



Sen. Dale Fowler

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10400HB5021sam001

LRB104 17969 WRO 37270 a

1 AMENDMENT TO HOUSE BILL 5021

2 AMENDMENT NO. _____. Amend House Bill 5021 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Ginseng Harvesting Act is amended by
5 changing Sections 1, 2a, 2b, 2c, 4, and 6 and by adding Section
6 7 as follows:

7 (525 ILCS 20/1) (from Ch. 61, par. 501)

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

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

12 "Department" means the Department of Natural Resources.

13 "Ginseng" means the root of the American ginseng plant
14 (Panax quinquefolium). "Ginseng" includes, but is not limited
15 to, the roots, rhizomes, leaves, and seeds of the American
16 ginseng plant, which may be cultivated or wild. "Ginseng" does

1 not include those parts of the American ginseng plant that
2 have been processed.

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

8 "Grower" means a person who grows cultivated ginseng for
9 the purpose of selling the ginseng.

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

14 "Root" means the ginseng rhizome and its roots.

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

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

21 (525 ILCS 20/2a) (from Ch. 61, par. 508)

22 Sec. 2a. Harvest License. No person may cut, root up,
23 gather or harvest wild ginseng, or attempt to do so, unless the
24 person has a harvest license issued by the Department. All
25 persons licensed by the Department pursuant to this Section

1 shall immediately produce the license when requested to do so
2 by an officer or authorized employee of the Department or any
3 sheriff, deputy sheriff, or other peace officer. The fee for a
4 harvest license is \$7 and is valid from April 1 to March 31. A
5 harvest license is valid during the established harvest season
6 for wild ginseng for the year during which it is issued. The
7 Department shall establish by administrative rule the
8 procedure for issuing licenses and regulations on the methods
9 used to harvest. Harvested wild ginseng may be sold only to
10 dealers licensed by the State of Illinois. All wild ginseng
11 must be sold by harvesters no later than March 1 of the year
12 following harvest.

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

14 (525 ILCS 20/2b) (from Ch. 61, par. 509)

15 Sec. 2b. Grower's License. Any person engaged in the
16 propagation and harvesting of cultivated ginseng shall secure
17 a registered grower's license from the Department annually for
18 a fee of \$25.00. A grower's license shall authorize the
19 harvest of cultivated ginseng at any time. A grower's license
20 is valid from April 1 through March 31. A grower shall maintain
21 records as to the location of all cultivated ginseng fields,
22 areas or facilities, quantity of ginseng produced and any
23 other information required by the Department by administrative
24 rule and shall keep records and make reports to the Department
25 as required by administrative rule. The Department shall

1 establish by administrative rule procedures of issuing
2 licenses, keeping records and reports, reporting transactions
3 and certifying the amounts, quantities and origin of the
4 cultivated ginseng. The Department shall supply, free of
5 additional charges proper forms to growers for all required
6 data and information. All persons licensed by the Department
7 pursuant to this Section shall immediately produce the license
8 when requested to do so by an officer or authorized employee of
9 the Department or any sheriff, deputy sheriff, or other peace
10 officer.

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

12 (525 ILCS 20/2c) (from Ch. 61, par. 510)

13 Sec. 2c. Dealer License. No person shall be engaged in the
14 business of buying wild or cultivated ginseng from harvesters,
15 growers or other dealers for resale to exporters or to other
16 dealers unless the person has a license issued by the
17 Department to be a dealer of ginseng. The fee for a dealer's
18 license is \$50.00 for Illinois residents and \$100.00 for
19 nonresidents and is valid from April 1 through March 31. A
20 dealer shall maintain records, open to duly authorized agents
21 of the Department, of the quantity of material purchased and
22 sold, the county where purchased ginseng was harvested, and
23 other information required by the Department by administrative
24 rule, and shall make reports to the Department as required.
25 The Department shall establish by administrative rule

1 procedures for issuing licenses, keeping records, reporting
2 transactions, and certifying the origin of ginseng. The
3 Department shall supply free of additional charge, proper
4 forms to dealers for all required data and information. A
5 dealer may purchase roots of wild ginseng harvested in
6 Illinois only during the period from two weeks after the
7 opening of the harvest season for wild ginseng to the
8 following March 1, or may purchase at any time wild or
9 cultivated ginseng harvested in another state and certified
10 for export by that state. All persons licensed by the
11 Department pursuant to this Section shall immediately produce
12 the license when requested to do so by an officer or authorized
13 employee of the Department or any sheriff, deputy sheriff, or
14 other peace officer.

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

16 (525 ILCS 20/4) (from Ch. 61, par. 516)

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

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

23 (525 ILCS 20/6)

24 Sec. 6. Additional license revocation and denial

1 provisions.

2 (a) If a license has been issued to any person under this
3 Act and that person is found guilty of any misrepresentation
4 in obtaining that license or a violation of any of the
5 provisions of this Act or its rules or a violation of the
6 United States Code that involves the possession, use, sale,
7 transportation, or harvesting of ginseng when any part of the
8 United States Code violation occurred in Illinois, the license
9 may be revoked by the Department. The Department may also
10 refuse to issue any license to that person and may suspend that
11 person from engaging in any activity requiring the license for
12 a period of time in accordance with rules adopted by the
13 Department ~~not to exceed 5 years following the revocation.~~

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

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

26 (d) Any person who violates any of the provisions of this

1 Act or its rules during any period when his or her license is
2 revoked or denied by virtue of this Section, or during the time
3 he or she is suspended under subsection (b), is guilty of a
4 Class A misdemeanor.

5 (e) A person whose license to engage in any activity
6 regulated under this Act has been suspended or revoked may
7 not, during the period of the suspension or revocation or
8 until obtaining the proper license, (i) be in the company of
9 any person engaging in the activity covered by the license or
10 (ii) serve as a guide or facilitator for a person who is
11 engaged or prepared to engage in the activity covered by the
12 license.

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

14 (525 ILCS 20/1a rep.)

15 (525 ILCS 20/1b rep.)

16 (525 ILCS 20/1c rep.)

17 (525 ILCS 20/1d rep.)

18 (525 ILCS 20/1e rep.)

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