

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, ~~246.990(9)~~, 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~~All persons~~ 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~~~~KDA~~.

(1) A registrant shall submit a driver's license or other government-issued identification and a completed Pilot ~~fully-executed form~~ Ginseng Grower Registration.

(2) The ~~department~~~~KDA~~ shall issue a grower ID number to registrants once the form is reviewed.

(3) The ~~department~~~~KDA~~ 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 ~~is~~ was submitted~~in~~.

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~~~~KDA~~ 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 ~~the following~~:

(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) ~~Records of~~ 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~~~~subject to~~ 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) ~~The following material is incorporated by reference:~~ "Pilot Ginseng Grower Program Registration", December~~(November)~~ 2023, is incorporated by reference.

(2) This material ~~These materials~~ 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.

(50 Ky.R. 1627, 2022; eff. 7-2-2024.)

FILED WITH LRC: March 11, 2024

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