

Regulatory Language

KEY:

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Text originally proposed to be deleted is shown in ~~strikeout format~~

Text newly proposed to be added is shown in **bold double-underline format**

Text newly proposed to be deleted is shown in ~~**bold double-strikeout format**~~

Text originally proposed to be added and now proposed to be deleted is shown in ~~**bold underline double-strikeout format**~~

Add Section 42, to Title 14, CCR:

Section 42. ~~Protected Reptiles~~ Commercial Use and Possession of Native Rattlesnakes for Biomedical and Therapeutic Purposes.

(a) Except as otherwise provided in these regulations, it shall be unlawful for persons without a valid ~~commercial native rattlesnake permit~~ **Commercial Native Rattlesnake Permit** issued by the department to:

(1) possess, ~~purchase~~, propagate, exchange, or transport native rattlesnakes for commercialized venom extraction; ~~or~~

(2) sell, import, or export native rattlesnake venom or products derived from native rattlesnake venom for commercial purposes; ~~or~~

(3) purchase native rattlesnakes from a biological supply house, permitted through Section 651, for the purpose of developing and selling biomedical and therapeutic products.

(b) Consistency with Federal, State, and Local Laws.

A permit issued pursuant to this section does not supersede any federal, state, or local law regulating or prohibiting native rattlesnakes or the activities authorized in a ~~commercial native rattlesnake permit~~ **Commercial Native Rattlesnake Permit**.

(c) Authorized Native Rattlesnake Species.

A ~~commercial native rattlesnake permit~~ **Commercial Native Rattlesnake Permit** may be issued pursuant to this section for the following native rattlesnake species, including their subspecies and taxonomic successors:

(1) Western diamond-backed rattlesnake (*Crotalus atrox*),

(2) Mohave rattlesnake (*Crotalus scutulatus*),

(3) Western rattlesnake (*Crotalus oreganus*),

(4) Speckled rattlesnake (*Crotalus mitchellii*),

(5) Sidewinder (*Crotalus cerastes*), and

(6) Panamint rattlesnake (*Crotalus stephensi*).

(d) Permit Application and Fees.

(1) Application form 2018 COMMERCIAL **NATIVE RATTLESNAKE PERMIT APPLICATION (DFW 1044 (NEW 4/2018))** for a permit shall be completed in its entirety and submitted with the permit and nonrefundable inspection fees as specified in Section 703.

Application forms are available on the department's website at www.wildlife.ca.gov.

(2) Duration of Permit. Permits issued under this section shall be valid from January 1 through December 31 each year, or if issued after the beginning of that term, for the remainder thereof. Applications for renewal must be received by the department no later than November 1.

(3) Permitted facilities. A **natural** person shall obtain a separate ~~commercial native rattlesnake permit~~ **Commercial Native Rattlesnake Permit** for each facility housing native rattlesnake species or creating products from venom extracted from native rattlesnake species described in subsection (c) for purposes described in subsection (a).

(4) Qualifications. The following information and documents shall accompany an application for each new permit or renewal unless specified as exempt or as specifically required:

(A) For an application that proposes housing live native rattlesnake species and will develop products derived from venom extracted from native rattlesnake species:

1. A resume that provides the dates and description of an applicant's or their employee's experience **researching and creating products from venom extracted from rattlesnake species or similar experience and** working with venomous snakes and husbandry of captive snakes, demonstrating the following qualifications:

a. Possess a minimum of 1000 hours experience with captive husbandry of snakes within five (5) years of the date of application; and

b. Possess a minimum of 200 hours of experience working with captive rattlesnakes or other venomous snakes within five (5) years of the date of application.

2. A letter of reference from an expert in venomous snake captive husbandry and research, dated within five (5) years of the date of application, on letterhead stationery with an original signature signed in ink by the owner or operator of a facility where the applicant's or their employee gained his/her experience. The letter shall provide the printed name of the owner or operator and detailed information regarding the quality and extent of the applicant's or their employee's knowledge and experience related to the permit requested.

3. A statement of purpose describing in detail the planned uses for the **species native rattlesnakes, including approximate desired maximum quantities of each species being housed at the facility, and their venom.**

4. A written Emergency Action Plan as specified in subsection (g).

~~5. An initial inspection is required for new permits prior to the permit being issued.~~

~~6-5.~~ Proof that the applicant ~~is~~ **and staff working with, and directly supervising staff working with, native rattlesnakes and their venom are** at least 18 years of age at the time of application.

(B) For an application that does not propose housing live native rattlesnakes and will only develop products derived from venom extracted from native rattlesnake species:

1. A resume that provides the dates and description of an applicant's or their employee's experience **researching and creating products from venom extracted from rattlesnake species or similar experience.**

2. A letter of reference from an expert in venomous snake research, dated within five (5) years of the date of application, on letterhead stationery with an original signature signed in ink by the owner or operator of a facility where the applicant or their employee gained his/her experience. The letter shall provide the printed name of the owner or operator and detailed information regarding the quality and extent of the applicant or their employee's knowledge and experience related to the permit requested
3. A statement of purpose describing in detail the planned uses for the venom.
4. Proof that the applicant ~~is~~ and staff working with, and directly supervising staff working with, native rattlesnake venom are at least 18 years of age at the time of application.

(e) General Conditions.

~~(1) Inspections. The department may enter the facilities of any permittee where native rattlesnakes are housed, or reasonably may be housed, at any reasonable hour to inspect the animals and their enclosures and to inspect, audit or copy records required by this section.~~

~~(A) The department may deny the issuance of, or immediately suspend, the permit of a permittee who refuses to allow inspection of a facility, permit, book, or other record required to be kept by the permittee. A refusal to allow inspection may be inferred if, after reasonable attempts by the department, the permittee does not make the facility, permit, book, or other record available for inspection. The department may reinstate a permit suspended pursuant to this subsection if the permittee allows the department to inspect the facility, permit, book, or other record.~~

(1) At least one natural person who meets the minimum qualifications, as defined in subsection (d), shall be present whenever rattlesnakes are being handled or venom is being processed.

(2) Native rattlesnakes possessed pursuant to this section shall not be sold but may be transferred to or exchanged with a natural person with a valid ~~commercial native rattlesnake permit~~ Commercial Native Rattlesnake Permit. The receiving permittee may be charged only to recover actual transportation and shipping costs.

(3) Native rattlesnakes ~~which~~ that have been in captivity, including wild-caught and captive-bred individuals or offspring, shall not be released into the wild.

(4) Inspections.

(A) The facility must pass an initial inspection to ensure the requirements of this section are met before the department will issue a permit.

(B) The department may enter the facilities of any permittee where native rattlesnakes are housed, or reasonably may be housed, at any reasonable hour to inspect the animals and their enclosures and to inspect, audit, or copy records required by this section.

(C) The department may deny the issuance of, or immediately suspend, the permit of a permittee who refuses to allow inspection of a facility, permit, book, or other record required to be kept by the permittee. A refusal to allow inspection may be inferred if, after reasonable attempts by the department, the permittee does not make the facility, permit, book, or other record available for inspection. The department may reinstate a permit suspended pursuant to this subsection if

the permittee allows the department to inspect the facility, permit, book, or other record and no violations of these regulations or any permit condition are observed during that inspection.

~~(4)(5)~~ Denial. The department shall deny a ~~commercial native rattlesnake permit~~**Commercial Native Rattlesnake Permit** initial application or renewal application for any applicant who fails to comply with any provision in this regulation, and may deny an initial application or renewal application for any applicant who violates the Fish and Game Code, Title 14 regulations, any term or condition of a ~~commercial native rattlesnake permit~~**Commercial Native Rattlesnake Permit**, or any other state or federal statute or regulation pertaining to wildlife or animal cruelty. Within 30 calendar days of a denial, an applicant may submit a written request for a hearing before the commission to show cause why his/her permit should be issued.

~~(5)(6)~~ Revocation. Any permit issued pursuant to these regulations may be suspended or revoked at any time by the department as described below.

(A) For a permittee who has been convicted in a court of competent jurisdiction of violating the Fish and Game Code, Title 14 regulations, or any other state or federal statute or regulation pertaining to wildlife or animal cruelty, the suspension or revocation shall take effect when the permittee receives a notice of suspension or revocation. The permittee may submit a written request to the commission for a hearing to show cause why his/her permit should be reinstated.

(B) For a permittee who has violated the Fish and Game Code, Title 14 regulations, any term or condition of a ~~commercial native rattlesnake permit~~**Commercial Native Rattlesnake Permit**, or any other state or federal statute or regulation pertaining to wildlife or animal cruelty, but has not been convicted of any such violation, the suspension or revocation shall not take effect unless 15 calendar days have passed from the date the permittee receives an accusation sent pursuant to Government Code Section 11503, and the permittee has not submitted to the commission a notice of defense described in Government Code Section 11506. If a permittee submits a timely notice of defense, the suspension or revocation shall take effect if, after a commission hearing, the commission finds by a preponderance of evidence that the department's suspension or revocation is warranted.

(f) Humane Care and Treatment. Permitted facilities that house live native rattlesnakes shall comply with the following provisions:

(1) Enclosures. The perimeter of the enclosure for snakes 33 inches in length or less shall be 1.5 times the length of the snake. The perimeter of the enclosure for snakes more than 33 inches in length shall be 1.25 times the length of the snake. The perimeter shall be measured on the inside of the top edge of the enclosure. Snakes may be kept in smaller cages or containers for 31 calendar days from the date of birth ~~or hatching~~ and while being transported. All enclosures shall be adequately ventilated. The substrate shall facilitate the ability to maintain a clean and healthy environment for each animal.

(2) Food. Food shall be wholesome, palatable and free from contamination and shall be supplied in sufficient quantity and nutritive value to maintain the animal in good health.

(3) Water. Potable water shall be accessible to the animals at all times or provided as often as necessary for the health and comfort of the animal. All water receptacles shall be clean and sanitary.

(4) Cleaning of enclosures. Excrement shall be removed from enclosures as often as necessary to maintain animals in a healthy condition.

(5) Disinfection of enclosures. All enclosures shall be disinfected after an animal with an infectious or transmissible disease is removed from an enclosure.

(6) Pest control. Programs of disease prevention and parasite control, euthanasia and adequate veterinary care shall be established and maintained by the permittee.

(7) Observation. Animals shall be observed at least twice a week by the permittee or once a week if the animals are in hibernation. Sick, diseased, stressed, or injured animals shall be provided with care consistent with standards and procedures used by veterinarians or humanely destroyed.

(8) Handling. Animals shall be handled carefully so as not to cause unnecessary discomfort, behavioral stress, or physical harm to the animal.

(g) Emergency Action Plan.

(1) Every ~~commercial native rattlesnake~~ **Commercial Native Rattlesnake** permittee that houses live native rattlesnakes shall have a written Emergency Action Plan readily available, posted in a conspicuous place, and shall submit a copy to the department with the initial permit and renewal application. The Emergency Action Plan shall be titled, ~~with a revision date, updated annually and include, but is not limited to the following state a revision date and emergency telephone numbers including the local department regional office, 911, and local animal control agencies, updated annually, and include, at a minimum, the following items:~~

(A) List of the re-capture equipment available;

(B) Description of humane lethal dispatch methods and a list of qualified personnel who are trained to carry out the methods;

(C) List of medical supplies/first aid kits and where they are located;

(D) Description of mobile transport cages and equipment on hand;

~~(E) List of emergency telephone numbers that includes the local department regional office, 911, and animal control agencies; and~~

~~(F)~~(E) Written plan of action for emergencies to include but not be limited to rattlesnake bites, escape of rattlesnakes, and emergency facility evacuations.

(2) Permittees are responsible for the capture, and for the costs incurred by the department related to capture or elimination of the threat, of an escaped rattlesnake or the use of humane lethal force required to capture a rattlesnake that escapes.

(3) Any incident involving a rattlesnake held under a ~~commercial native rattlesnake permit~~ **Commercial Native Rattlesnake Permit** that results in serious injury or death to a **natural** person shall be reported immediately to the nearest department regional office. If the department determines that serious injury or death has occurred as a result of contact with a rattlesnake, the permit may be reviewed and subject to change by the department. Additional conditions to the permit may be added at any time to provide for public health and safety.

(4) Permittees shall immediately report by telephone the escape of a rattlesnake possessed pursuant to this section to the nearest department regional office and the nearest law enforcement agency of the city or county in which the rattlesnake escaped.

~~**(h) Records. As specified in Section 703 COMMERCIAL NATIVE RATTLESNAKE PERMIT RECORD DFW 1044 (NEW 4/2017)) forms are available on the department's website at www.wildlife.ca.gov.**~~ Every permittee that houses live native rattlesnakes shall keep accurate accounting records for three (3) years from most

recent issuance or renewal of the permit in which all of the following shall be recorded:

(1) The complete scientific name and number of all native rattlesnakes purchased, propagated, transferred, exchanged, died and possessed.

(2) The person from whom the native rattlesnakes were purchased, exchanged or transferred.

(3) The person to whom the native rattlesnakes were exchanged or transferred.

~~**(3)(4)**~~ The date that the native rattlesnakes were purchased, exchanged, transferred, propagated or died.

~~**(4)(5)**~~ All required records shall be legible and in the English language and maintained within the State of California.

(i) Annual Reporting Requirement. No permit shall be renewed unless the permittee submits the record specified in Section 703, on or before ~~December 31~~ **November 1** of each year. The permittee must submit the record even if there is zero activity to report, or the permittee is not going to renew the permit. **If the permittee is not going to renew the permit, the record specified in Section 703 must be submitted on or before December 31 or within 30 days of the business closing.**

(j) Shipments. All deliveries or shipments of live native rattlesnakes taken under authority of this section shall have a legible copy of the valid permit attached to the outside of the shipping container, which shall be conspicuously labeled: "Live Rattlesnakes - Handle With Care". This subsection does not supersede any federal, state, or local law or regulation or shipper's requirements concerning shipment of live rattlesnakes.

Note: Authority cited: Sections 200, 202, 205, 210, 219 and 2205061, Fish and Game Code. ~~**Penal Code 597, Government Code Sections 11503 and 11506.**~~ Reference: Sections 200-202, 205, 206, 210, 215, 219 and 2205060 and 5061, Fish and Game Code. ~~**Penal Code 597, Government Code Sections 11503 and 11506**~~ **Section 597, Penal Code. Sections 11503 and 11506, Government Code.**

Subsection (c) of Section 43, Title 14, CCR, is amended to read as follows:

§ 43. Captive Propagation and Commercialization of Native Reptiles.

... No proposed changes to subsections (a) and (b)

(c) Propagation and Possession for Commercial Purposes. Native reptiles may not be sold, possessed, transported, imported, exported or propagated for commercial

purposes, except as provided in Section 40(f), and ~~except sections 40(f) and 42~~ and as follows:

... No proposed changes to subsections (c)(1), (c)(2), and (d) through (k)

Note: Authority cited: Sections 200, ~~202, 205, 220, 265~~, 275, 5061 and 6896, Fish and Game Code. Reference: Sections 200, ~~202, 205, 220, 265~~, 275, 5061 and 6896, Fish and Game Code.

Subsection (a) of Section 651, Title 14, CCR, is amended to read as follows:

§ 651. Commercial Take of Native Reptiles and Amphibians for Scientific or Educational Institutions.

(a) Native reptiles and amphibians may be sold to scientific or educational institutions only by owners of biological supply houses who have been issued a permit by the department for such purposes. ~~Persons~~Natural person who hold a valid ~~commercial native rattlesnake permit~~Commercial Native Rattlesnake Permit pursuant to Section 42 or out-of-state commercial developers of biomedical and therapeutic agents shall be considered scientific and educational institutions for the purposes of this section.

... No proposed changes to subsections (a)(1), (a)(2), (a)(3), and (b) through (i)

Note: Authority cited: Sections 1002, 5061, 6851 and 6896, Fish and Game Code. Reference: Sections 1002, 5050, 5060, 5061, 6850, 6852, ~~6854-6855~~6854, 6855, 6895 and 6896, Fish and Game Code.

Subsection (a)(2) of Section 703, Title 14, CCR is added as follows:

§ 703. Miscellaneous Applications, Tags, Seals, Licenses, Permits, and Fees.

(a) Applications, Forms and Fees for January 1 through December 31 (Calendar Year).

...No proposed changes to subsection (a)(1))

(2) Commercial Permit for Native Rattlesnakes
(A) 2018 Commercial Native Rattlesnake Permit Application, DFW 1044 (NEW 4/20172018), incorporated by reference herein.

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|-----------|---|------------------|
| <u>1.</u> | <u>Commercial Native Rattlesnake Permit Fee (New)</u> | <u>\$ 208.50</u> |
| <u>2.</u> | <u>Commercial Native Rattlesnake Permit Fee (Renewal)</u> | <u>\$ 113.00</u> |

3. Fee for one initial inspection per facility \$ 606.50

(B) Commercial Native Rattlesnake Permit Record, DFW 1044A (NEW 4/~~2017~~2018), incorporated by reference herein.

...No proposed changes to subsections (a)(3) and (b)

Note: Authority cited: Sections 713, 1002, 1050, 1053, 1745, 2118, 2120, 2122, 2150, 2150.2 and ~~2157~~, 2157 and 5060, Fish and Game Code. Reference: Sections 395, 396, 398, 713, 1050, 1053, 1745, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3503, 3503.5, 3511, 3513, 3950, 5060, 5061, 10500, 12000 and 12002, Fish and Game Code; and Title 50, Code of Federal Regulations, Parts 21.29 and 21.30.