

1983 Senate Bill 639

Date of enactment: **May 10, 1984**
Date of publication: **May 17, 1984**

1983 Wisconsin Act 462

AN ACT to renumber 94.50 (1) (c) and 94.50 (3) (e); to amend 94.50 (1) (a) and (b) and 94.50 (3) (a), (c) and (d); and to create 94.50 (1) (c), 94.50 (1) (e) and 94.50 (3) (e) and (f) 5 of the statutes, relating to the regulation of commerce in cultivated ginseng.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 94.50 (1) (a) and (b) of the statutes, as created by 1983 Wisconsin Act 27, are amended to read:

94.50 (1) (a) "Cultivated ginseng" means ginseng that is grown or nurtured in this state by a person.

(b) "Dealer" means a person who buys cultivated ginseng for the purpose of resale, except that it does not include a person who buys cultivated ginseng solely for the purpose of final retail sale to consumers in the United States.

SECTION 2. 94.50 (1) (c) of the statutes, as created by 1983 Wisconsin Act 27, is renumbered 94.50 (1) (d).

SECTION 3. 94.50 (1) (c) of the statutes is created to read:

94.50 (1) (c) "Ginseng" means *Panax quinquefolius* L.

SECTION 4. 94.50 (1) (e) of the statutes is created to read:

94.50 (1) (e) "Out-of-state cultivated ginseng" means ginseng that is grown or nurtured outside this state by a person.

SECTION 5. 94.50 (3) (a), (c) and (d) of the statutes, as created by 1983 Wisconsin Act 27, are amended to read:

94.50 (3) (a) Except as provided in par. ~~(e)~~ (f), no person may sell or ship cultivated ginseng to a dealer or ship cultivated ginseng out of this state unless the cultivated ginseng is accompanied by a valid completed shipment certificate which specifies the year of harvest. The person selling or shipping the cultivated ginseng shall complete a valid shipment certificate provided by the department. The person selling or shipping the cultivated ginseng shall on a valid form provided by the department report to the department within 30 days after the sale or shipment, the source of all of the cultivated ginseng included in the sale or shipment. Each person who completes a shipment certificate or report form shall retain a duplicate copy.

(c) No dealer may purchase or receive cultivated ginseng ~~grown in this state~~ unless it is accompanied by a completed shipment certificate. A dealer shall retain the original copy of each shipment certificate he or she receives.

(d) No dealer may purchase or receive out-of-state cultivated ginseng ~~grown outside of this state~~ unless the ginseng is accompanied by a valid written certificate, issued by the state of origin, certifying that the shipment consists solely of out-of-state cultivated ginseng. The certificate shall include the source, year of harvest, and dry weight of the out-

of-state cultivated ginseng included in the shipment. A dealer shall retain a copy of each written certificate he or she receives.

SECTION 6. 94.50 (3) (e) of the statutes, as affected by 1983 Wisconsin Act 27, is renumbered 94.50 (3) (f).

SECTION 7. 94.50 (3) (e) and (f) 5 of the statutes are created to read:

94.50 (3) (e) No person may import out-of-state cultivated ginseng into this state, unless the imported shipment is accompanied by a valid shipment certificate issued by the state of origin. No person may ship out-of-state cultivated ginseng under a shipment certificate issued by this state.

(f) 5. The year in which the cultivated ginseng was harvested.
