

Chapter NR 28

WILD PLANTS

NR 28.01	Definitions	NR 28.03	Ginseng licenses
NR 28.02	Scope and applicability	NR 28.04	Severability

Note: Chapter NR 28 was created by emergency rule, effective July 1, 1980.

NR 28.01 Definitions. As used in this chapter and in s. 29.547, Stats.:

(1) "Dealer" means any person buying more than 8 ounces of wild ginseng annually.

(2) "Department" means the Wisconsin department of natural resources.

(3) "Ginseng" means the roots, seeds or other parts of American ginseng (*Panax quinquefolium* or *Panax quinquefolius*).

(4) "Green ginseng" means a ginseng root from which the moisture has not been removed by drying.

(5) "Harvest" means cutting, gathering, rooting up, severing, injuring, destroying, removing or carrying away any wild plant or parts thereof.

(6) "Own land" means ownership interest in property by deed or land contract.

(7) "Transaction" means purchase, gift, exchange or sale of wild ginseng.

History: Emerg. cr. eff. 7-1-80; cr. Register, November, 1980, No. 299, eff. 12-1-80; emerg. am. (1), eff. 8-15-83; am. (1), Register, February, 1984, No. 338, eff. 3-1-84.

NR 28.02 Scope and applicability. This chapter contains rules necessary to implement s. 29.547, Stats., and operate in conjunction with that statute to govern the harvest, transportation, possession, processing or sale of certain wild plants.

History: Emerg. cr. eff. 7-1-80; cr. Register, November, 1980, No. 299, eff. 12-1-80.

NR 28.03 Ginseng licenses. (1) ISSUANCE. (a) *Department action*. The department shall issue wild ginseng harvest licenses and wild ginseng dealer's licenses in accordance with the provisions of and for the purposes authorized in s. 29.547, Stats.

(b) *Applications*. 1. Content. Wild ginseng harvest licenses and dealer's licenses shall be issued upon filing of an application accompanied by the appropriate license fee, and bearing:

- a. The applicant's signature;
- b. The applicant's residence and post office address;
- c. A description of the applicant;

Register, February, 1984, No. 338

d. A statement that the applicant has complied with all of the laws regulating the issuance and purchase of the license applied for; and

e. Such other facts as may be required by the department.

2. Free harvest license. Applications for a free harvest license under s. 29.547, Stats., must contain a description to the quarter section, township and range of the property where the applicant's wild ginseng harvest will occur.

(2) HARVEST LICENSE. (a) *Valid period.* A harvest license shall be valid for and authorize the taking of wild ginseng during the period beginning August 15 and ending November 1, both dates inclusive.

(b) *Sales by harvesters.* 1. Wild ginseng harvested in a lawful manner and with a valid harvest license may be sold by the licensee at any time.

2. Wild ginseng shipped out of state by licensees shall be accompanied by a shipping certificate.

(3) DEALER'S LICENSE. All persons purchasing more than 8 ounces of wild ginseng annually, including those persons acting as agent or employe of a licensed dealer, must possess a wild ginseng dealer's license in their own name.

(4) DEALER'S RECORDS. (a) *Requirements.* Each licensed wild ginseng dealer shall keep a complete and accurate record in the English language of each wild ginseng transaction. This record shall be on forms provided by the department and shall be kept intact for a period of 3 years after the expiration of the dealer's license.

(b) *Purchase records.* The dealer's record of each wild ginseng purchase shall include:

1. Date of purchase;
2. Name and address of seller;
3. Harvest license number or dealer's license number of seller;
4. Dry weight of wild ginseng root purchased;
5. Name of the county where purchased ginseng was harvested if purchased from a licensed harvester; and
6. Such additional information as may be requested by the department.

(c) *Sales records.* The dealer's record of each sale when not accompanied by a shipping certificate shall include:

1. Date of sale;
2. Name and address of buyer;
3. Dry weight of wild ginseng roots sold;
4. Year in which ginseng sold was harvested; and
5. Such additional information as may be requested by the department.

(d) *Annual report.* An annual report of all transactions shall be made to the department by each licensed wild ginseng dealer on forms provided by the department. The reports shall be submitted to the department by July 10 following the end of the license year.

(5) **CERTIFICATION OF SHIPMENTS.** (a) *Requirements.* Shipments of wild ginseng to points outside the state of Wisconsin by dealers or harvesters shall be accompanied by a certificate of origin, except as provided in par. (c). Certificates shall be based upon the licensees' harvest, purchase and sales records and made by licensees on forms provided by the department. A copy of each shipping certificate shall be kept by licensees as part of their records.

(b) *Certificates.* Shipping certificate forms shall be issued by the department at no cost to any licensed harvester or licensed dealer on request. Certificates are serially numbered and valid only for the time period stated on the certificate. Licensees accepting certificates from the department shall be required to account for the disposition of each form issued to them.

(c) *Domestic use.* Licensed dealers selling wild ginseng to persons solely for the purpose of retail sales to consumers within the United States shall keep a record as provided in sub. (4) (c) and shall file a copy of their record with the department within 30 days of the transaction.

(6) **INSPECTION.** (a) *License.* Any license issued under and pursuant to s. 29.547, Stats., and this section shall be carried on the person of the licensee and shown to the department or its agents upon request.

(b) *Records.* Records required to be maintained or submitted pursuant to s. 29.547, Stats., and this section shall be produced for inspection upon request of the department or its agents.

(c) *Inventory.* Dealers and harvesters of wild ginseng upon request of the department or its agents shall make available for inspection all wild ginseng in their possession or under their control for purposes of confirming proper record maintenance or submission under s. 29.547, Stats., and this section.

Note: Application forms for licenses, shipping certificates and reporting forms under this chapter may be obtained without charge from the License Section, Department of Natural Resources, Box 7921, Madison, WI 53707.

History: Emerg. cr. eff. 7-1-80; cr. Register, November, 1980, No. 299, eff. 12-1-80; emerg. am. (2) (b), (4) (c) (intro.) and (4) (d), r. (4) (e), renum. (5) to be (6) and am. (c), cr. (5), eff. 8-15-83; am. (2) (b), (4) (c) (intro.) and (d), r. (4) (e), renum. (5) to be (6) and am. (c), cr. (5), Register, February, 1984, No. 338, eff. 3-1-84.

NR 28.04 Severability. Should any section or portion of this chapter be declared invalid or unconstitutional for any reason, the remainder of the chapter shall not be affected thereby.

History: Emerg. cr. eff. 7-1-80; cr. Register, November, 1980, No. 299, eff. 12-1-80.