng Growers Pilot Program.**

RELATES TO: KRS 246.030, 246.650, 246.660, 260.020, 260.030, 363.610, 50 C.F.R. Part 23

STATUTORY AUTHORITY: KRS 246.660, 260.020(3), 260.030(1)(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 260.020(3) authorizes the commissioner to promulgate administrative regulations for the Office of Agricultural Marketing. KRS 246.660 requires the Department of Agriculture to administer a program for ginseng in Kentucky. This administrative regulation establishes a ginseng growing program.

Section 1. Registration. Each person wishing to sell, trade, or otherwise offer for transfer, live ginseng plants or seeds in the Commonwealth of Kentucky shall first register with the department.

- (1) A registrant shall submit a driver's license or other government-issued identification and a completed Pilot Ginseng Grower Registration.
- (2) The department shall issue a grower ID number to registrants once the form is reviewed.
- (3) The department may deny registration to persons with an infraction in the ginseng dealer program in the four (4) years prior to registration.
- (4) A registration shall be valid for the remainder of the calendar year in which the registration was submitted.

Section 2. Site Inspection and Ginseng Placement. Prior to sale or transfer of live plants or seed, the registrant shall have a physical inspection of the growing location in Kentucky. The department may inspect the site at any time after registration. Plants or seeds shall be located at least 300 feet away from known wild ginseng populations.

Section 3. Records Required. A registrant shall maintain records, for at least ten (10) years, of:

- (1) Seed source and number of seeds or seed weight amounts, and a written receipts or invoices for all materials;
- (2) Live plant source and planting numbers;
- (3) A map of planting locations; and
- (4) All sales of all ginseng material, including live plants, seeds, and root material.

Section 4. Sales of Ginseng. All sales of live plants and seeds shall be from a registered grower.

- (1) All harvest and sales of roots shall be in accordance with 302 KAR 45:010.
- (2) Sales or purchases from any person not registered as a grower shall be grounds for the penalties of 302 KAR 45:010, including underage plant possession.
- (3) All sales of roots shall be declared as other than wild for certification.

Section 5. Material Incorporated by Reference.

- (1) "Pilot Ginseng Grower Program Registration", December 2023, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Agriculture, Regulation and Inspection Division, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained at [www.kyagr.com](http://www.kyagr.com).  
(50 Ky.R. 1627, 2022; eff. 7-2-2024.)

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