

AN ACT concerning conservation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Ginseng Harvesting Act is amended by changing Sections 1, 2a, 2b, 2c, 4, and 6 as follows:

(525 ILCS 20/1) (from Ch. 61, par. 501)

Sec. 1. Definitions. As used in this Act, unless the context otherwise requires:

"Cultivated ginseng" means ginseng growing in tilled beds under shade of artificial structures.

"Department" means the Department of Natural Resources.

"Ginseng" means the root of the American ginseng plant (Panax quinquefolium). "Ginseng" includes, but is not limited to, the roots, rhizomes, leaves, and seeds of the American ginseng plant, which may be cultivated or wild. "Ginseng" does not include those parts of the American ginseng plant that have been processed.

"Green ginseng" means a root of ginseng from which the moisture has not been removed by drying. In this Act, the amount of dried ginseng rhizome that can be derived from green ginseng rhizome may be calculated using a ratio of 3.3 to one by weight.

"Grower" means a person who grows cultivated ginseng for

the purpose of selling the ginseng.

"Harvester" means any person who harvests, possesses, transports, cuts, gathers, destroys, digs, or uproots wild ginseng for the purpose of selling the ginseng or for personal use.

"Root" means the ginseng rhizome and its roots.

"Wild ginseng" means ginseng in, or collected from, its natural habitat, notwithstanding whether the ginseng is native to that habitat or was introduced or increased in abundance by sowing ginseng seed or by transplanting ginseng plants from other areas.

(Source: P.A. 83-680.)

(525 ILCS 20/2a) (from Ch. 61, par. 508)

Sec. 2a. Harvest License. No person may cut, root up, gather or harvest wild ginseng, or attempt to do so, unless the person has a harvest license issued by the Department. All persons licensed by the Department pursuant to this Section shall immediately produce the license when requested to do so by an officer or authorized employee of the Department or any sheriff, deputy sheriff, or other peace officer. The fee for a harvest license is \$7 and is valid from April 1 to March 31. A harvest license is valid during the established harvest season for wild ginseng for the year during which it is issued. The Department shall establish by administrative rule the procedure for issuing licenses and regulations on the methods

used to harvest. Harvested wild ginseng may be sold only to dealers licensed by the State of Illinois. All wild ginseng must be sold by harvesters no later than March 1 of the year following harvest.

(Source: P.A. 85-152.)

(525 ILCS 20/2b) (from Ch. 61, par. 509)

Sec. 2b. Grower's License. Any person engaged in the propagation and harvesting of cultivated ginseng shall secure a registered grower's license from the Department annually for a fee of \$25.00. A grower's license shall authorize the harvest of cultivated ginseng at any time. A grower's license is valid from April 1 through March 31. A grower shall maintain records as to the location of all cultivated ginseng fields, areas or facilities, quantity of ginseng produced and any other information required by the Department by administrative rule and shall keep records and make reports to the Department as required by administrative rule. The Department shall establish by administrative rule procedures of issuing licenses, keeping records and reports, reporting transactions and certifying the amounts, quantities and origin of the cultivated ginseng. The Department shall supply, free of additional charges proper forms to growers for all required data and information. All persons licensed by the Department pursuant to this Section shall immediately produce the license when requested to do so by an officer or authorized employee of

the Department or any sheriff, deputy sheriff, or other peace officer.

(Source: P.A. 83-680.)

(525 ILCS 20/2c) (from Ch. 61, par. 510)

Sec. 2c. Dealer License. No person shall be engaged in the business of buying wild or cultivated ginseng from harvesters, growers or other dealers for resale to exporters or to other dealers unless the person has a license issued by the Department to be a dealer of ginseng. The fee for a dealer's license is \$50.00 for Illinois residents and \$100.00 for nonresidents and is valid from April 1 through March 31. A dealer shall maintain records, open to duly authorized agents of the Department, of the quantity of material purchased and sold, the county where purchased ginseng was harvested, and other information required by the Department by administrative rule, and shall make reports to the Department as required. The Department shall establish by administrative rule procedures for issuing licenses, keeping records, reporting transactions, and certifying the origin of ginseng. The Department shall supply free of additional charge, proper forms to dealers for all required data and information. A dealer may purchase roots of wild ginseng harvested in Illinois only during the period from two weeks after the opening of the harvest season for wild ginseng to the following March 1, or may purchase at any time wild or

cultivated ginseng harvested in another state and certified for export by that state. All persons licensed by the Department pursuant to this Section shall immediately produce the license when requested to do so by an officer or authorized employee of the Department or any sheriff, deputy sheriff, or other peace officer.

(Source: P.A. 84-1065.)

(525 ILCS 20/4) (from Ch. 61, par. 516)

Sec. 4. Trespass to Harvest Ginseng. No person shall, without permission of the owner, enter the forest, field, yard, building, garden or other enclosure of another and willfully break down, dig, destroy, take or carry away any ginseng or attempt to do so.

(Source: P.A. 83-680.)

(525 ILCS 20/6)

Sec. 6. Additional license revocation and denial provisions.

(a) If a license has been issued to any person under this Act and that person is found guilty of any misrepresentation in obtaining that license or a violation of any of the provisions of this Act or its rules or a violation of the United States Code that involves the possession, use, sale, transportation, or harvesting of ginseng when any part of the United States Code violation occurred in Illinois, the license

may be revoked by the Department. The Department may also refuse to issue any license to that person and may suspend that person from engaging in any activity requiring the license for a period of time in accordance with rules adopted by the Department ~~not to exceed 5 years following the revocation.~~

(b) If a person who has not been issued a license under this Act is found guilty of a violation of any of the provisions of this Act or its rules or a violation of the United States Code that involves the possession, use, sale, transportation, or harvesting of ginseng when any part of the United States Code violation occurred in Illinois, the Department may refuse to issue any license to that person and may suspend that person from engaging in any activity requiring the license for a period of time in accordance with rules adopted by the Department ~~not to exceed 5 years.~~

(c) The Department's license revocation procedures must be established by administrative rule.

(d) Any person who violates any of the provisions of this Act or its rules during any period when his or her license is revoked or denied by virtue of this Section, or during the time he or she is suspended under subsection (b), is guilty of a Class A misdemeanor.

(e) A person whose license to engage in any activity regulated under this Act has been suspended or revoked may not, during the period of the suspension or revocation or until obtaining the proper license, (i) be in the company of

any person engaging in the activity covered by the license or
(ii) serve as a guide or facilitator for a person who is
engaged or prepared to engage in the activity covered by the
license.

(Source: P.A. 102-837, eff. 5-13-22.)

(525 ILCS 20/1a rep.)

(525 ILCS 20/1b rep.)

(525 ILCS 20/1c rep.)

(525 ILCS 20/1d rep.)

(525 ILCS 20/1e rep.)

Section 10. The Ginseng Harvesting Act is amended by
repealing Sections 1a, 1b, 1c, 1d, and 1e.