

1 AN ACT concerning conservation.

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

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

6 (525 ILCS 20/1) (from Ch. 61, par. 501)

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

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

11 "Department" means the Department of Natural Resources.

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

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

23 "Grower" means a person who grows cultivated ginseng for

1 the purpose of selling the ginseng.

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

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

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

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

13 (525 ILCS 20/2a) (from Ch. 61, par. 508)

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

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

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

6 (525 ILCS 20/2b) (from Ch. 61, par. 509)

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

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

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

4 (525 ILCS 20/2c) (from Ch. 61, par. 510)

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

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

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

8 (525 ILCS 20/4) (from Ch. 61, par. 516)

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

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

15 (525 ILCS 20/6)

16 Sec. 6. Additional license revocation and denial  
17 provisions.

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

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

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

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

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

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

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

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

6 (525 ILCS 20/1a rep.)

7 (525 ILCS 20/1b rep.)

8 (525 ILCS 20/1c rep.)

9 (525 ILCS 20/1d rep.)

10 (525 ILCS 20/1e rep.)

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