

GENERAL GOVERNMENT
Department of Agriculture
Office of Marketing
(New Administrative Regulation)

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

NECESSITY, FUNCTION, AND CONFORMITY: 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. 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 KDA. A registrant shall submit a fully executed form "Ginseng Grower Registration". The KDA shall issue a grower ID number to registrants once the form is reviewed. The KDA may deny registration to persons with an infraction in the ginseng dealer program in the four (4) years prior to registration. A registration is valid for the remainder of the calendar year it 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 KDA may inspect the site at any time after registration. Plants or seeds shall be located at least 300 feet 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.
- (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. All harvest and sales of roots shall be in accordance with 302 KAR 45:010. Sales or purchases from any person not registered as a grower shall be subject to the penalties of 302 KAR 45:010, including underage plant possession. 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: "Ginseng Grower Registration" (November 2023).
- (2) 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.

DR. RYAN QUARLES, Commissioner

APPROVED BY AGENCY: December 14, 2023
FILED WITH LRC: December 15, 2023 at 11:00 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2024 at 11:00 a.m., at the Kentucky Department of Agriculture, 111 Corporate Drive, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 29, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 330-6360, email clint.quarles@ky.gov.