



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Brian Becker, Ohio Department of Natural Resources

FROM: Joseph Baker, Regulatory Policy Advocate

DATE: June 2, 2021

RE: **CSI Review – Ginseng Registration Permit; Dealer Record Requirements (OAC 1501:31-40-02)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

Analysis

This rule package consists of one no change rule proposed by the Ohio Department of Natural Resources (Department). This rule package was submitted to the CSI Office on April 27, 2021, and the public comment period was held open through May 13, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on April 27, 2021.

The rule in this package establishes registration permits for individuals engaged in purchasing or acquiring Ohio ginseng and outlines various requirements associated with engaging in the business of purchasing or selling ginseng.

OAC 1501:31-40-02 requires dealers and buyers of ginseng to acquire a permit each year prior to purchasing or acquiring ginseng harvested in that year. The rule additionally prohibits the acquisition of certain types of ginseng during specific portions of the year, requires entities acquiring or selling ginseng to maintain various records related to the transaction, requires both dealers and buyers to display and distribute educational materials regarding ginseng that are

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provided by the Chief of the Division of Wildlife (Chief), permits the Chief to refuse to issue a registration permit or suspend the permit of any person who fails to comply with state rules relating to ginseng.

During early stakeholder outreach, the Department sent the proposed rules to all permitted ginseng dealers in the state, informing them of the opportunity to comment. According to the BIA, the Department received one comment indicating support of the proposed rule. No comments were received during the CSI public comment period.

The Department states in the BIA that the business community impacted by the rules includes 49 permitted ginseng dealers in Ohio, 3000-5000 ginseng diggers, and an unknown number of ginseng growers. The adverse impacts to business include administrative effort necessary to comply with seasonal harvesting requirements, maintain and create transactional records required by the rule, display and distribute educational materials provided by the Division, and potential disciplinary action or inability to obtain necessary registration permits that may follow violations of this rule, OAC 1501:31-40-01, or OAC 1501:31-40-03. The Department states in the BIA that the adverse impact to business is justified to ensure that Ohio has a sustainable ginseng population for future use and notes that regulations must exist for Ohio to participate in the ginseng export program, per federal requirements.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio Department of Natural Resources should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.