

*TITLE 12. CONSERVATION AND NATURAL RESOURCES
CHAPTER 6. FOREST RESOURCES AND OTHER PLANT LIFE
ARTICLE 2. GINSENG PROTECTION*

O.C.G.A. TITLE 12 Chapter 6 Article 2

GEORGIA CODE
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*** Current Through the 2013 Regular Session ***

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O.C.G.A. TITLE 12 Chapter 6 Article 2 (2012)

O.C.G.A. § 12-6-150 (2012)

§ 12-6-150. Short title

This article shall be known and may be cited as the "Ginseng Protection Act of 1979."

HISTORY: Ga. L. 1979, p. 919, § 1; Ga. L. 1996, p. 327, § 1.

O.C.G.A. § 12-6-151 (2012)

§ 12-6-151. Definitions

As used in this article, the term:

(1) "Commissioner" means the commissioner of natural resources.

(2) "Ginseng (*Panax quinquefolium* L.)" means a single stemmed plant arising from a cylindrical root, with prongs (compound leaves) attached to the stem. Each prong is divided into three to seven leaflets. The flower of the plant is green and is located at the leaf petiole. The fruit is a cluster of red berries.

(3) "Ginseng dealer" means any person who purchases ginseng for the purpose of resale.

(4) "Grower" means any person who cultivates ginseng for purposes of sale or export from this state or both.

(5) "Harvest" means to cut, dig, pull up, or otherwise remove a plant or its seed from its habitat.

(6) "Person" means any individual, partnership, firm, corporation, association, or other

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entity.

(7) "Purchase" means to acquire, obtain, or receive, or to attempt to acquire, obtain, or receive, by exchange of money or other valuable consideration. This term specifically includes barter or exchange.

(8) "Sell" means to dispose of, transfer, or convey, or to attempt to dispose of, transfer, or convey, by exchange of money or other valuable consideration. This term specifically includes barter or exchange.

HISTORY: Ga. L. 1979, p. 919, § 2; Ga. L. 1996, p. 327, § 1.

O.C.G.A. § 12-6-152 (2012)

§ 12-6-152. Prohibited acts regarding harvesting ginseng

It shall be unlawful for any person to harvest ginseng in this state except from September 1 through December 31 and with the written permission of the owner of the property on which the ginseng is located. It shall also be unlawful for any person to harvest ginseng that has fewer than three prongs. Further, it shall also be unlawful for any person to fail to plant, immediately after harvest, the ripe berries of the harvested ginseng at the same location at which such ginseng was harvested.

HISTORY: Ga. L. 1979, p. 919, § 3; Ga. L. 1996, p. 327, § 1; Ga. L. 2013, p. 564, § 1/SB 81.

O.C.G.A. § 12-6-153 (2012)

§ 12-6-153. Reports concerning disposal of ginseng

It shall be unlawful for any person disposing of any ginseng harvested in Georgia to fail to report such disposition by January 31 of each year to the Department of Natural Resources. Such report shall be certified by the department and shall include, but shall not be limited to, the amount, by weight, of the ginseng exported; the Georgia county or counties from which the ginseng was harvested; whether the harvested roots were taken from wild or cultivated ginseng; and the location, by state, in which such person disposed of the harvested roots.

HISTORY: Ga. L. 1979, p. 919, § 4; Ga. L. 1996, p. 327, § 1.

O.C.G.A. § 12-6-154 (2012)

§ 12-6-154. Registration and reports required of dealers or growers

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It shall be unlawful for any ginseng dealer or grower to fail to register with the department, on a form provided by the department, by July 15 of each year. It shall also be unlawful for any ginseng dealer or grower to fail to submit to the department by January 31 of each year certain information on forms provided by the department. Such information shall include, but shall not be limited to, the amount, by weight, of ginseng purchased or grown and sold during the season; the county or counties from which the ginseng was harvested; and whether the harvested roots were taken from wild or cultivated ginseng.

HISTORY: Ga. L. 1979, p. 919, § 5; Ga. L. 1996, p. 327, § 1.

O.C.G.A. § 12-6-155 (2012)

§ 12-6-155. Determination by department concerning continuing necessity of article; report to General Assembly

Upon a determination by the department that this article is no longer necessary for the protection of ginseng in this state, the department shall report such determination to the next session of the General Assembly following such determination.

HISTORY: Ga. L. 1979, p. 919, § 6; Ga. L. 1996, p. 327, § 1.

O.C.G.A. § 12-6-156 (2012)

§ 12-6-156. Registration forms and reporting forms

The department is authorized to prescribe the form and content of the registration forms and the reporting forms required by this article.

HISTORY: Ga. L. 1979, p. 919, § 7; Ga. L. 1996, p. 327, § 1.

O.C.G.A. § 12-6-157 (2012)

§ 12-6-157. Penalty

Any person who engages in any action made unlawful by this article shall be guilty of a misdemeanor.

HISTORY: Ga. L. 1868, p. 194, § 1; Code 1873, § 4626; Code 1882, § 4626; Penal Code 1895, § 726; Penal Code 1910, § 778; Code 1933, § 43-9901; Ga. L. 1979, p. 919, § 8; Ga. L. 1996, p. 327, § 1.