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Introduction to Ginseng

American Ginseng, *Panax quinquefolius*, is one of three commercially important types of ginseng. A perennial herb belonging to the plant family Araliaceae, it is a true ginseng, the fleshy roots of which contain active compounds called ginsenosides. Native, or wild American ginseng is found in the eastern United States and in southern Ontario and southwestern Quebec in Canada.

Asian ginseng, *Panax ginseng*, sometimes called Chinese or Korean ginseng, is also a true ginseng and is indigenous to Korea and certain regions of China.

Research and information from various sources suggest the use of true ginseng as a tonic to reduce stress and fatigue, enhance the immune system, and provide numerous other health benefits. American ginseng is believed to be more relaxing or “yin” in nature, while Asian ginseng is considered to be more stimulating or “yang.”

Siberian ginseng, *Eleutherococcus senticosus*, is the most commonly used ginseng in the United States. While not considered to be a true ginseng, it belongs to the ginseng family and is native to Siberia, Korea, Japan and China. Siberian ginseng has been shown to have many properties comparable to those of true ginseng and some studies indicate that it may improve physical and mental performance.

Program Mission

The loss of suitable forest habitat and over-collecting for export and domestic markets have depleted populations of wild American ginseng, which is now listed as an endangered species.

The mission of Oregon's Ginseng Management Program is to allow Oregon-grown cultivated American ginseng to be certified for export, in accordance with the U.S. Fish and Wildlife Service regulatory measures designed to protect the country's wild ginseng populations from over-harvesting.

Ginseng Management Program Services

1. License Oregon growers and dealers of cultivated American ginseng.
2. Issue certificates of origin for ginseng cultivated in Oregon, so that it may be sold to out-of-state and foreign markets.
3. Provide information about regulations governing sale or shipment of ginseng.

Ginseng Management Program Organization

Since 1997, the Oregon Department of Agriculture Plant Division has been authorized by ORS 576.800 to establish and administer procedures for a ginseng management program. The department is assisted in this task by the Ginseng Advisory Committee.

The Committee consists of five members, representing both growers and dealers, appointed by the Oregon Director of Agriculture. A chairperson is selected by the committee at the first meeting each year. The Director of the Oregon Department of Agriculture, or his representatives, are ex-officio members without the right to vote.

Licensing Requirements for Ginseng Growers and Dealers

All persons in Oregon operating as growers or dealers of cultivated American ginseng, *Panax quinquefolius*, must obtain a license from the Oregon Department of Agriculture. The annual license fee is \$25.00.

A grower is defined as any person who grows cultivated ginseng, but does not include persons growing solely for personal use, direct retail sales, direct sales to retail outlets within the state of Oregon, or direct sales to in-state processors making derivatives or extracts. Growers who sell cultivated ginseng to any dealer, to retail outlets outside the state of Oregon, or to processors outside the state of Oregon do require a grower license.

A dealer is defined as any person who buys cultivated ginseng for the purpose of resale, but does not include persons who buy dry root of cultivated ginseng solely for the purpose of final retail sale to consumers in the United States. Persons who resell ginseng to other dealers, retail outlets or processors within or outside the United States or to consumers outside the United States do require a dealer license.

In-state processors of ginseng may purchase Oregon-grown ginseng for the purpose of making derivatives or extracts without obtaining a grower or dealer license.

A ginseng grower or dealer license is not required for growing or selling ginseng plants for propagation. A nursery license may be required for this activity.

Additional licensing requirements and information found in Oregon Administrative Rules 603-060-0030 (Growers and Dealers: Licensing) are reprinted in the following section on laws and regulations.

Ginseng Laws and Regulations

Excerpts from Oregon Administrative Rules, 603-060-0020 to 603-060-0050

603-060-0020 Definitions

“Certificate of Origin” means a legal document required for out-of-state or foreign trade attesting to the fact that a specific lot of ginseng was legally cultivated and harvested in Oregon.

“Cultivated Ginseng” means ginseng which is growing or has been grown in tilled beds under shade of artificial structures or under natural shade and is cultivated by a person.

“Dealer” means a person who buys cultivated ginseng for the purpose of resale, except that it does not include a person who buys dry root of cultivated ginseng solely for the purpose of final retail sale to consumers in the United States.

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“Department” means the department of agriculture of the state of Oregon.

“Ginseng” means any part of the plant known as American Ginseng (*Panax quinquefolius*) including plants, whole roots, essentially intact roots, and root chunks and slices, but excluding root hairs, extracts, derivatives, leaves, stems, flowers and seeds.

“Grower” means a person who grows cultivated ginseng, except persons growing solely for personal use, direct retail sales, or direct sales to retail outlets within the state of Oregon.

“Out-of-state ginseng” means ginseng originating from a state other than Oregon.

“Wild ginseng” means ginseng originating from within its natural range and which was grown in an uncultivated state and was collected from its native habitat.

603-060-0030 Growers and Dealers: Licensing

(1) No person may act as a grower or dealer unless he or she is licensed with the department. Persons [growing and] selling cultivated ginseng to dealers and/or out-of-state or foreign buyers must license as growers. Any person who acts as both a grower and a dealer shall be licensed as both a grower and a dealer.

(2) Licenses shall be renewed annually. Licenses expire on April 30th of each year. A grower shall pay to the department an annual license fee of \$25.00. A dealer shall pay an annual license fee of \$25.00

(3) Paragraph (1) of this section does not apply to a grower who sells or ships only live immature cultivated ginseng plants for propagation (not consumption).

A nursery license is required for this activity if sales exceed the limit prescribed in the nursery law, ORS 571.057 and associated rule, OAR 603-054-0016. Growing and/or selling ginseng seed

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does not require a nursery license or a ginseng growers license.

603-060-0040 Sale or Shipment of Cultivated Ginseng

(1) The department shall upon request, provide each licensed grower or dealer with certificates of origin. Licensed growers or dealers may certify their own cultivated ginseng by filling out and signing a valid certificate of origin.

(2) No person may sell or ship cultivated ginseng to a dealer, out-of-state buyer or foreign buyer unless the cultivated ginseng is accompanied by a valid completed certificate of origin

(3) No dealer may purchase or receive Oregon-grown cultivated ginseng unless it is accompanied by a completed certificate of origin from the grower.

(4) No dealer may purchase or receive out-of-state cultivated ginseng unless it 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.

(5) Ginseng harvested or grown in Oregon must be kept separate from out-of-state ginseng.

(6) Growers and dealers shall keep records of transactions covered by paragraphs (2), (3), and (4) of this section.

603-060-0050 Possession of Certified Wild Ginseng

Oregon certificates of origin cannot be used to certify wild ginseng. Wild ginseng roots legally certified in other states may be purchased, sold, transported, or exported within and out of state only by dealers licensed by the department. Persons engaged in the retail marketing of wild ginseng to consumers within the state of Oregon may purchase and retail out-of-state wild ginseng root in the normal course of their business provided the ginseng root is purchased from a registered dealer of any state having a Ginseng Management Program approved by the U.S. Fish and Wildlife Service and is accompanied by a certificate of origin issued by the state of origin of the ginseng.

A complete list of Oregon Administrative Rules 603-060-010 through 603-060-090, which govern the Ginseng Management Program and include rules on the Ginseng Advisory Committee, enforcement actions, and civil and criminal penalties, is available from the Oregon Department of Agriculture.

Summary

Procedures for Selling or Receiving Cultivated American Ginseng

1. Obtain a grower and/or dealer license, as required. Refer to the section on Licensing Requirements to determine if a license is needed.
2. If selling or shipping cultivated ginseng to a dealer or out-of-state buyer, obtain a numbered certificate of origin from the Oregon Department of Agriculture.
3. Certify the cultivated ginseng by filling out and signing the certificate of origin, and sending a copy of the certificate to the Oregon Department of Agriculture.
4. If purchasing or receiving Oregon-grown cultivated ginseng as a dealer, obtain a completed certificate of origin from the grower.
5. If purchasing or receiving out-of-state cultivated ginseng, obtain a valid written certificate, issued by the state of origin, certifying that the shipment consists solely of out-of-state cultivated ginseng.
6. As a dealer or grower, maintain records of all transactions and make all records available upon request to the Oregon Department of Agriculture.

Purchasing and Selling Wild Ginseng

Refer to the previously printed section, 603-060-0050 (Possession of Certified Wild Ginseng), under Ginseng Laws and Regulations.

Exporting Ginseng to Foreign Countries

American ginseng, *Panax quinquefolius*, is regulated by CITES (The Convention on International Trade in Endangered Species). Therefore, any person exporting American ginseng must, in addition to having the required state certificates, also obtain a General Permit from the United States Department of Agriculture (USDA) and CITES documents from the U.S. Fish and Wildlife Service.

For information about General Permits, write to PPQ-APHIS-USDA, Permit Unit, 4700 River Road, Riverdale, MD 20737, or call the USDA Permit Office at 301-734-5786. For CITES documents, write to U.S. Fish and Wildlife Service, Office of Management Authority (OMA), 4401 N Fairfax Drive, Room 420 C, Arlington, VA 22203-3507, or call 1-800-358-2104.

Related Resources

Oregon Department of Agriculture

Plant Division 503/986-4644

Licensing and general information.

Pesticides Division 503/986-4635

Information on applicator and consultant licensing requirements and pesticide use laws. Reporting pesticide misuse.

Natural Resources Division ... 503/986-4700

Water runoff issues.

Agricultural Development and
Marketing Division 503/872-6600

Information on marketing.

Oregon Department of Water Resources

Information 503/378-3739

Information on wells, water rights and irrigation laws.

Northwest Ginseng Growers Association

Oregon Contact 503/363-5725

Contact local city, county or regional governments to check for additional requirements or land use restrictions.