New York Ginseng Law and Regulations (as of June 2015)

- No license is required to dig wild ginseng on private land in New York.

- A dealer’s permit is required for anyone who “barters, trades, purchases, or otherwise conveys ginseng for resale or export” from the state, including retailers who buy ginseng from collectors, and both state residents and nonresidents who buy ginseng collected in NY.

- **The harvest season for wild ginseng in New York** is September 1 to November 30. Sale of fresh (“green”) ginseng is prohibited from January 1 to August 31, and of dried ginseng from April 1 to September 15, except that dried ginseng weighed and recorded by the state by March 31 may be sold at any time.

- State law requires all harvested wild ginseng plants to have at least 3 prongs, and does not allow the collection of wild ginseng plants with green, unripe fruit and immature seeds.

- New York requires that seeds of collected wild ginseng be immediately planted in mineral soil to a depth of the thickness of the seed within 50 feet of the place of collection.

- Ginseng may not be harvested on any state owned lands in New York.

- The New York Department of Environmental Conservation, Div. of Lands & Forests, serves as the state’s ginseng coordinator. Contact at:

  625 Broadway
  Albany, NY 12233
  (518) 402-9425

§193.4 Definitions

When used in this Part, the following words shall have the indicated meanings:

a. Certification means the ginseng carries a certificate of origin issued, in triplicate, by the Department of Environmental Conservation, which allows the export from New York of ginseng legally collected from the wild or cultivated in New York.

b. Collector means one who collects ginseng in New York State.

c. Collecting means cutting, gathering, rooting, serving, injuring, destroying, removing, or carrying away any ginseng plants or parts thereof.

d. Commissioner means the commissioner of the Department of Environmental Conservation.

e. Cultivated ginseng means ginseng other than that found growing naturally in the wild. Cultivated ginseng is grown in prepared beds or patches under natural or artificial conditions and is manipulated by standard or other appropriate ginseng horticultural or agricultural practices.

f. Department means the New York State Department of Environmental Conservation.
g. Export means to transport, ship, carry, haul, take or otherwise remove ginseng from New York State.

h. Ginseng means the roots and/or aerial parts in whole, part, or in any form, of American ginseng, *Panax quinquefolius* Linnaeus.

i. Ginseng dealer means any person who barters, trades, purchases or otherwise conveys ginseng for resale or export including retailers who buy ginseng from collectors.

j. Green ginseng means fresh ginseng root(s) that has not been intentionally subjected to a drying process and from which most natural moisture has not been removed by drying.

k. Non-New York ginseng means ginseng not grown or collected within the borders of the State of New York.

l. Purchase or buy means to acquire, obtain, or receive ginseng or to attempt to acquire, obtain or receive ginseng by the exchange of money or other valuable consideration and specifically includes barter or exchange.

m. Sell or sale means to dispose of, transfer or convey ginseng or attempt to dispose of, transfer or convey ginseng by exchange of money or other valuable consideration and specifically includes barter or exchange.

n. State inspector means any department employee who has been designated by the commissioner to weigh and certify ginseng roots.

o. Wild ginseng means any ginseng grown naturally in New York State, which is not cultivated ginseng. Such wild ginseng occurs in naturally perpetuated habitat, where the species is naturally propagated or with only limited planting of local wild seed by people, and no subsequent tending of the species or habitat before harvest.

§193.5 Collection, sale and conservation of New york ginseng

a. Season.

1. Wild ginseng may be collected only between September 1st and November 30th of any year.

2. The purchase from collectors or sale to dealers of green wild ginseng between the 1st day of January and the 31st day of August is prohibited.

3. Dry ginseng may not be purchased or sold during the period of April 1st to September 15th in any year unless previously weighed and recorded by the State by March 31st.

b. Maturity.

1. Only wild ginseng plants with at least three five-leaflet leaves (prongs) may be collected.

2. No wild plant with green, unripe fruit and immature seeds may be collected.
3. All seeds from collected wild ginseng plants must be planted, in mineral soil to the depth of the thickness of the seed within 50 feet of the place of collection, immediately after collection.

§193.6 Certification of ginseng

a. All New York ginseng intended for export must be certified by the department, on forms provided by the department, before export from the State. Certification must include: date of harvest, weight of ginseng, designation of cultivated or wild, whether ginseng is green or dry, dealer's signature, State inspector's signature, date of certification, shipment number, dealer's registration number, and certification number. Inspection of ginseng to verify plant maturity will be made at this time of certification. Inspections will be made at department regional or suboffices in regions 2 through 9. Inspections will be made by department employees designated by the commissioner. Dealers must make appointments for inspections with department inspectors.

b. Non-New York ginseng will not be certified as New York ginseng.

§193.7 Ginseng dealers

a. Permit. Any ginseng dealer residing in New York must obtain a dealer's permit from the department. Any nonresident ginseng dealers who purchase wild or cultivated New York ginseng must obtain a dealer's permit from the department and comply with this Part. This permit will be valid for a calendar year or as established by the department.

b. Records. All ginseng dealers must keep records, on forms furnished by the department, of all commerce in ginseng. These records must include: record number, date of purchase, name, address and phone number of the collector or ginseng dealer from whom the ginseng was purchased, date collected, designation of wild or cultivated, whether ginseng was green or dry, county and town where dug, or foreign country or other state where ginseng was originally certified and identification of original certification, weight of ginseng bought or sold in pounds and ounces, dealer registration number, other State certificate number, and signature of dealer and dealer address. These records must be kept for a period of three years and must be made available to the department upon request.

c. Reports. Dealers must report ginseng commerce to the department every year. Reports are due on January 15th. Reports must be made on forms furnished by the department and will cover the previous calendar quarter, except for the January report which will cover the previous calendar year.

d. Purchase. Ginseng dealers, when dealing in New York ginseng, must handle only ginseng collected in accordance with section 193.5 of this Part. Non-New York ginseng must be purchased in accordance with rules of the state or country of origin. Uncertified non-New York ginseng may not be purchased and exported.

e. Unsold ginseng. Ginseng unsold by dealers by March 31st must be weighed by the department and recorded. Future sales and certification will be issued against this weight.

§193.8 Penalties

The civil and criminal penalty provisions of Environmental Conservation Law, sections 71-4001 and 71-4003, are applicable to violations of this Part. In addition, permit modifications, suspensions or revocations will be governed by section 621.13 of this Title.