

N.C.P.I.-Crim. 222.69
UNLAWFUL DEALINGS WITH [GINSENG] [GALAX] [VENUS FLYTRAP].
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2013
N.C. Gen. Stat. § 106-202.19 (a)

222.69 UNLAWFUL DEALINGS WITH [GINSENG] [GALAX] [VENUS
FLYTRAP]. MISDEMEANOR.

The defendant has been charged with unlawful dealings with
[gingseng] [galax] [Venus flytrap].

For you to find the defendant guilty of this offense, the State must
prove the following beyond a reasonable doubt,

That the defendant:

- a) [[uprooted] [dug] [took] [otherwise disturbed] [removed]
from another person's land [gingseng] [galax] [Venus
flytrap] and did so without a written permit from the
owner.¹
- b) [bought [gingseng] [galax] [Venus flytrap] outside of the
buying season as set by the North Carolina Plant
Conservation Board without obtaining the required
documents from the person selling the [gingseng] [galax]
[Venus flytrap]];
- c) [bought ginseng for the purpose of [resale] [trade] without
holding a current valid permit as a ginseng dealer];
- d) [bought more than five pounds of galax for the purpose of
resale or trade without a copy of the landowner's written
permission and confirmation of the collection date];
- e) [bought more than 50 Venus flytrap plants for the purpose
of resale or trade, and not in compliance with applicable
regulations].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant unlawfully

- a) [[uprooted] [dug] [took] [otherwise disturbed] [removed] from another person's land [ginseng] [galax] [Venus flytrap] and did so without a written permit from the owner.
- b) [bought [ginseng] [galax] [Venus flytrap] outside of the buying season as set by the North Carolina Plant Conservation Board without obtaining the required documents from the person selling the [ginseng] [galax] [Venus flytrap]];
- c) [bought ginseng for the purpose of [resale] [trade] without holding a current valid permit as a ginseng dealer];
- d) [bought more than five pounds of galax for the purpose of resale or trade without a copy of the landowner's written permission and confirmation of the collection date];
- e) [bought more than 50 Venus flytrap plants for the purpose of resale or trade, and not in compliance with applicable regulations],

it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 106-202.19(a) goes on to state that the written permit from

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the owner must be "dated and valid for more than 180 days and which indicates the species or higher taxon of plants for which permission is granted; except that the incidental disturbance of protected plants during agricultural, forestry or development operations is not illegal so long as the plants are not collected for sale or commercial use."