

Staff Summary for August 12-13, 2026

18. Commercial Use and Possession of Native Rattlesnakes for Exhibition**Today's Item**Information ☐Action ☒

Consider authorizing a publication of notice to amend regulations regarding commercial use and possession of native rattlesnakes.

Summary of Previous/Future Actions

- | | |
|--|---------------------------|
| • Wildlife Resources Committee (WRC) vetting | September 11, 2025; WRC |
| • WRC discussion and recommendation | January 13, 2026; WRC |
| • Today's notice hearing | August 12-13, 2026 |
| • Discussion hearing | October 13-16, 2026 |
| • Adoption hearing | December 10-11, 2026 |

Background

In the first few months of 2026, dozens of California residents suffered rattlesnake bites, three of which were fatal. Estimates are that 150,000 animals, primarily dogs and cats, are bitten by snakes in the United States every year. While human mortality following snakebite in the United States is low, reported mortality in dogs is substantially higher. Nationally, a common way to mitigate the threat to dogs is snake aversion training with professional trainers, using live snakes in controlled environments.

The current Section 42 regulation, "Commercial Use and Possession of Native Rattlesnakes for Biomedical and Therapeutic Purposes," authorizes possession of native rattlesnakes only for venom collection for manufacturing antidotes and vaccines. While current regulations permit commercial exhibition for *non-native* restricted species, none apply to native reptiles. And although other sections allow limited commercial use of native reptiles, they do not cover activities such as dog aversion training, the film industry, and safe handling courses.

The Department has indicated that both members of the public and dog aversion trainers regularly request authorization for the use of native snakes for dog aversion training and safe handling training. Establishing a legal pathway that supports entrepreneurship and promotes the dissemination of accurate safety information and training to the public would be beneficial.

Draft Proposed Regulations

The Department has submitted draft proposed amendments to Commission regulations (Exhibit 1) that would allow the kinds of activities described in the background by adding Section 42.1 and amending sections 43 and 703.

Section 42.1 (New)

The Department proposes establishing a permitting system for commercial use and exhibition of native rattlesnakes. The new section defines key terms, identifies activities requiring a permit, and sets a three-year permit duration. Under the proposal, applicants must provide basic business and facility information, emergency and veterinary plans, and intended uses. The regulation sets standards for care, housing, handling, and safety; limits possession;

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restricts acquisition to approved sources; and authorizes inspections. It also outlines recordkeeping requirements and the process for permit denial, suspension, revocation, and appeal.

Section 43

The amendments modernize regulations for the commercial and noncommercial captive propagation of native reptiles kept as pets. Proposed updates include a revised application form with expanded identification and contact requirements; clarified definitions; and removal of outdated language. The section also updates permitted activities, species terminology, enclosure and care standards, recordkeeping, and annual reporting. The confidentiality provision is proposed to be removed to align with the Public Records Act, and inspection procedures are clarified.

Section 703

A new subsection is proposed to be added to 703 to set the fees for commercial use and possession of native rattlesnakes for exhibition.

Further details on the proposed regulations are available in the draft initial statement of reasons and draft proposed regulatory language (exhibits 2 and 3).

Today's action

The Department will present an overview of the draft amendments (Exhibit 6).

To ensure public understanding of the breadth of the rulemaking, staff will suggest modifications to the title of the rulemaking.

Significant Public Comments (N/A)**Recommendation**

Commission staff: Authorize publication of intent to add Section 42.1, and amend sections 43 and 703, related to commercial use and possession of native rattlesnakes, as recommended by the WRC and the Department.

Committee: Support a rulemaking regarding the commercial use of rattlesnakes as recommended by the Department.

Department: Authorize publication of notice of intent to add Section 42.1 and amend sections 43 and 703.

Exhibits

1. [Department memo transmitting the draft initial statement of reasons](#), received July 29, 2026
2. [Draft initial statement of reasons](#)
3. [Proposed regulatory language](#)
4. [Proposed Department forms](#)
5. [Draft economic and fiscal impact statement \(STD. 399\) and addendum](#)

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6. [Department presentation](#)

Motion

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to add Section 42.1 and amend sections 43 and 703 related to commercial use and possession of native rattlesnakes for exhibition, as discussed today.

MEMORANDUM

Date: July 24, 2026

To: Melissa Miller-Henson
Executive Director
California Fish and Game Commission

From: Meghan Hertel
Director

Subject: **Submission of Initial Statement of Reasons for the August 12-13, 2026, California Fish and Game Commission (Commission) meeting to Add Section 42.1 and Amend Sections 43 and 703, Title 14, California Code of Regulations**

Re: **Commercial Use of and Possession of Native Rattlesnakes for Exhibition**

The purpose of this regulatory action is to provide a means for legal commercial use of native rattlesnakes for various needs. The addition of Section 42.1 addresses multiple forms of exhibition including but not limited to dog aversion training, film industry, and safe handling courses. This regulation has been drafted to create the legal route (permitting) for the possession and exhibition of native rattlesnakes.

Section 43, Captive Propagation and Commercialization of Native Reptiles is amended to provide updates to the regulatory text and permit application procedures, and it includes other minor technical updates.

Section 703 Applications and Fees is also amended, adding application, inspection and permit fees covering the costs of the permitting process for commercial use.

Authorization of the request to publish notice at the August 12-13, 2026, Commission meeting would allow for discussion at the October 14-15, 2026, meeting and adoption hearing on December 14-15, 2026.

If you have any questions or need additional information, please contact Robert Pelzman, Assistant Chief, Law Enforcement Division, robert.pelzman@wildlife.ca.gov. The Department point of contact for this regulation should identify Casey McVay, Lieutenant Law Enforcement Division, casey.mcvay@wildlife.ca.gov.



Melissa Miller-Henson, Executive Director
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cc: Chad Dibble, Deputy Director
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Daniel Applebee, Conservation and Recovery Unit Supervisor
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State of California
Fish and Game Commission

Initial Statement of Reasons for Regulatory Action
Add Section 42.1 and Amend Sections 43 and 703
Title 14, California Code of Regulations
Re: Commercial Use and Possession of Native Rattlesnakes for Exhibition

I. Date of Initial Statement of Reasons: July 1, 2026

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: August 12-13, 2026

Location: Sacramento

(b) Discussion Hearing

Date: October 13-16, 2026

Location: Sacramento

(c) Adoption Hearing

Date: December 16-17, 2026

Location: Sacramento

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The purpose of this regulatory action is to provide a means for legal commercial use of native rattlesnakes for various needs. The addition of Section 42.1 addresses multiple forms of exhibition including but not limited to dog aversion training, film industry, and safe handling courses. This regulation has been drafted to create a legal route (permitting) for possession of native rattlesnakes for the purposes of exhibition. Additionally, the proposed regulation includes detailed requirements for the permit application process and outlines the permittee's responsibilities for housing, record keeping, care of, safe handling, and the lawful acquisition of the native rattlesnakes among other obligations.

The current Section 42 regulation, Commercial Use and Possession of Native Rattlesnakes for Biomedical and Therapeutic Purposes, authorizes only the collection of venom for manufacturing antidotes and vaccines. This proposed Section 42.1 will provide for other types of commercial uses such as, but not limited to, dog aversion training, film industry, and safe handling courses, which are referred to herein as "exhibition."

There is a need to establish a legal framework to permit the commercial (i.e., for financial gain or profit) exhibition of California native rattlesnakes. Currently, no

regulation provides this authority. Section 671 (Importation, Transportation, and Possession of Live Restricted Animals) authorizes commercial exhibition of non-native species designated as restricted; however, it does not apply to California native reptiles, as none are listed as restricted species. Existing regulations that do allow certain commercial uses of native reptiles, which may include rattlesnakes (sections 42, 43, and 651) do not cover the types of commercial exhibition activities addressed in these proposed regulations. Therefore, a new regulation is needed to allow these activities.

It is worth noting that in the first months of 2026, dozens of California residents have already suffered rattlesnake bites, and three fatalities have occurred. Reliable data for pets are not available, but numbers are likely proportionate. Establishing a legal framework that supports entrepreneurship and promotes the dissemination of accurate safety information to the public is therefore essential.

Section 43, Captive Propagation and Commercialization of Native Reptiles is amended to provide updates to the regulatory text and permit application procedures, and it includes other minor technical updates.

Section 703 Applications and Fees is also amended, adding application, inspection and permit fees covering the costs of the permitting process for commercial use.

Current Regulations Concerning Native Reptiles in the State of California

- Section 5.60 establishes sport take (recreational) bag and possession limits of reptiles and includes native rattlesnake species. Recreational take of rattlesnakes does not require a license and is limited to a bag of two/day. However, these provisions are not applicable to commercial take of native rattlesnakes.
- Section 40 General Provisions Relating to Native Reptiles and Amphibians. Provides that it is unlawful to capture, collect, intentionally kill or injure, possess, purchase, propagate, sell, transport, import or export any native reptile (inclusive of native rattlesnakes) or amphibian, or part; and prohibits release of captive reptiles into the wild unless otherwise provided in Fish & Game Code or Title 14 CCR.
- Section 42 Commercial Use and Possession of Native Rattlesnakes for Biomedical and Therapeutic Purposes. Provides an application procedure “Commercial Native Rattlesnake Permit” in order to issue permits for native rattlesnakes for commercialized venom extraction; sell, import, or export native rattlesnake venom or products derived from native rattlesnake venom; and purchase native rattlesnakes from a biological supply house for the purpose of developing and selling biomedical and therapeutic products. Section 42 does not specify any provision for other types of commercial use of native rattlesnakes.
- Section 43 Captive Propagation and Commercialization of Native Reptiles. Provides for the permit application “DFW 391b Native Reptile Propagation Permit Application.” The provisions of Section 43 do not address the commercial use of native rattlesnakes.
- Section 650 Scientific Collecting Permits. Provides that it shall be unlawful for any person or entity to take and/or possess live or dead wildlife, or parts thereof in any part

of the State of California, for scientific, educational, and/or propagation purposes except as authorized by a permit issued by the Department. Section 650 does not specify any provision for commercial use of native rattlesnakes.

- Section 651 Biological Supply House Permits. Provides that native reptiles (inclusive of native rattlesnakes) 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. Section 651 does not specify any provision for commercial use of native rattlesnakes.
- Section 670.7 Permits to Take Fully Protected Animals for Scientific Purposes. Provides an application procedure to request take of fully protected species for research and recovery purposes and the authority for the Department to issue, cancel, or suspend such a permit. Section 670.7 does not specify any provision for commercial use of native rattlesnakes.
- Section 783.1 Prohibition on Take of California Endangered Species Act Listed Threatened, Endangered, and Candidate Species. Provides that it shall be illegal for any person to import into this State, export out of this State, take, possess, purchase, or sell within this State, any endangered, threatened, or candidate species, or part thereof, or attempt any of those acts, except as otherwise provided in the California Endangered Species Act, Fish and Game Code Section 2050, et seq., the Native Plant Protection Act, the Natural Community Conservation Planning Act, the California Desert Native Plants Act, or as authorized under this article in an incidental take permit. Section 783.1 does not specify any provision for commercial use of native rattlesnakes.
- Subsection 703(a)(2)(A) Miscellaneous Applications, Tags, Seals, Licenses, Permits, and Fees. Fees are established for biomedical and therapeutic commercial use (Section 42). No fees are yet established for Exhibition Permits.

Proposed Regulations

Add Section 42.1. Commercial Use and Possession of Native Rattlesnakes for Exhibition.

This addition specifies the process by which persons with legitimate need for commercial use of native rattlesnakes may obtain a permit. The regulation provides important safety, public exhibition, and awareness promotion.

Subsection (a) Definitions. Specifies definitions of key words used in this regulation. The purpose of defining these terms is to provide clarity which will make it easier for permittees to follow and comply with the regulations, thereby minimizing enforcement issues.

- (a)(1) “Canine aversion training” is defined as the use of a native rattlesnake on display or accessible to a canine to shape canine behaviors with the intent of training the canine to recognize and avoid native rattlesnakes. This provision is necessary to specify an important commercial use, training dogs (generally working dogs or pets) to identify the danger of a native rattlesnake to avoid and protect itself and its caregiver.

- (a)(2) “Commercial purpose” is defined as the use of native rattlesnakes for exhibition for financial gain or profit. This provision specifies that it is different than any other purpose regarding reptiles and relates to the exhibition for exchange of money for purpose of this section.
- (a)(3) “Exhibition” is defined as the public display of native rattlesnakes, including but not limited to, use in film, entertainment, canine aversion training, safe handling training, or other commercial display. Specifies those commercial uses, generally called exhibition, that are typical and important to professional handlers and the public. This definition is necessary to make clear the qualifying uses of this proposed permit.
- (a)(4) “Facility” is defined as the location that is listed on the Commercial Use and Possession of Native Rattlesnakes for Exhibition Permit where native rattlesnakes are possessed, exchanged, imported, exported, purchased, sold, or propagated for commercial purposes. The location and set-up of the facility is important to establish that the minimum requirements for the care of the animals and the safety of the public are maintained.
- (a)(5) “Handler” is a person who conforms with the three qualifications listed as (A) through (C). These minimum qualifications were determined by experts within the Department to be essential to the safety, health and wellbeing of the public and the captive animals.
- (a)(5)(A) A qualified ‘handler’ must be identified as a person named on the Commercial Use and Possession of Native Rattlesnakes for Exhibition Permit, this can be a qualified applicant/permittee or another handler.
- (a)(5)(B) Eighteen years of age has been determined to be an age of maturity sufficient to carry out the duties of a qualified handler essential to the safety, health and wellbeing of the public and the captive animals
- (a)(5)(C) The Commission has determined based on the Department’s experience in implementing similar programs, that a minimum of 500 hours experience with captive husbandry of snakes, including a minimum of 200 hours working with captive rattlesnakes or other venomous snakes is sufficient to carry out the duties of a qualified handler essential to the safety, health and wellbeing of the public and the captive animals. Completion of such training and experience within five years from the date that the application is received serves to minimize the fading of skills and maintain the latest advances in the field of rattlesnake husbandry.
- (a)(6) “Native rattlesnake” is defined as the species of rattlesnakes, including their subspecies and taxonomic successors. This term is necessary to distinguish those animals native to California and not on the restricted species list.

Subsection (b) Unlawful without Exhibition Permit. Provides that it is unlawful for a person, whether a resident or nonresident, without a valid Commercial Use and Possession of Native Rattlesnakes For Exhibition Permit (introducing this as the “Exhibition Permit”) issued by the Department to possess, exchange, purchase, sell, propagate, or transport

native rattlesnakes for commercial purposes. This provision clarifies that any commercial use of native rattlesnakes must be accompanied by an Exhibition Permit issued under these regulations. Conformance with the requirements of the permit is necessary for the safety, health and welfare of the public and native wildlife.

The exception “except as otherwise provided in these regulations” may permit exhibition activities by other organizations, and their employees, under a different authorized permit related to rattlesnakes and reptiles. One example is the Scientific Collecting Permit (SCP) (Section 650). The SCP permits the possession and exhibition of a variety of animals for education and other scientific purposes and could involve the exhibition of rattlesnakes to the public for a fee covering their costs. Subsection 650(a)(5) states that educational programs approved by the Department are not considered commercial or consumptive activities. These activities are currently permitted, and as a clarification, will continue to be permitted without the need for this particular permit. The objective of this regulation is the permitting of persons (not organizations) that will provide valuable training to the people of California to detect and avoid rattlesnakes, and for other professional opportunities for financial gain or profit.

Subsection (c) Duration of Exhibition Permit. Permits issued under this section shall be valid for a period of 3 calendar years. The permit will be valid from the date of issuance (any day of the current year) until the 3rd anniversary (“year to date” permit duration). The Commission has determined, based on the Department’s experience in implementing similar programs and the limited scope of the commercial types of use under this permit, that a validity period of 3 years is sufficient for both the applicant/permittee and Department staff. This provision is necessary to clarify how long permits will be valid. This subsection clarifies that the permit is not transferrable; a new permittee would need a new application/permit.

Subsection (d) Exhibition Permit Application. Provides for the form of application provided by the Department, and available on the Department’s website to be completed by a person seeking a new, renewal, or amendment of an Exhibition Permit. The form is available to download from the Department’s website. (Note that the form is not incorporated by reference.) Fees are specified in subsection (g) and Section 703. This paragraph explains the address to receive the completed application and attachments, and clarifies that each facility location should have a separate application. Further language specifies for applicants to expect delays if application documents are incomplete, for a new Exhibition Permit, renewal, or amendment.

(d)(1) Establishes minimum information for the applicant’s (“natural person”) identity to be included in an application. This information is necessary and will be used by law enforcement officers to verify the identity of the permittee responsible for the proper operation of the commercial use.

(d)(1)(A) GO ID number. Every person seeking any permit, tag, or other entitlement is issued a Go Outdoors Identification Number by the Department at no cost. If the applicant does not have a GO ID at the time of submitting the application a GO ID will be issued to that person. The GO ID is used by millions of Californians annually to access the permitting processes of the Department at any time for any

purchase or purpose. GO ID is necessary for the public to easily access permit applications and corresponding fees, and reduces administrative costs.

- (d)(1)(B) Full name, gender, date of birth, hair color, eye color, height, and weight are the required self-identifying information required for a permit application. This information is needed and used by law enforcement officers to verify the identity of the applicant/permittee.
- (d)(1)(C) Personal mailing address, telephone number, and email address, are necessary in order to contact the applicant/permittee regarding their request for the permit.
- (d)(2) Requires information about the applicant's business. Establishes minimum information for the applicant's business identity to be included in an application. This information is necessary and will be used by law enforcement officers to verify the identity of the permittee responsible for the proper operation of the commercial use.
 - (d)(2)(A) Business Name if one is used by the applicant.
 - (d)(2)(B) Physical facility location establishes the permitted location, where rattlesnakes are housed, that is subject to inspection, to assure that the premises identified are in accordance with other requirements for safety, health, environment, of the animals to be included in an application.
 - (d)(2)(C) A listing of at least two handlers as defined in subsection (a)(5) who are authorized by the applicant/permittee to assist in the display and exhibition. The identifying information for each handler is the same as that for the applicant listed in (d)(1). Additional handlers are necessary for the health, safety and welfare of the animal and public.

The demonstration of compliance with the minimum handler requirements of subsection (a)(5) is the sole responsibility of the applicant/permittee, and not of the Department. Generally, the applicant/permittee will be a private person, possessing rattlesnakes recreationally with an interest in providing the listed commercial use services in (a)(1) through (a)(3). The applicant/permittee will certify to their personal knowledge of their own qualifications or of any handler, as may be evidenced by resume, letters of recommendation, degree, voluntary and professional experience, oath, or other means. If the qualifications are proven false the applicant/permittee will be subject to denial, suspension or revocation, and possibly civil liability. The Department and the Fish and Game Commission (Commission) assume no responsibility to confirm or deny the certification that the applicant has made under penalty of perjury.

- (d)(3) A statement of purpose setting forth the particular commercial uses proposed. This provision allows the applicant to fully describe their business, practices, and any use possibly not foreseen by this regulation. Generally, the permitted uses are those defined in subsection (a), however the permittee may describe a different use under the purview of "not limited to." This listing is necessary for the Department to determine if the intended use of the permit falls within the scope

and compliance of this regulation and the health, safety and welfare of the animal and public.

- (d)(4) Number of each species of native rattlesnakes in possession. This information is needed for the Department's review of the application and subsequent inspection. For new applicants seeking a commercial permit, the Department must know the number of each species of native rattlesnakes in possession at the time of application, as these species are governed by Section 5.60 and limited to sport take allowances. Applicants renewing a commercial permit must report each species and quantity of rattlesnakes currently in possession and are subject to the limits outlined in subsection (h)(3).
- (d)(5) Describes documents required to be attached to the Exhibition Permit Application.
- (d)(5)(A) Establishes what is to be required in an emergency action plan for the identified facility or vehicle where the native rattlesnakes are housed. These provisions are necessary to ensure prior planning for the attendant personnel to be able to act quickly to ensure the safety of personnel, the public, and the animals in their care in the event of an emergency, such as snake bites, escape, or facility evacuation or transit. A sign containing critical emergency information must be posted in a conspicuous place(s) and updated annually. Inasmuch as the facility, or vehicle, contains venomous snakes it is necessary to provide easily accessible information so that when an emergency occurs, the permittee and attendant personnel are prepared with both information and equipment to quickly address public safety and health issues.
- (d)(5)(B) The applicant is required to have a written program for adequate veterinary care. The plan is needed so that the permittee is prepared to quickly address animal health issues as they arise, including complex issues that may be beyond the purview of non-medically-trained personnel and access to medications that may only be available via prescription.
- (d)(6) The applicant's certification of the application to ensure the included materials are accurate and no false statements have been made, that there are no violations or legal proceedings, and that a failure to comply may result in criminal and or administrative penalties. This provision is necessary for the Department to ensure that an applicant provides accurate information as required. Language is added pursuant to compliance with California Civil Code Section 1633.5(b) for provision of electronic signature.
- (d)(7) Specifies that the Department will have 60 days to review, approve or deny the application, and to notify the applicant. This prescription of time is needed to assure compliance and to give the applicant an assurance of a decision in a timely fashion.

Subsection (e) Exhibition Permit Renewal. Provides that the permit may be renewed for the subsequent three years by submitting an Exhibition Permit Application on a form provided by the Department, with information outlined in subsection (d) and the annual records as required in subsection (j). Periodic renewal is necessary for the permittee to

affirm their business enterprise is in conformance with all requirements, and to enable Law Enforcement to assure compliance with applicable laws. This provision is necessary to clarify all renewal application requirements.

- (e)(1) Grants a late period for submission of a renewal application for up to 45 calendar days following permit expiration. This provision is necessary for the Department to ensure that an applicant has adequate time to prepare and submit the form, and so the Department is less likely to have to take extreme action (such as seizing animals from an unpermitted facility) due to a permittee missing the renewal deadline.
- (e)(2) Establishes that following the 45 calendar days late period that a renewal application will not be accepted and that a new Exhibition Permit Application is required, as set forth in subsection (d). The Commission has determined, based on the Department's experience, that this period of time is sufficient for the preparation and submission of the renewal form.

Subsection (f) Exhibition Permit Amendment. An amendment provides an opportunity for the permittee to address any use, condition, or other change not presently addressed in their permit. The Department has 14 days to review, deny or accept the amendment. This provision is necessary for the Department to ensure that an applicant maintains the accuracy of their permit and to ensure the processing occurs in a timely fashion.

Subsection (g) Exhibition Permit Fees. The fees referenced in this subsection are specified in the proposed addition of subsection 703(c)(2)(C). The fees cover the reasonable costs to the Department for the application review, inspection, and issuance of a permit and are all due at the time of submitting the application. The provisions in this subsection are necessary to ensure that fees and refunds are properly paid and can be processed efficiently, to ensure that the Department's costs for implementation of the permit program are reimbursed.

- (g)(1) Specifies that the basic fees including initial permit application fee, inspection fee, and permit fee, shall be paid and submitted with the completed application form. This is necessary to allow the Department to quickly move the application through the process and not delay the applicant's progress.
- (g)(2) Specifies the fees for permit renewal, due on the expiration date (3rd anniversary).
- (g)(3) Specifies the late fee for permit renewal, allowing for 45 days to complete the application.
- (g)(4)(A) Refunds. The following information provides necessary situations where refunds may apply.
 - (g)(4)(A) If an application is denied, the inspection fee and permit fee shall be refunded to all applicants. This is necessary since the inspection will not take place and the permit will not be issued.
 - (g)(4)(B) If the inspection fails, the permit fee shall be refunded to the resident applicant. This is necessary since the permit will not be issued.

- (g)(4)(C) The inspection and permit fees are not refundable to nonresident applicants once their application is approved and the permit is issued. This is necessary since the Department cannot inspect facilities located outside of the state. However, the Department may initiate an inspection when the permittee is providing the commercial uses within the state as set forth in subsection (i)(1).

Subsection (h) Acquisition of Native Rattlesnakes. A permittee may acquire a native rattlesnake for commercial purposes from the Department, a permitted wildlife relocation service, licensed wildlife rehabilitation facility, or a municipal animal control agency. This is necessary as these agencies may have rattlesnakes in their possession that should be rehomed but cannot be returned to the wild. However, native rattlesnakes cannot be captured in the wild for commercial use; when financial gain or profit motivate take, it can have a significant impact on wildlife populations.

- (h)(1) Native rattlesnakes acquired free of charge cannot be sold, however when transferred the permittee may recoup the actual cost of transport with proper receipts. This is necessary to facilitate rattlesnake transfers while ensuring that this transaction is not for financial gain.
- (h)(2) Specifies that the sale of native rattlesnakes by the permittee is limited to other holders of the Exhibition Permit. This provision is necessary since the sale and purchase of native rattlesnakes is not allowed under other existing permit structures, and to curtail incentives for more widespread incidence of rattlesnake take through multiple, profitable transfer pathways.
- (h)(3) Limits. A maximum of 30 native rattlesnakes, excluding neonates (baby), is allowed under an Exhibition Permit. A limit is required to ensure that the facility can maintain the health and safety of the public and animals.

Subsection (i) General Conditions. Sets forth those conditions of the permit which pertain to all permittees. These provisions are necessary for the continued health of the animals and the safety of persons:

- (i)(1)(A) Inspection. Inspection is a reasonable requirement given the nature of possession of poisonous snakes. Similarly, other Department-issued permits for the private possession of wild animals (e.g., falconry) require inspections of facilities/ premises. Inspection must occur before any permit may be issued, and is necessary to determine the suitability of premises and conformance with permit standards. The inspection of the premises is necessary for the health, safety and welfare of the animals and public.
- (i)(1)(A)1. The Department will conduct inspections at reasonable hours. While safeguarding the privacy of the applicant, it is required that an inspection be performed. The applicant, with the submission of the application and their signature, has acknowledged their consent for inspection at a time to be determined. This is necessary to ensure that facility personnel are on hand to facilitate entry for inspection, and to supply records as required by the inspector.

- (i)(1)(A)2. Provides that there is an inference of refusal by the applicant/permittee to make available the facilities, records or other required material for inspection after three reasonable attempts by the Department to inspect. These provisions are necessary because the Commission has determined, based on the Department's experience, that a good faith effort by an applicant/permittee to allow an inspection may take several attempts, because of circumstances of the applicant/permittee or their designee based on unforeseen reasons, such as a last-minute conflict or emergency, or other reasonable reasons requiring that Department cancel and reschedule an inspection. However, the Commission has determined based on the Department's experience, that an excess of three reasonable attempts on the part of the Department more than likely represents a deliberate avoidance on the part of the applicant/permittee.
- (i)(1)(A)3. The Department shall issue or reinstate an Exhibition Permit within 30 days of the first attempt once the inspection is successful. This provision is necessary to ensure timely permit issuance once inspection obligations have been fulfilled.
- (i)(1)(B) An out-of-state facility will not be inspected by the Department. For this reason, upon successful completion and approval of the Exhibition Permit Application, the Exhibition Permit will be issued. All the provisions in this subsection are necessary to allow the Department to conduct inspections of out-of-state permittees and handlers that are bringing rattlesnakes into California under their permit, to ensure health, safety, and welfare of the public and wildlife.
- (i)(1)(B)1. In lieu of an inspection, the out of state permittee must notify the Department 48 hours prior to entry into the State of California of their intention to be in possession of native rattlesnakes for commercial exhibition within the state. Other animals being possessed and brought or shipped into California are required to submit to different reporting regulations (hunting, fishing, etc.).
- (i)(1)(B)1. a through f. Specify the minimum notification requirements of the nonresident permittee's itinerary in California. These details are necessary to account for the lawful possession of native species defined in subsection (a)(6).
- (i)(1)(B)2. In lieu of a facility inspection for nonresidents, which may be located out of state, the Department may (as time and resources allow) conduct an inspection of the nonresident permittee's transportation, equipment, records to determine compliance with these regulations for the safety and health of the public and animals.
- (i)(1)(B)3. The Department will verify and ensure adherence to all applicable permit terms and regulations, requirements, conditions, and the health, safety and welfare of the public and rattlesnakes. This subsection is necessary to provide clarity to nonresident permittees of the purpose of a possible inspection.
- (i)(2) This provision, prohibiting the release of captive native rattlesnakes into the wild, is necessary to prevent the potential for disease introductions into native populations. Additionally, the introduction of rattlesnakes into native populations can affect population densities, adversely impacting multiple species including associated

predatory snakes, as well as prey species. Finally, rattlesnakes could be released in areas that create unsafe conditions for the public.

(i)(3) Quarantine. Like other animals, when a rattlesnake becomes ill or has an infection, it can easily spread to other rattlesnakes, and leave infectious material. Whenever a facility obtains a new native rattlesnake, including any neonate born, that snake shall be quarantined (i.e., completely separated) from other animals for at least one year. Reasonable care necessitates that these be kept separate from healthy animals.

(i)(4) Humane Care and Treatment. This subsection establishes facility standards for the containment/possession of native rattlesnakes. These standards (A) through (I) are based on credible science and are necessary for the continued health, safety and welfare of the animals and public.

(A) Requirement for native rattlesnakes possessed under this permit to be contained within locked enclosures, within a locked room. This is necessary for safety, protection and welfare of the animals and public.

(B) Requirement for the permittee to possess tongs, or a snake hook present while caring for these rattlesnakes. These are standard tools that are necessary for safe snake handling.

(C) Enclosures. The following provisions 1 through 6 are based on credible science and general captive husbandry standards and are necessary for the continued health, safety and welfare of the animals and public:

1. The minimum size of the enclosure (e.g. terrarium) is set as the length of the top edge of the enclosure shall be three inches (3") longer than the length of any snake housed within the enclosure. This is necessary to allow for sufficient room for snakes.
2. For temporary confinement, rattlesnakes may be kept in smaller enclosures, typically a bucket with a secure lid, when removed from its enclosure and while being transported, but for no more than 48 hours. Buckets or other containers are common means for transporting snakes. This is necessary to allow some degree of flexibility in temporary housing, while ensuring more protective measures on a more permanent basis.
3. All enclosures shall be adequately ventilated to maintain the health of the native rattlesnake. This is common sense for care for any animal, but is necessary to specify for enforcement purposes.
4. Substrates for enclosures can vary, but are typically organic materials. The floor of the enclosure shall be constructed of non-abrasive material, with a substrate of material that can be kept clean and fitted with hiding areas such as caves or hide boxes shall be provided for the continued health, safety and welfare of the animal. These requirements are necessary for the comfort of the animals.

5. No more than two rattlesnakes may be contained in one enclosure unless it is within 31 calendar days from the date of birth. This is necessary to prevent overcrowding.
 6. The access door, container or exhibit for rattlesnakes shall be labeled with the common and scientific name of the species and, if known, the subspecies, along with the number of animals contained inside. The label shall be legibly marked with the warning in English, "Danger Venomous Snakes" and in Spanish, "Peligro Serpientes Venenosa." The labels are necessary for the continued safety and welfare of the animal and public. Spanish translation is necessary as it is a popular language for those participating in the field of exhibition.
- (D) Food. Permittee shall provide adequate and nutritious food to maintain good animal health.
- (E) Water. Permittee shall provide clean and adequate water to maintain good animal health.
- (F) Cleaning of enclosures. The enclosure shall be cleaned and maintained, in order to maintain a clean and healthy environment for each animal.
- (G) Disinfection of enclosures. The enclosure shall be disinfected after an animal with an infectious or transmissible disease is removed to prevent the spread of disease.
- (i)(5) Observation. The animals in the care of the permittee shall be observed twice per week, or once per week if the snake is in brumation (the reptile/amphibian equivalent to hibernation) to assure the continued health, safety and welfare of the animals. Generally snakes should be checked periodically, so checking twice a week or once a week for lower periods of activity are sufficient. Records are to be kept by the permittee for three consecutive years and made available to the Department upon request. Animals that are sick, diseased, stressed, or injured should be cared for under procedures used by veterinarians, or humanely destroyed. This provision is necessary to make clear for applicants and permittees the duration to keep observation records, and how to accommodate sick or injured animals for euthanasia.
- (i)(6) Handling. Care should be taken to handle snakes to minimize discomfort, stress, or physical harm. At least two handlers shall be present when a rattlesnake under this permit is on display or exhibited outside of a secure enclosure to assure the continued health, safety and welfare of the animal(s) and public. This is necessary to allow for a backup handler in the event one handler is harmed or otherwise incapacitated to keep all parties safe.
- (i)(7) Exhibition. Giving space between the exhibited snakes and other non-handler persons or other animals is necessary so the exhibition can proceed while keeping all parties safe. The safe distance in any given circumstance is a situation-specific determination, considering professional judgement, rattlesnake behavior, the context

and behavior of any non-handler public, and the physical space in which the encounter takes place. Given the high variability of these factors, a more specific determination of “sufficient distance” cannot be established with any greater specificity. Persons who are not handlers are not permitted to touch any animals on exhibition. Snake hooks or tongs shall be immediately accessible and utilized to move animals on exhibition assuring the continued health, safety and welfare of the animal and public. These provisions are necessary to protect the public.

- (i)(8) Additional terms and conditions. When the Department determines that the proposed purpose describing the planned uses and exhibition set forth in subsection (d)(3) poses a risk to human health and safety or to the welfare of animals, the Department may add terms and conditions to a permit to mitigate the risk. Added terms and conditions are warranted because of the extreme danger of venomous snakes; however, not every circumstance can be determined at the outset of the application necessitating the ability to apply conditions to activities not foreseen by this regulation.

Subsection (j) Record Requirement. The permittee must keep records in regard to the possession, acquisition and disposition of the animals in its care. All Department approved facilities housing animals are required to maintain detailed accounts. The record is necessary to provide oversight of the rattlesnakes, health, safety and wellbeing.

- (j)(1) Records are to be kept continuously for three consecutive years; this is necessary given the permit period of three years.
- (j)(2) Every third year (year of expiration) the records are to be transmitted to the Department with the permittee’s renewal application. The Department requires the records in order to ascertain the permittee’s compliance with the conditions of the permit and to ensure the maintenance of the health, safety, and wellbeing of the animals under its care.
- (j)(3) Records shall contain the information specified in (A) through (D). In the event that there are no transactions, the report must be submitted with zero. The records are necessary to demonstrate the permittee’s identity and continued performance under the permit. When the permittee chooses not to renew then submission of the final report will provide, in a timely fashion, the final disposition of the rattlesnakes in possession.

Subsection (k) Shipments. Rattlesnakes may be shipped and must have a copy of the permit and a label warning of the content for the safety of the public. Shipping is typically handled in this manner today. This provision is necessary to establish that the permittee is allowed to transfer its animals in this manner, and under what conditions. Spanish translation is necessary as it is a popular language for those participating in the field of exhibition.

Subsection (l) Escape. These provisions establish the necessary steps to take in the event of an escape by a rattlesnake. The provisions are to ensure the continued health and safety of the animals and safety of persons who may be in contact with the animals, and the necessary steps for reporting the event to law enforcement so that law enforcement agencies may take appropriate actions to protect the public, should such action become necessary.

Subsection (m) Serious injury or death. These provisions specify the necessary steps to take in the event of serious injury or death by a rattlesnake, including reporting the event to law enforcement. This is necessary because a serious incident may have bearing on how the permit is handled from that point forward, or the ability for rattlesnakes to be commercially exhibited by that permittee. Remedial actions could include the possible imposition of further permit terms and conditions, education for the permittee and handlers, inspections, or other actions to ensure the safety of the public in the future.

Subsection (n) Consistency with Federal, State, and Local Laws. This regulation and associated permits do not supersede any other state, federal or local law. The possession of venomous reptiles is regularly addressed in local municipal codes and may be restricted or prohibited beyond this section. Unless specified in statutes, these regulations do not supersede other laws governing the possession, housing, and commercial use of native rattlesnakes. This provision is necessary to alert applicants and permittees to the fact that their commercial use may be subject to other legal requirements or prohibitions for which the state is not responsible. Each applicant should examine local laws and seek legal advice prior to establishing any business enterprise.

Subsection (o) Denial of an Application.

- (o)(1) Establishes the Department's authority to deny an application and the issuance of a new, renewal or amendment of a permit. This provision is necessary to outline the reasons the Department may deny an Exhibition Permit:
- (o)(1)(A) failure to comply with any requirement in these regulations to obtain the permit; A complete and factual application is necessary to determine the applicant's ability to carry out the tasks to protect animal welfare, native wildlife, animal welfare, human health and safety.
- (o)(1)(B) Violation of the Fish and Game Code or any regulation, Penal Code section 597, a term or condition of the permit, or has been convicted of a crime of moral turpitude. Continuous compliance with the law is necessary as a determinant of the applicant's ability and willingness to carry out the tasks to protect animal welfare, native wildlife, animal welfare, human health and safety.
- (o)(1)(C) The Department has determined that an action less consequential than a denial, such as a written warning issued to the applicant, would likely not cause the applicant to cure a failure to comply or an existing violation or to not violate in the future. Compliance with lawful orders is necessary as a determinant of the applicant's ability to carry out required tasks to protect animal welfare, native wildlife, animal welfare, human health and safety. This provision is necessary to allow the Department to take actions other than a denial of the permit when those actions could be expected to sufficiently restore animal welfare and public safety.
- (o)(2) Process. This provision outlines how the Department will notify the applicant of the denial, the contents of the denial notification, and the rationale for a denial and request for reconsideration. This is necessary to inform an applicant on the process for denial and reconsideration of a denial.

Subsection (p) Revocation or Suspension of Permits.

- (p)(1) Establishes the Department's authority to revoke or suspend an Exhibition Permit. This provision is necessary to outline the reasons the Department may revoke or suspend an Exhibition Permit:
- (p)(1)(A) A violation of the Fish and Game Code or any regulation, Penal Code section 597, a term or condition of the permit, or has been convicted of a crime of moral turpitude. Continuous compliance with the law is necessary as a determinant of the permittee's ability to carry out the tasks to protect animal welfare, native wildlife, animal welfare, human health and safety.
- (p)(1)(B) That the person is a permittee or any person acting under the permittee's direction that is the cause of this action. Continuous compliance by all persons under the permit with the law is necessary as a determinant of the permittee's ability to carry out the tasks to protect animal welfare, native wildlife, animal welfare, human health and safety.
- (p)(2) Establishes Department's process for notification to a permittee subject to a permit revocation or suspension action in writing via certified mail or electronic mail. This provision is necessary for permittees to understand how they will be notified, why the permit is revoked or suspended, and instructions on next steps to request reconsideration.

Subsection (q) Requests for Reconsideration. Establishes the process for a permittee contesting the revocation or suspension of their permit. The request for reconsideration must be submitted to the Department no later than 30 calendar days following receipt of the notice set forth in (p). The Department shall consider any information submitted with the request for reconsideration and, within 60 calendar days and may reverse or amend its decision. This provision is necessary to ensure due process, and that the permittee has an adequate opportunity to address the reasons for revocation or suspension.

Subsection (r) Proof of Service. This provision requires a proof of service, or declaration of mailing sent from the Department to an applicant or permittee for sending of any notice from subsections (o)(2), (p)(2), and (q). This provision is necessary for applicants and Department staff involved in sending notices to be assured of timelines outlined throughout this section, but specifically for the processes outlined in subsections (o), (p), and (q).

Subsection (s) Appeals. The permittee is provided an appeal of the Department's decision to suspend or revoke the permit to the Fish and Game Commission. This provision is necessary to provide the permittee with a full and fair opportunity to present to the Commission and publicly set forth the reasons that the permit should be reinstated.

Amend Section 43. Captive Propagation and Commercialization of Native Reptiles

The purpose of the amendments to Section 43 is to update the required application and the language of the section to current standards. The form fields of the application form is proposed to be outlined in the regulation. The form FG 391b will no longer be incorporated by reference.

Section 43. Captive Propagation ~~and Commercialization~~ of Native Reptiles for Use as Pets. Amend the title and remove '~~and Commercialization~~' because the regulation governs both commercial and non-commercial propagation. Add for Use as Pets to clarify the specific purpose and scope of this regulation. Other regulations govern captive propagation of native reptiles for other purposes like conservation (e.g., Sections 650, 670.7, and 783.1) and creating biomedical and therapeutic products (Section 42).

Subsection (a) Native Reptile Captive Propagation Permit. Add Captive to the subsection title to reflect the correct name of the permit issued pursuant to this regulation. Where indicated the permit name is capitalized throughout this section.

(a)(1) Permit Required. Deletes the first sentence of the paragraph. The addition "Unlawful Without Native Reptile Captive Permit" clarifies the prior provision which stated "shall have a...permit" underscoring the necessity of the permit as "unlawful" to conduct both noncommercial and commercial activities in California. This is necessary for enforcement and citation purposes. Furthermore, permittees must not have permits revoked or suspended to carry out the responsibilities of the permit. The addition of the definition of "pet" clarifies that such native reptiles are for personal pleasure and not 'utility' (such as science, study) which may be permitted under other regulations or authorities. The words "captive propagated" are added clarifying that the location where the permit shall be kept is at that place where propagation occurs. The words, "Subspecies of" is removed as the species authorized is covered under subsection 43(c)

(a)(2) Permit Application. Adding Permit to the title of this subsection. Update the application form name by adding Captive and changing ~~FG 391b (08/02)~~ to DFW 391b to reflect the correct name. The instructions for completion and submittal of the form are deleted as the address and phone number were outdated, and updated information is moved to proposed paragraphs (A) through (D) that follows.

Reference to Form FG 391b (8/02) is removed and is proposed for removal from incorporation by reference. Applications for permits shall be made on a Native Reptile Captive Propagation Permit Application (updated Form DFW 391b) provided by the Department, and is not proposed for incorporation by reference as the information fields and form contents are fully described within subsequent paragraphs. Changes from the old form FGC 391b for the new form DFW 391b are listed as follows (these changes are necessary to bring the application up to date with current standards):

- Remove 'and amphibian' in the form name because the regulation is specific to native reptiles. "Native reptile" is defined in Fish and Game Code Section 5060, and "native amphibian" is defined in Fish and Game Code Section 6895. There is no overlap in these taxa.
- Remove Social Security Number as not essential to identification and therefore individuals should not be required to add it to the form.

- Remove the dollar figure, as this is updated annually in accordance with Fish and Game Code Section 713 and leaving dollar amounts on the form can cause confusion.
 - Add GO ID number, which is the current method of providing online access to customers and necessary for submitting their application and paying fees. If the applicant does not have a GO ID at the time of application, a GO ID is automatically issued to the applicant free of charge.
 - Add date of birth and other personal identifying characteristics. These identifiers assist law enforcement during inspections and to verify identity.
 - Add Business Name, if applicable, and business contact information. This is necessary since the applicant may be conducting their work under a business name and at a location other than the home address.
 - Add notation whether the applicant voluntarily desires to be included in a free Department public listing of business and contact information.
 - Replace the signature certification language with updated language that also includes compliance with California Civil Code subdivision b of Section 1633.5 for provision of electronic signature. The certification is necessary as the applicant is entrusted with verification of most of the content of the application and their assertion of compliance with these regulations. Therefore, the certification is necessary to alert the applicant to the need for true and correct statements of fact and the penalty of perjury should those statements be found to be false.
- (a)(2)(A) through (C) Changes specifying the Department's current contact information on how to find and mail the application. The applicant shall submit the application form as follows:
- (A) Adding that the form DFW 391b can be obtained online at www.wildlife.ca.gov/Licensing/Directory. Technology allows convenient access to most Department forms via our website or other businesses with online access (office supply, library, etc.)
- (B) Parts of (a)(2) are now moved to (B). The previous language from (a)(2) is included after the name of the section. Subsections (B)1. through (B)5. have been added to include the required information that must be provided by the applicant, or changes as outlined in the bullets above.
- Most of these instructions were previously incorporated by reference on the form. They are now included in the regulation so the form's formatting can be updated as needed without the need for a rulemaking.
- (C) The requirement for payment of the permit fee (formerly (a)(6)) with the application. The fee specified in 699(b) is adjusted annually in accordance with Fish and Game Code Section 713. This is not a new requirement, clarifying the procedure for the permit application.

(D) Instructs the applicant to send their application and fee by mail to the Department's current P.O. Box mailing address.

(a)(3) through (5) No change to the current provisions.

~~(a)(6)~~ This provision is deleted and its content moved to (2)(C).

(a)(6) Renumbered and change capitalizing the word ~~section~~ Section where appropriate throughout the text.

Subsection (b) ~~Non-commercial~~ Noncommercial Native Reptile Captive Propagation for Use as Pets. Minor change by removing hyphen from '~~Non-commercial~~' for consistency with the use of 'Noncommercial' throughout the rest of the regulation. Minor change adding "Native Reptile Captive" and "for Use as Pets" to clarify the scope of the subsection and for consistency with the title of Section 43. Adding transportation to the list of authorized activities consistent with "transport" in (43(a)(1). Minor change to the permit name from ~~native reptile propagation permit~~ to Native Reptile Captive Propagation Permit consistent with 43(a). Add "(including bartered, exchanged, traded)" to clarify that the definition of sell, pursuant to Fish and Game Code Section 75, is not limited to the plain language definition of exchange for money.

Subsection (c) Commercial Native Reptile Captive Propagation for Use as Pets. Minor change to the title of this subsection for consistency with subsection 43(a) and because inclusion of 'Possession' is unnecessary. New Section 42.1 is added as an exception to the listed prohibitions.

(c)(1) Species and subspecies Authorized. Adding 'and their taxonomic successors' is necessary to ensure that changes to taxonomic nomenclature in the future for particular species do not invalidate this regulation. For example, the scientific and common name of rosy boa in subsection (c)(1)(C) has changed multiple times recently and is anticipated to change again in the near future, but the ability for residents with a valid Native Reptile Captive Propagation Permit to commercially breed them has and will remain unchanged. Change the word purposes to use as pets to clarify the limited scope of the regulation.

(c)(1)(A) and (B) No change to regulatory language.

(c)(1)(C) Amended without regulatory effect to current scientific nomenclature (CNAH 2026) by removing ~~three-lined~~ and replacing it with rosy and correcting the spelling of the specific epithet from ~~orcuttii~~ to orcutti.

(c)(2) No change to regulatory language.

Subsection (d) Addition or Removal. No change to regulatory language.

(d)(1) Minor change giving a list number to this unnumbered provision requiring a review of scientific literature; add period punctuation.

(d)(2) through (d)(5) Renumbered, no change to regulatory language.

Subsection (e) Limits. Minor changes, updating the permit name as set forth above.

Subsection (f) Pet Shops Defined. Minor change deleting (1) bringing the definition into the title of the subsection and renumbering of (2) through (5).

(f)(1) Minor change to the name of the permit.

(f)(2) Minor change adding the name of the permit, and adding permittee's in front of name, therefore eliminating the need to say ~~native reptile and amphibian permittee~~. Minor change adding species or in front of subspecies since the two of the three species of snakes that can be commercially propagated have no currently recognized subspecies (CNAH 2026).

(f)(3) Minor change adding species or in front of subspecies since the two of the three species of snakes that can be commercially propagated have no currently recognized subspecies (CNAH 2026). This is necessary so the species can be correctly identified.

(f)(4) No change to regulatory language.

Subsection (g) Humane Care and Treatment.

(g)(1) Enclosures. Minor change dividing the paragraph into smaller parts (A) through (F) for easier reference.

(g)(1)(A) through (C) No change to regulatory language.

(g)(1)(D) Delete ~~smaller cages or containers~~ and add enclosures that do not meet the minimum perimeter requirements for consistency with language in the previous subsections.

(g)(1)(E) Add to maintain the health of the native reptiles for context and clarity about what "adequate ventilation" is meant to provide.

(g)(1)(F) Add enclosure and the floor of the enclosure shall be constructed of non-abrasive material, and hiding areas such as caves or hide boxes shall be provided to clarify what is meant by a "clean and healthy environment" within the enclosure.

(g)(2) No change to regulatory language.

(g)(3) Minor change from ~~must~~ to shall to clarify the requirement to provide water.

(g)(4) No change to regulatory language.

(g)(5) Minor rewording for clarity and consistency with new subsection 42.1(l)(5)(G) by adding "An enclosure shall be disinfected after" at the beginning of the sentence, replacing "~~an enclosure,~~" with "it" and removing "~~that enclosure shall be disinfected.~~"

(g)(6) Change ~~Programs~~ to A written program to clarify that the provision includes more than pest control and that the health plan needs to be provided in writing.

(g)(7) Minor change by replacing "~~hibernation~~" with "brumation" as the biologically correct term for reptiles.

(g)(8) Minor change deleting "~~to the animal~~" as it is clear that the reference is to animals (the native reptiles in possession).

These changes are necessary to clarify the conditions necessary to maintain the welfare of each animal and the requirements subject to the provisions in the regulations

Subsection (h) Records. Clarifying language that the records are to be kept annually, as set forth in (i) for a consecutive period of three years.

(h)(1) through (7) No change to regulatory language.

(h)(8) Addition of the date and cause of death of captive native reptiles. The disposition of these animals, even as dead, is necessary to the Department since such information provides insight to the health and wellbeing of these animals that are kept in captivity.

These provisions are necessary to ensure proper recordkeeping under the state permit.

Subsection (i) Annual Report Requirement. Language is added to clarify that the required annual records are to be legible and maintained within California, this assures the Department of readily accessible and comprehensible data. Provides the online and mailing address for the form and a submission date of no later than December 31. The last sentence is deleted and the content revised and set forth in the added subsections (1) and (2).

(i)(1) Provision is added that records are required to be submitted, and clarifies the consequence of non-renewal of permit and suspension of privileges.

(i)(2) Provision is added clarifying that the record is required even when the permittee has had no activity or is no longer renewing. This is necessary for the Department to continue to track the disposition of native reptiles that have been under permit.

These provisions are necessary so the Department can track the activities of permittees and to understand the operations of the facilities.

Subsection (j) Confidentiality of Records. Delete the subsection in its entirety because it conflicts with the California Public Records Act (Government Code Section 7920.00 et seq.).

Subsection (j) Inspection.

(j)(1) Updates the Department's authority to inspect facilities during a reasonable time of day and week when the permittee is present. The Department has the authority to inspect any area of the facility, enclosure, equipment, records, and animals.

(j)(2) Establishes that the Department shall deny or revoke a permit if the permittee refuses to allow an inspection by the Department.

(j)(2)(A) Establishes that refusal for an inspection will be inferred if: after three reasonable attempts by the Department to schedule an inspection, such a person is unavailable for inspection, or such a person refuses to allow the Department to fully inspect any area of a facility, enclosure, equipment, records, and any animal and parts thereof.

(j)(2)(B) Establishes that the Department shall reinstate a permit if the permittee allows the Department to conduct an inspection and no violations of the regulations are observed during that inspection.

These provisions are necessary so that the permittee is aware of the Department's authority for inspections, and so that the Department may inspect the facilities and animals possessed under the auspices of the permit and may assess compliance with all laws and regulations

Amend Section 703. Miscellaneous Applications, Tags, Seals, Licenses, Permits, and Fees

A new subsection 703(a)(2)(C) is proposed to be added setting the fees for Commercial Use and Possession of Native Rattlesnakes for Exhibition, as set forth under Section 42.1.

Subsection (a) Applications, Forms and Fees

(2)(C) 2027 Native Rattlesnake Commercial Use and Possession of Native Rattlesnakes for Exhibition

Fee	Resident Fee	Nonresident Fee
1. Application Fee	\$312	\$312
2. Inspection Fee	\$415.75	\$415.75
3. Permit Fee	\$144	\$144
4. Renewal Fee	\$144	\$144
5. Renewal Late Fee	\$144	\$144

These proposed fees have been calculated in accordance with Fish and Game Code 1050(d): "Fees established by the commission shall be in an amount sufficient to recover all reasonable administrative and implementation costs of the Department and commission relating to the program with regard to which the fee is paid. The commission may establish a fee structure that provides for the phasing in of new fees leading up to full cost recovery for the Department and commission, provided that full cost recovery is achieved within five years of the establishment of the fee."

The basis of the fees is five (5) year's total cost for 100 applicants/permittees. The final fee figure in the table represents the cost to one applicant/permittee for the proposed duration of three (3) years. Therefore, each figure may be divided by 3 to find the annual cost (e.g., the application annual cost is $\$312/3 = \104). Full calculations for these fees are listed in the addendum to the STD 399 form.

(b) Goals and Benefits of the Regulation

The goals and benefits of the regulations are to provide for the conservation, safety and maintenance of native rattlesnakes; to set forth the permitting process that allows vetted permittees to continue to educate the public how to safely interact with CA native rattlesnakes; and to balance commercial opportunity consistent with Commission and Department policies.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Add Section 42.1:

Authority: Sections 200, 205, 1050 and 5061, Fish and Game Code.

Reference: Sections 5060 and 7149.3, Fish and Game Code; Section 597, Penal Code; and Sections 11503 and 11506, Government Code.

Amend Section 43:

Authority: Sections 200, 205 and 5061, Fish and

Reference: Sections 75, 200, 205, 5060, and 6896, Fish and Game Code.

Amend Section 703:

Authority: Sections 713, 1002, 1002.5, 1050, 2118, 2120, 2122, 2150, 2150.2, 2157 and 5060, Fish and Game Code.

Reference: Sections 395, 396, 398, 713, 1002, 1002.5, 1050, 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 21.82 and 21.85; and Opinion of the United States Court of Appeals, 9th Circuit (Stavrianoudakis, et al. v. USFWS, et al., (2024) 108 F.4th 1128).

(d) Specific Technology or Equipment Required by Regulatory Change: None

(e) Identification of Reports or Documents Supporting Regulation Change:

None. (e) Identification of Reports or Documents Providing Background Information

The Center for North American Herpetology [CNAH]. 2026. Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico, with Comments Regarding Confidence in Our Understanding. <https://cnah.org/> Accessed May 29, 2026.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

Wildlife Resource Committee, September 11, 2025

Committee initial vetting of the future rulemaking regarding the commercial use of native rattlesnake for dog aversion therapy, safety, and film industry.

Wildlife Resource Committee, January 13, 2026

Committee Direction/Recommendation: The Wildlife Resources Committee recommends that the Commission support a future rulemaking regarding the commercial use of rattlesnakes based on the Department's recommendation and today's discussion.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) No alternatives were presented.

(b) No Change Alternative

The proposed addition of Section 42.1 and the amendments to Section 43 and Section 703 provide a legal mechanism for entities to engage in activities with native rattlesnakes that

promote safe handling and safe interactions to promote coexistence as opposed to killing them. Without the proposed changes, the outstanding issues concerning illegality of possession and commercial use will remain and prohibit a useful tool in animal care, and without the proposed fees the Department would not be able to recover the costs of the permit.

V. Mitigation Measures Required by Regulatory Action: None.

VI. Impact of Regulatory Action

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Commission does not anticipate any significant statewide adverse economic impacts that would directly affect businesses as a result of the proposed regulations.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates that the proposed regulation will create conditions that will positively impact the creation of jobs and new businesses as a result of these regulations. The legalization of commercial rattlesnake handling is anticipated to create approximately 30 new businesses, though it is difficult to fully estimate the number of businesses created due to no permitted activity in this business sector at this time.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission anticipates that the proposed regulation will create some cost impacts to private businesses in the form of the proposed fees. The proposed fees include \$456 for the inspection fee, \$312 for the application fee, and \$144 for the permit fee, which are all collected at once for a cost of \$871.75. Under the proposed regulations, the permit fee is refunded to the applicant should their application fail. With the assumption that 100 permits will be issued the first year and a third of that (approximately 33) each year after due to the 3-year lifespan of the permit before renewal, the Department estimates that \$87,175 will be collected in the first year and approximately \$28,767.75 collected in subsequent years (for the first three years the costs are $\$87,175 + \$28,767.75 + \$28,767.75 = \$144,710.50$). These calculations do not include the 3% surcharge charged by the Automated License Data System (ALDS).

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

(e) Nondiscretionary Costs/Savings to Local Agencies: None

(f) Programs Mandated on Local Agencies or School Districts: None

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None

(h) Effect on Housing Costs: None

VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State.

The Commission anticipates that the proposed regulations for commercial rattlesnake handling in exhibition settings will create approximately 30 new businesses, though it is difficult to fully estimate the number of businesses created due to no permitted activity in this business sector at this time, and by extension approximately 100 to 200 new jobs.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State.

The regulation will allow the permitting of new businesses with the Exhibition Permit. There are currently no businesses permitted, but the Commission anticipates that the proposed regulations for commercial rattlesnake handling in exhibition settings will create approximately 30 new businesses.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State.

None.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The proposed regulations provide a legal mechanism for entities to engage in activities with native rattlesnakes that promote safe handling and safe interactions to promote coexistence as opposed to killing them, which may benefit the health and welfare of California residents who elect to participate in these types of safe handling courses.

(e) Benefits of the Regulation to Worker Safety

The proposed regulations provide a legal mechanism for entities to engage in activities with native rattlesnakes that promote safe handling and safe interactions to promote coexistence as opposed to killing them, which may benefit workers who regularly handle or interact with rattlesnakes.

(f) Benefits of the Regulation to the State's Environment

The proposed regulations provide a legal mechanism for entities to engage in activities with native rattlesnakes that promote safe handling and safe interactions to promote coexistence as opposed to killing them. Without the proposed changes, the outstanding issues concerning illegality of possession and commercial use will remain and pose a threat to a useful tool in animal care.

(g) Other Benefits of the Regulation

The regulations will provide safety instruction including dog aversion therapy and use in the filming industry.

Informative Digest / Policy Statement

Section 42.1, Commercial Use and Possession of Native Rattlesnakes for Exhibition, is proposed to be added to Title 14, CCR, to provide a means for legal commercial (financial gain or profit) use of rattlesnakes for various needs. The “Exhibition Permit” may allow, but not limited to, dog aversion training, film industry, and safe handling courses, which are referred to herein as “exhibition.” There is a need to establish a legal framework to permit exhibition of California native rattlesnakes to encourage instruction and expertise in safety for both people and animals.

Section 43, Captive Propagation and Commercialization of Native Reptiles is amended to provide updates to the regulatory text and permit application procedures, and it includes other minor technical updates.

Section 703, Fees, is amended to provide the fee structure for the permitting process.

Proposed additions in Section 42.1

Add Section 42.1, Commercial Use and Possession of Native Rattlesnakes for Other Purposes.

This addition specifies the process by which persons with legitimate need for commercial use of native rattlesnakes may obtain a permit. The regulation provides important safety, public exhibition, and awareness promotion.

Subsection (a) Definition of terms.

Subsection (b) Unlawful without Commercial Use and Possession of Native Rattlesnakes For Exhibition Permit. The limited commercial use of native rattlesnakes is not permitted without an approved Exhibition Permit.

Subsection (c) Duration of Permit. A period of three years, and nontransferable.

Subsection (d) Exhibition Permit Application. Establishes the minimum requirements of the application, process, inspection, and permit issuance.

Subsection (e) Exhibition Permit Renewal. Renewable after 3 years.

Subsection (f) Exhibition Permit Amendment. Permittee’s are required to maintain up to date information with the Department.

Subsection (g) Exhibition Permit Fees. Required fees include application, inspection and the permit. Fee amounts are set forth in Section 703.

Subsection (h) Acquisition of Native Rattlesnakes. Permittees are not allowed to take rattlesnakes from the wild for commercial purposes. The snakes may be acquired from most animal rescue/rehabilitation centers, the Department or other governmental entities which may have animals to be rehomed. The sale of these animals is not allowed.

Subsection (i) General Conditions. The minimum parameters of safety, care, housing, feeding, and general welfare of the rattlesnakes in possession is enumerated. Inspection of premises proposed for holding venomous snakes is required, generally within a locked

room, locked containers of sufficient size to fulfill the needs of the animal. Requires two written action plans, first for an Emergency Action Plan prominently displayed where the animals are housed, and second a plan for the veterinary care of the animals.

Subsection (j) Record Requirement. All permittees will maintain detailed records about the care and use of the rattlesnakes. These records are required to be submitted to the Department as part of the renewal process. No renewal will be granted if the record is not submitted.

Subsection (k) Shipments. Specifies certain safety requirements. Permittees are allowed to receive reimbursement for documented expenses for shipping.

Subsection (l) Escape. Specifies the steps to be taken in the event of the escape of a rattlesnake including notification of local authorities and the Department.

Subsection (m) Serious injury or death. Specifies the steps to be taken in the event of injury by a rattlesnake including notification of local authorities and the Department.

Subsection (n) Consistency with Federal, State, and Local Laws. The regulations set forth in Section 42.1 do not supersede any other authority regulating the keeping of snakes, commerce, or other laws.

Subsection (o) Denial of an Application. Sets forth the process for correcting an application or that the Department will deny the issuance of the Exhibition Permit.

Subsection (p) Revocation or Suspension of Permits. Sets forth the process for a permittee to correct violations of law, conditions of the permit, or other tasks to protect animal welfare, native wildlife, animal welfare, human health and safety.

Subsection (q) Requests for Reconsideration. Sets forth the process by which the permittee can request that the Department reconsider its decision to revoke or suspend the Exhibition Permit.

Subsection (r) Proof of Service. This provision requires a proof of service, or declaration of mailing sent from the Department to an applicant or permittee for sending of any notice from subsections (o)(2), (p)(2), and (q).

Subsection (s) Appeals. Sets forth the process by which the permittee may appeal the Department's decision to revoke or suspend.

Amend Section 43 Captive Propagation and Commercialization of Native Reptiles for Use as Pets.

The purpose of the amendments to Section 43 is to update the required application and the language of the section to current standards, format, spelling, etc. Significant amendments to the regulation are as follows:

Subsection (a) Native Reptile Captive Propagation Permit. Specifies that it is unlawful to possess, transport or propagate native reptiles for noncommercial use. The content of the required form (DFW 391b (Rev. 01/2027), incorporated by reference) is set forth, and certified by the applicant as true. Pet shops are excepted from the permit requirement.

Subsection (b) Noncommercial Native Reptile Captive Propagation for Use as Pets.

Noncommercially propagated native reptiles may not be bartered, exchanged, or traded, in addition to sold. Native reptiles taken from the wild may not be sold or traded.

Subsection (c) Commercial Native Reptile Captive Propagation for Use as Pets. A change in the subsection title and regulatory language to emphasize the 'commercial' sale limitation of propagating the listed (unchanged except for a name update) species for pets including California kingsnake; various subspecies of the gophersnake; and the Northern rosy boa

Subsection (d) No change.

Subsection (e) No change.

Subsection (f) Pet shops. No change.

Subsection (g) Humane Care and Treatment. Minor changes to the care of animals and their enclosures.

Subsection (h) Records. No change to the requirement to maintain records concerning the disposition of the native reptiles in possession, added to the record is information regarding the death of an animal.

Subsection (i) Annual Report Requirement. Clarifying language is added that the required reports shall be legible and in English. Each annual report is required even if there is no activity (zero) that year.

~~Subsection (j) Confidentiality.~~ This former subsection is deleted as it may conflict with laws or policies already governing the disposition of Department files.

Subsection (j) Inspection. The former subsection (k) is renumbered to (j), the provision has been updated to clarify when the Department can do an inspection and what happens if the permittee refuses an inspection.

Amend Section 703, Miscellaneous Applications, Tags, Seals, Licenses, Permits, and Fees.

Subsection (a)(2)(C) Commercial Use and Possession of Native Rattlesnakes for Exhibition, is added to Section 703 specifying the fees for application, inspection and permit for the Exhibition Permit set forth in the new subsection 42.1(g).

Benefit of the Regulations

There is a need to establish a legal framework to permit the commercial exhibition of California native rattlesnakes. This authority does not exist under any other regulations but is needed to address other forms of beneficial commercial (financial gain or profit) exhibition such as dog aversion training, film industry, and safe handling courses.

Consistency and Compatibility with Existing Regulations

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission

the power to adopt regulations governing reptiles (Section 4902, Fish and Game Code). No other state agency has the authority to adopt regulations concerning native rattlesnakes. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Proposed Regulatory Language

Section 42.1 is hereby added to Title 14, California Code of Regulations to read as follows:

§ 42.1 Commercial Use and Possession of Native Rattlesnakes for Exhibition.

(a) Definitions. For the purposes of this section, the following definitions shall apply:

- (1) “Canine aversion training” is the use of a native rattlesnake on display or accessible to a canine to shape canine behaviors with the intent of training the canine to recognize and avoid rattlesnakes.
- (2) “Commercial purpose” is the use of native rattlesnakes for exhibition for financial gain or profit.
- (3) “Exhibition” is the public display of native rattlesnakes, including but not limited to, use in film, entertainment, canine aversion training, safe handling training, or other commercial purpose.
- (4) “Facility” is a location that is listed on the Commercial Use and Possession of Native Rattlesnakes For Exhibition Permit where native rattlesnakes are possessed, exchanged, imported, exported, purchased, sold, or propagated for commercial purposes.
- (5) “Handler” is a person who:
 - (A) is identified on the permit as a person who may control rattlesnakes, and may be present when a native rattlesnake will be on display or exhibited outside of a secure enclosure, including a qualified permittee;
 - (B) is at least 18 years of age; and
 - (C) has a minimum of 500 hours experience with captive husbandry of snakes, including a minimum of 200 hours working with captive rattlesnakes or other venomous snakes. For the purposes of an application, the experience with captive rattlesnakes or other venomous snakes shall have been completed within 5 years prior to the date the application is received by the department.
- (6) “Native rattlesnake” is the following species of rattlesnakes, including their subspecies that are indigenous to California and taxonomic successors: Western diamond-backed rattlesnake (*Crotalus atrox*), Mohave rattlesnake (*Crotalus scutulatus*), Western rattlesnake (*Crotalus oreganus*), Southwestern speckled rattlesnake (*Crotalus pyrrhus*), Sidewinder (*Crotalus cerastes*), and Panamint rattlesnake (*Crotalus stephensi*).

(b) Unlawful without Exhibition Permit. Except as otherwise provided in these regulations, it shall be unlawful for a person without a valid Commercial Use and Possession of Native Rattlesnakes For Exhibition Permit (“Exhibition Permit”) issued by the department to exhibit, exchange, import, export, purchase, sell, propagate, or transport native rattlesnakes for commercial purposes.

(c) Duration of Exhibition Permit. Exhibition Permits issued under this section shall be valid for a period of three (3) calendar years from date of issuance. Exhibition Permits are nontransferable.

(d) Exhibition Permit Application. For new facilities, submit the Exhibition Permit Application form provided by the department available on the department's website at <https://wildlife.ca.gov/Licensing/Directory>. Submit with the required fees, including the nonrefundable application fee, the refundable inspection fee, and the refundable permit fee as specified in subsection (g), with the required attachments listed below to License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090. When multiple facility locations are proposed, or there is a change in location, each location shall have a separate application. Incomplete applications and missing documents will result in the return of the application and fees and a delay in the issuance of the Exhibition Permit. All of the following information and documents shall accompany an application for each new Exhibition Permit, renewal, or amendment:

- (1) The applicant shall be a natural person and provide:
 - (A) GO ID number (see Section 700.4 for regulations pertaining to obtaining a GO ID number);
 - (B) Full name, gender, date of birth, hair color, eye color, height, weight; and
 - (C) Personal mailing address, telephone number, email address.
- (2) The applicant shall provide the following information concerning the commercial use and exhibition of native rattlesnakes:
 - (A) Business name (if applicable)
 - (B) The physical facility location (where the rattlesnakes will be housed) and contact information at that location: mailing address, telephone number, email address.
 - (C) At least two handlers as defined in subsection (a) are required to be listed. List each handler's information as described in subsection (d)(1).
- (3) A statement of purpose describing the planned uses and exhibition of the native rattlesnakes.
- (4) Number of each species of native rattlesnakes in possession.
- (5) The applicant shall attach the following written documents:
 - (A) Emergency Action Plan. Every facility that houses, or vehicle that contains, live native rattlesnakes shall have a written Emergency Action Plan that includes but is not limited to:
 1. Protocol for bites, escape of rattlesnakes, and emergency facility evacuation;
 2. List of the re-capture equipment available;
 3. Description of humane lethal dispatch methods and a list of qualified personnel who are trained to carry out the methods (see subsection 671.1(c));
 4. Description of mobile transport cages and equipment on hand; and
 5. List of medical supplies or first aid kits and where they are located, readily available.

6. The Emergency Action Plan shall be titled, state a revision date and emergency telephone numbers including the local department regional office, 911, and local animal control agencies, updated annually, and posted in a conspicuous place. In the case of a vehicle, the plan shall contain telephone numbers of all department regional offices and local animal control agencies where exhibition will be performed.

(B) A written program for adequate veterinary care, disease prevention, parasite control, and euthanasia and shall be established and maintained by the permittee.

(6) Certification of the application with original signature of the applicant as follows:

“I certify under penalty of perjury that the information I have provided in this application and all supporting materials is true and correct. I certify that there are no criminal, civil, or administrative proceedings pending that would disqualify me from obtaining this Exhibition Permit. I understand that if I submit any false statement to the Department, my Exhibition Permit may be suspended or revoked or my application denied, and I may be subject to prosecution pursuant to Fish and Game Code Section 1054 or other applicable statutes or regulations.” If an applicant signs the application electronically, the following language is included: “With accordance to [California Civil Code §1633.5\(b\)](#), I acknowledge that by providing my electronic signature for this form, I agree that my electronic signature is legal binding equivalent to a handwriting signature. I hereby confirm that my electronic signature represents my execution or authentication of this form, and my intent to be bound by it.”

(7) Process. Within 60 days of receipt of the Exhibition Permit Application, the department shall issue the Exhibition Permit or notify the applicant of denial as set forth in subsection (r).

(e) Exhibition Permit Renewal. To renew an Exhibition Permit, the permittee shall submit a completed Exhibition Permit Application with all required information and documentation as set forth in subsection (d), check the Renewal box, attach the annual report forms as set forth in subsection (j), and submit with the nonrefundable renewal application fee and refundable permit fee. The department shall not charge an inspection fee for a permit renewal. It is recommended that the permittee submit the renewal as early as possible to avoid delay, late fee or expiration of the permit. The application shall be postmarked no later than the date of permit expiration.

(1) Up to 45 calendar days after the valid Exhibition Permit expires, a permittee may apply to renew the permit by paying a nonrefundable late fee pursuant to subsection (g).

(2) Renewal applications postmarked later than 45 calendar days after the existing Exhibition Permit expired shall not be accepted, and a new permit application, including inspection fee, shall be submitted pursuant to subsection (d).

(f) Exhibition Permit Amendment. The information provided by the permittee and approved by the department shall be kept current and accurate. Failure to keep the Exhibition Permit information current and accurate may result in revocation or suspension. Except for new facilities, an applicant amending their Exhibition Permit to add or change information of their approved permit shall submit the Exhibition Permit Application no later than 14 business days

before the changes are in effect. To do this, check the Amendment box, describe the proposed changes, send to the application form to the department's License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-0002.

(g) Exhibition Permit Fees. The department shall charge the following fees:

- (1) General Fees. An applicant for a new permit shall submit the nonrefundable application fee, inspection fee and permit fee pursuant to subsection 703(a)(2)(C) with the completed Exhibition Permit Application form.
- (2) Renewal Fees. An applicant renewing their permit shall submit the nonrefundable application fee and permit fee pursuant to subsection 703(a)(2)(C) with the completed Exhibition Permit Application form.
- (3) Renewal late fee. An applicant submitting a renewal Exhibition Permit Application after the permit expiration date but not later than 45 days from the date of expiration shall submit the nonrefundable late fee, pursuant to subsection 703(a)(2)(C).
- (4) Refund. The following situations apply for refunds.
 - (A) Resident and nonresident applicants. Upon denial of a new permit application, the department shall refund the inspection fee and permit fee.
 - (B) Resident applicants. Upon failing the new permit inspection, the Department shall refund the permit fee.
 - (C) Nonresident applicants. Upon approval of the application, the inspection fee and permit fee are nonrefundable (see subsection (i)(1)(C)).

(h) Acquisition of Native Rattlesnakes. A permittee may acquire a native rattlesnake for commercial purposes from the department, a permitted wildlife relocation service, licensed wildlife rehabilitation facility, a municipal animal control agency, or from other Exhibition Permit holders free of charge. The acquisition of the rattlesnake must comply with other regulations as applicable.

- (1) Native rattlesnakes acquired pursuant to this section shall only be transferred free of charge, except that the receiving person may be charged to recover actual transportation and shipping costs. If such costs are charged, the permittee transferring the native rattlesnake shall maintain all documentation and the amount received from the recipient, for a period of three years following the completion of the transfer; otherwise,
- (2) a permittee may sell native rattlesnakes acquired in compliance with this regulation to other Exhibition Permit holders.
- (3) Limits. No permittee shall possess more than thirty (30) native rattlesnakes in aggregate per facility, except for neonate native rattlesnakes bred at the permitted facility, which may be possessed for a period of one year following birth.

(i) General Conditions. Permittees are required to abide by the following minimum requirements:

- (1) Inspections.

- (A) Facilities in California shall pass an inspection to verify and ensure adherence to this section, including books, or other records. Inspections serve to verify compliance with this section and any applicable regulations, requirements and conditions, and to ensure health, safety and welfare of the public and rattlesnakes before the department will issue a permit.
1. The department may enter the facilities of any applicant or permittee where native rattlesnakes are housed, or may be housed, at any reasonable hour to inspect the animals and their enclosures, or required equipment, and to inspect, audit, or copy records required by this section.
 2. The department shall deny the issuance of a permit to an applicant, or immediately suspend the permit of a permittee, who refuses to allow inspection of a vehicle, facility, permit, book, or other record required to be kept. A refusal to allow inspection may be inferred if, after three reasonable attempts within 30 days by the department, the applicant or permittee does not make the facility, permit, book, or other record available for inspection.
 3. The department shall issue the Exhibition Permit, or reinstate a permit suspended or revoked pursuant to this section if the applicant or permittee, within 30 days after the first reasonable attempt, allows the department to inspect the facility, book, or other record to verify compliance with this section and all applicable permit terms and regulations, requirements, and conditions, and to ensure health, safety and welfare of the public and rattlesnakes.
- (B) Nonresident Permit applicant. Upon successful approval of the Exhibition Permit Application, the nonresident applicant shall be issued the Exhibition Permit, subject to these additional conditions:
1. At least 48 hours prior to nonresident permittees entering the state in possession of native rattlesnakes, the permittee shall notify the department by email at permitting@wildlife.ca.gov. The notification to the department shall contain:
 - a. a list of handlers, permittees and employees who may have contact with the snakes;
 - b. permittee's current contact information;
 - c. number and description of the snakes being transported into the state, including the age, sex, and species of the snakes;
 - d. state border crossing location;
 - e. exhibiting locations within the state and projected itinerary of visit; and
 - f. description of the vehicle transporting the snakes that includes the vehicle's make, model, year, and license plate number.
 2. Upon entry to California, the department may, depending on capacity, conduct an inspection of any vehicle, parcel, enclosure or container and the locations which are being used by the nonresident permittee for the exhibiting of native rattlesnakes under this permit.

3. The inspection shall verify and ensure adherence to this section, all applicable permit terms and regulations, requirements, conditions, and the health, safety and welfare of the public and rattlesnakes. All other terms and conditions described in the permit and these regulations shall be adhered to.
- (2) Native rattlesnakes that have been maintained in captivity pursuant to this permit shall not be released into the wild.
- (3) Quarantine. Whenever a facility obtains a new native rattlesnake, including neonates born, that (those) snake(s) shall be quarantined (i.e., completely separated) from other animals for at least one year.
- (4) Humane Care and Treatment. Permitted facilities that house live native rattlesnakes shall comply with the following provisions:
 - (A) All captive rattlesnakes being possessed under permit shall be kept in a locked exhibit or container which shall be located within a locked room, building, compound or enclosure.
 - (B) Snake hooks or tongs shall be present whenever handling native rattlesnakes.
 - (C) Enclosures.
 1. The minimum dimension of the longest side of an enclosure containing native rattlesnakes shall be at least three (3") inches longer than any snake housed in the enclosure as measured on the inside of the top edge of the enclosure.
 2. Temporary Confinement. If a rattlesnake is removed from its primary enclosure for transportation, feeding, emergency, cleaning, or other permitted purpose, the snake shall be kept in a fully enclosed container with a secure and locked lid which has air holes or other means of ventilation, for no more than 48 hours. At all times, every snake must be able to turn around and reorient its body to remain upright and make adjustments.
 3. All enclosures shall be adequately ventilated to maintain the health of the native rattlesnake.
 4. The enclosure substrate, such as, but not limited to, wood chips, bedding pellets, and gravel shall be maintained in a clean and healthy environment for each animal. The floor of the enclosure shall be constructed of non-abrasive material, and hiding areas such as caves or hide boxes shall be provided.
 5. No more than two rattlesnakes may be contained in one enclosure unless they are within 31 calendar days from the date of birth.
 6. The access door, container, and exhibit for snakes shall be labeled with the common and scientific name of the species and, if known, the subspecies, along with the number of animals contained inside. The label shall be legibly marked with the warning in English, "Danger Venomous Snakes", and in Spanish, "Peligro Serpientes Venenosa."

(D) 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.

(E) Water. Potable water shall be checked and 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.

(F) Cleaning of enclosures. The enclosure shall be checked and excrement shall be removed from enclosures to maintain animals in a healthy condition.

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

(5) Observation. Each animal shall be observed and its health documented at least twice a week by the permittee or once a week if the animal is in brumation. Records documenting these observations shall be maintained by the permittee for three consecutive years and be made available upon request by the department. Sick, diseased, stressed, or injured animals shall be provided with care consistent with standards and procedures used by veterinarians, or humanely euthanized.

(6) Handling. Animals shall be handled carefully so as not to cause unnecessary discomfort, behavioral stress, or physical harm to the animals. At least two handlers shall be present when a rattlesnake under this permit is on display or exhibited outside of a secure enclosure.

(7) Exhibition. Animals shall be handled with sufficient distance allowed between animals and any viewing public so as to assure safety to both the public and the animals. Persons who are not handlers are not permitted to touch any animals on exhibition. Snake hooks or tongs shall be immediately accessible and utilized to move animals on exhibition.

(8) Additional terms and conditions. If the department determines that the purpose describing the planned uses and exhibition set forth in subsection (d)(3) poses a risk to human health and safety or to the welfare of animals, and that additional permit terms or conditions would address the risk, the department may add such terms and conditions to a permit to mitigate the risk.

(j) Record Requirement. Every permittee shall keep accurate annual accounting records, in a form provided by the department, available on the department's website at <https://wildlife.ca.gov/Licensing/Directory>.

(1) Each annual record shall be maintained for three consecutive years from the most recent issuance or renewal of the permit. All required records shall be legible, in the English language and maintained at the permitted facility.

(2) A copy of the three annual records shall be submitted to the department with the Exhibition Permit Application for renewal as set forth in subsection (e). No permit shall be renewed unless the permittee submits the annual records.

(3) The record shall contain the following information:

- (A) Permittee's name, identifying information, and Record year.
- (B) The complete scientific name and number of all native rattlesnakes possessed by the permittee, acquired, transferred, exchanged, propagated, and that have died during the previous year, along with the person's name, organization, or the Exhibition Permit number for the permitted acquisition source.
- (C) For rattlesnakes that were distributed by the permittee, the recipient's name or organization or Exhibition Permit number to whom each native rattlesnake was transferred or exchanged.
- (D) Each permittee shall complete and submit an annual report even if there is zero activity to report, or the permittee is not going to renew the Exhibition Permit. If the permittee is not going to renew the Exhibition Permit, the record(s) specified above shall be submitted within 30 days of the exhibition activity ending or the business closing.

(k) Shipments. All deliveries or shipments of live native rattlesnakes under authority of this section shall have a legible copy of the valid permit attached to the outside of the shipping container. The shipping container shall be conspicuously labeled: "Live Rattlesnakes — Handle With Care" and in Spanish "Las Serpientes De Cascabel Vivas - Extremar Precauciones." This subsection does not supersede any federal, state, or local law or regulation or shipper's requirements concerning shipment of live rattlesnakes.

(l) Escape. Permittees shall immediately report by telephone the escape of a rattlesnake possessed pursuant to this section to the department's Law Enforcement Division at (916) 653-4094 and the nearest law enforcement agency of the city or county in which the rattlesnake escaped. For the purposes of this section, escape is the unintentional release and/or loss of control of a rattlesnake, that results in a handler being unable to recover and regain control of the rattlesnake.

(m) Serious injury or death. The permittee shall notify the department of any snake bite on domestic animals or humans from a snake possessed under their Exhibition Permit, or any bite suspected of being from a snake possessed under permit, within 24 hours to the Law Enforcement Division at (916) 653-4094. The permittee shall also provide a written report of the incident to the department within one week to the following email address: permitting@wildlife.ca.gov. The written report shall include the date and time of the incident, the full legal name and the contact information for persons involved, and a description of how the bite, or suspected bite may have occurred.

(n) 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 pursuant to an Exhibition Permit.

(o) Denial of an Application.

- (1) The department shall deny an application for the issuance of a new, renewal or amendment of an Exhibition Permit if:
 - (A) an applicant has failed to comply with any requirement in these regulations to obtain a new, renewal or amendment of an Exhibition Permit;

- (B) an applicant, permittee or handler has violated any provision of the Fish and Game Code or any regulation adopted pursuant thereto, Penal Code section 597, a term or condition of the Exhibition Permit, or has been convicted of a crime of moral turpitude; or
- (C) the department determines that an action less consequential than a denial, such as a written warning issued to the applicant, would likely not cause the applicant to cure a failure to comply or an existing violation or not violate in the future.

(2) Process. The department shall notify the applicant of the denial in writing via certified mail or electronic mail. The notice shall include the name of the permittee or person, any permit identification number(s), a description of the reasons for the denial, the required disposition of native rattlesnakes if any are in the applicant's possession, and the permittee or person's right to request, and instructions to submit a request for, reconsideration of the department's action.

(p) Revocation or Suspension of Permits.

- (1) An Exhibition Permit, and/or privilege to obtain an Exhibition Permit, may be revoked or suspended by the department, consistent with the following:
 - (A) A person violates the terms or conditions of the Exhibition Permit, or the person violates federal law, provisions of the Fish and Game Code, or any regulation adopted pursuant thereto, or Penal Code section 597.
 - (B) The person is a permittee, any person required to hold an Exhibition Permit, or the permittee's agent, a handler, employee, or person acting under the permittee's direction or control.
- (2) Process. The department shall notify the permittee of any permit revocation or suspension action in writing via certified mail or electronic mail. The notice shall include the name of the permittee, any permit identification number(s), a description of the reasons for the revocation or suspension, the required disposition of native rattlesnakes if any are in the permittee's possession, and the permittee or person's right to request, and instructions to submit a request for, reconsideration of the department's action.

(q) Requests for Reconsideration. Any applicant or permittee who receives a notice of denial, revocation or suspension as specified herein may request reconsideration of the department's action by submitting their written request to the License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090, or at SPU@wildlife.ca.gov, no later than 30 calendar days after the date of mailing or electronic mailing on the proof of service accompanying the department's notice, and shall set forth the reasons for the requested reconsideration. The department shall not consider a request for reconsideration that is received after the 30-calendar-day deadline. The department shall consider any information submitted with the request for reconsideration and, within 60 calendar days of receipt of the request, notify as provided in subsection (r) the permittee of its decision to affirm, reverse or amend its decision, including based upon a mistake of fact, a mistake of law, or because the permittee or person takes corrective actions pursuant to an agreement with the department.

(r) Proof of Service. All notices sent to an applicant or permittee pursuant to subsections (o)(2), (p)(2), and (q) shall include a proof of service that consists of a declaration of mailing,

under penalty of perjury, indicating the date of mailing or electronic mailing of the department's notice.

(s) Appeals. Any permittee whose permit has been suspended or revoked by the department, and whose permit or privilege to obtain a permit was not reinstated after reconsideration by the department, may appeal the suspension or revocation to the commission. The request for appeal shall be received by the commission in writing no later than 30 calendar days after the date of mailing or electronic mailing on the proof of service accompanying the department's decision. Appeals shall be sent to the commission at fgc@fgc.ca.gov or P.O. Box 944209, Sacramento, California, 94244-2090. The commission shall not consider a request for appeal that is received after the 30-calendar-day deadline.

NOTE: Authority cited: Sections 200, 205, 1050 and 5061, Fish and Game Code. Reference: Sections 5060 and 7149.3, Fish and Game Code; Section 597, Penal Code; and Sections 11503 and 11506, Government Code.

Proposed Regulatory Language

Section 43, Title 14, California Code of Regulations is hereby amended to read as follows:

§ 43. Captive Propagation and Commercialization of Native Reptiles for Use as Pets.

(a) Native Reptile Captive Propagation Permit.

- (1) Permit Required. ~~Except for pet shops as provided in subsection 43(f), every person, who, for commercial purposes, sells, possesses, transports, imports, exports or propagates native reptiles pursuant to subsection 43(c), or who propagates native reptiles for noncommercial purposes pursuant to subsection 43(b), shall have a native reptile propagation permit that has not been revoked or suspended issued to that person.~~ Unlawful Without Native Reptile Captive Propagation Permit. Except for pet shops as provided in subsection 43(f), it is unlawful to possess, transport or propagate native reptiles for noncommercial use as pets pursuant to subsection 43(b), or to sell, possess, transport, import, export or propagate for commercial use as pets pursuant to subsection 43(c), without holding a valid Native Reptile Captive Propagation Permit that has not been revoked or suspended. For the purposes of this section, "pet" means "a native reptile used for pleasure rather than utility." The permit or a legible copy of the permit shall be in the immediate possession of the permittee while native reptiles are being displayed to the public, taken, transported, or sold. The permit or a legible copy of the permit shall be kept where captive propagated native reptiles are maintained. No permit is required for the purchase of ~~subspecies of~~ native reptiles authorized pursuant to subsection 43(c).
- (2) Permit Application. Application for a permit shall be made on a Native Reptile Captive Propagation Permit Application, FG 391B (8/02) form DFW 391b ~~which is incorporated by reference herein. Application forms are available from the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, California 95816; Telephone (916) 227-2244. The application form shall be completed in its entirety, including information on the species and/or subspecies proposed for propagation, the location of the rearing facility and other related information.~~ The applicant shall submit the application form as follows:
 - (A) Application form. Obtain an application form DFW 391b provided by the department and available at www.wildlife.ca.gov/Licensing/Directory.
 - (B) The application form shall be completed in its entirety, including information on the species and/or subspecies proposed for propagation, the location of the rearing facility and other related information as follows:
 1. Applicant and Facility Information. Full name, date of birth, physical address, mailing address (if different), telephone number, email address, Automated License Data System (ALDS) Get Outdoors ID (GO ID) (or a required form of identification listed pursuant to subsection 700.4(c) for the department to create an ALDS customer profile for the applicant), facility name if applicable, facility physical address, facility mailing address if different, facility telephone number, facility email address, and facility website, if applicable.

2. Location of rearing facility. Check the location of the rearing facility: garage, shed, bedroom, basement, other (to be filled in by applicant).
 3. Commercial Propagation. List the cumulative totals of all native reptiles (males and females) in possession for which captive propagation authorization is being sought for commercial use as pets. Include date and source from which each reptile was acquired.
 4. Noncommercial propagation. List the cumulative totals (males and females), common and scientific name of all native reptiles in possession for which captive propagation authorization is being sought for noncommercial use as pets. Include date and source from which each reptile was acquired.
 5. Certification of the application with original signature of the applicant as follows:

"I certify that I have read, understand, and agree to abide by all conditions of this permit, the applicable provisions of the Fish and Game Code (FGC), and the regulations promulgated thereto. I certify that I am not currently under any Fish and Wildlife license or permit revocation or suspension, and that there are no other legal or administrative proceedings pending that would disqualify me from obtaining this permit. I agree that if I make any false statement as to any fact required as a prerequisite to the issuance of this permit, I may be subject to prosecution pursuant to FGC Section 1054 and any other applicable statute or regulation, and the commission may suspend or revoke my permit or the Department may deny my permit application." If an applicant signs the application electronically, the following language is included: "With accordance to California Civil Code §1633.5(b), I acknowledge that by providing my electronic signature for this form, I agree that my electronic signature is legal binding equivalent to a handwriting signature. I hereby confirm that my electronic signature represents my execution or authentication of this form, and my intent to be bound by it."
- (C) Permit Fee. An applicant for a new or renewal permit shall submit the permit fee with the completed application form. The permit fee shall be the basic fee set forth in subsection 699(b), of these regulations. This fee shall be annually adjusted pursuant to Section 713 of the Fish and Game Code.
- (D) Applicants shall mail the completed permit application form, permit fee, and required documents to the California Department of Fish and Wildlife, Attn: License and Revenue Branch, P.O. Box 944209, Sacramento, CA, 94244-2090.
- (3) Term of Permit. Permits issued under the provisions of this section shall be valid from January 1 through December 31 or, if issued after the beginning of such term for the remainder thereof.
 - (4) Denial. The department may deny a permit to any person who fails to comply with the provisions of a permit or any regulations pertaining to native reptiles. Any person denied a permit may request a hearing before the commission to show cause why his/her permit should be issued.

(5) Revocation. The commission, after proper notice and providing for an opportunity to be heard, may revoke or suspend a permit for a violation of the Fish and Game Code, or Title 14, CCR, or any federal law or regulation pertaining to reptiles.

~~(6) Permit Fee. The permit fee shall be the basic fee set forth in subsection 699(b), Title 14, California Code of Regulations. This fee shall be annually adjusted pursuant to Sections 713 of the Fish and Game Code.~~

~~(7)~~(6) Albino Native Reptiles. Albino reptiles are defined as individual native reptiles lacking normal body pigment and having red or pink eyes. No permit is required for the possession, propagation, importation, exportation, transportation, purchase or sale of captively-bred native albino reptiles or amphibians. The provisions of ~~section~~ Section 5.60 apply to the taking and possession of albino native reptiles from the wild.

(b) ~~Non-commercial~~ **Noncommercial Native Reptile Captive Propagation for Use as Pets.** The department may authorize the possession, transportation and propagation of no more than three species and no more than 30 individuals in the aggregate including progeny for use as pets under a ~~native reptile propagation permit~~ Native Reptile Captive Propagation Permit. Within the overall limit of 30 individuals, the department may authorize no more than four of any one species to be taken from the wild. Individuals may be taken only by the methods authorized by ~~section~~ Section 5.60. Native reptiles possessed pursuant to this subsection may not be purchased or sold (including bartered, exchanged, or traded).

(c) ~~Propagation and Possession for~~ **Commercial Native Reptile Captive Propagation for Use as Pets** ~~Purposes~~. Native reptiles may not be sold, possessed, transported, imported, exported or propagated for commercial purposes, except as provided in sections 40(f) ~~and~~, 42, and 42.1 except as follows:

(1) Species and subspecies Authorized. Pursuant to the provisions of this section, only the following species and subspecies, and their taxonomic successors, may be sold, possessed, transported, imported, exported or propagated for commercial ~~purposes~~ use as pets:

(A) California kingsnake (*Lampropeltis californiae*);

(B) California subspecies of the gophersnake (*Pituophis catenifer*): Great Basin gophersnake (*Pituophis catenifer deserticola*), Pacific gophersnake (*Pituophis catenifer catenifer*), San Diego gophersnake (*Pituophis catenifer annectens*), and Sonoran gophersnake (*Pituophis catenifer affinis*);

(C) ~~Northern three-lined rosy~~ boa (*Lichanura ~~orcutii~~ orcutti*).

(2) Bill of Sale. All animals sold pursuant to this section must be accompanied by a numbered bill of sale which shall contain the name and permit number of the permittee, the complete scientific name of each native reptile sold and the name and address of the buyer. A copy of the bill of sale shall be retained by the buyer.

(d) Addition or Removal of reptiles authorized for commercial propagation. The following information shall accompany a request to add or remove a reptile to the list that may be commercially propagated:

(1) A review of scientific literature documenting the population status of the species in California.

~~(1)~~(2) Caging and care guidelines for the animal in captivity.

~~(2)~~(3) Analysis of the effects of broodstock collection methods on wild populations.

~~(3)~~(4) Analysis of the effects on wild reptile populations of released or escaped reptiles bred under this program.

~~(4)~~(5) Evaluation of the commercial market for the proposed species.

(e) Limits. Except as otherwise authorized, no person shall take or possess native reptiles taken from the wild in excess of the bag and possession limits specified in ~~section~~Section 5.60. There are no possession limits for captively-bred native reptiles authorized by subsection 43(c) for persons possessing a ~~native reptile propagation permit~~Native Reptile Captive Propagation Permit or for which the person has a bill of sale as required in subsection 43(c)(2).

(f) Pet Shops ~~(1)~~ Defined. A “pet shop” means a permanent place of business, licensed by a city or county, that is open to the public and maintains normal business hours, where pet animals are kept for retail sale. An “owner or operator” means the person who owns or is in charge of the pet shop.

~~(2)~~(1) Exemption. Pet shop owners or operators or their employees or agents, are not required to obtain a ~~native reptile propagation permit~~Native Reptile Captive Propagation Permit to purchase, transport directly from the point of purchase to the pet shop, possess or resell native reptiles purchased from a permittee pursuant to subsection 43(c). This exemption applies only to native reptiles sold by the pet shop from the premises of the pet shop.

~~(3)~~(2) Records of Purchases. The owner or operator of a pet shop shall retain a legible copy of the bill of sale at the pet shop for each native reptile acquired while the animal is at the pet shop and for two years thereafter. The bill of sale shall contain the permittee's name and ~~permit~~Native Reptile Captive Propagation Permit number ~~of the native reptile and amphibian permittee~~ from which the animals were purchased or acquired, the date acquired and the scientific name and number of each species or subspecies of animals acquired.

~~(4)~~(3) Records of Sales. Each native reptile sold by pet shops shall be accompanied by a numbered bill of sale which shall contain the name and address of the pet shop, the date sold and the scientific name and number of each species or subspecies sold. A copy of the bill of sale shall be retained at the pet shop for two years from the date of sale.

~~(5)~~(4) Effect of Violation. No native reptiles shall be sold from any pet shop whose owner or operator, or any employee or agent selling native reptiles from the pet shop, has been convicted of a violation pertaining to native reptiles within the previous three years.

(g) Humane Care and Treatment. Permittees shall comply with the following provisions:

(1) Enclosures.

- (A) The perimeter of the enclosure for snakes 33 inches or less shall be 1.5 times the length of the snake.
- (B) The perimeter of the enclosure for snakes more than 33 inches in length shall be 1.25 times the length of the snake.
- (C) The perimeter shall be measured on the inside of the top edge of the enclosure.
- (D) Snakes may be kept in ~~smaller cages or containers~~ enclosures that do not meet the minimum perimeter requirements for 31 days from the date of birth or hatching and while being transported or displayed at trade shows.
- (E) All enclosures shall be adequately ventilated to maintain the health of the native reptiles.
- (F) The enclosure substrate shall facilitate the ability to maintain a clean and healthy environment for each animal. The floor of the enclosure shall be constructed of non-abrasive material, and hiding areas such as caves or hide boxes shall be provided.
- (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 ~~must~~ 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. An enclosure shall be disinfected after ~~After an animal with an infectious or transmissible disease is removed an enclosure, that enclosure shall be disinfected.~~
- (6) Pest control. ~~Programs~~ A written program 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~~ brumation. 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.
- (h) Records. Every permittee shall keep accurate annual accounting records for three consecutive years, in which all of the following shall be recorded:
 - (1) The complete scientific name and number of all native reptiles purchased, received, sold, delivered, taken and possessed.
 - (2) The person from whom the native reptiles were purchased or received.
 - (3) The person to whom the native reptiles were sold or delivered.

- (4) The date the native reptiles were purchased, received, sold, delivered or taken.
- (5) The price paid or received.
- (6) The dates and numbers of eggs laid.
- (7) The dates and numbers of births or hatchings.
- (8) The dates and cause of death of each mortality.

(i) Annual Report Requirement. All required records shall be legible and in the English language and maintained within the State of California. A copy of the annual records form required in subsection 43(h), provided by the department and available at www.wildlife.ca.gov/Licensing/Directory, shall be submitted to the department by December 31 of each year by mail to the California Department of Fish and Wildlife, Attn: License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-0002 or via electronically at www.licenses.wildlife.ca.gov/internetsales/. ~~No permit shall be renewed unless the records or a signed statement that no species and/or subspecies of native reptiles were purchased, received, sold, delivered, taken or possessed during the year is submitted.~~

(1) No permit shall be renewed unless the permittee submits the annual records specified in subsection 43(h). Permittees that do not submit the annual report will have their exhibition privileges suspended until the permittee is in compliance.

(2) Each permittee shall submit an annual report 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(s) specified above shall be submitted within 30 days of the business closing.

~~(j) Confidentiality of Records. The information required in subsections 43(h)(2), (3), and (5) contained in the records and reports filed with the department pursuant to subsection 43(i) shall be confidential and shall not be disclosed to the public.~~

~~(k)-(j) Inspection. The department may enter the premises of any permittee where reptiles are maintained, or reasonably may be maintained, at any reasonable hour to inspect reptiles, and enclosures and to inspect, audit or copy records and receipts required by this section. Refusal to allow an inspection may be grounds for revocation of the permit by the Commission.~~

(1) The department shall conduct an inspection of a facility during a reasonable time of the day and any day of the week when a permittee is present and such a person shall allow the department access to inspect any area of a facility, enclosure, equipment, records, and any animal and parts thereof during the inspection. The department may inspect, audit or copy records and receipts required by this section.

(2) The department shall deny or revoke a permit if the permittee refuses to allow an inspection by the department.

(A) A refusal to allow an inspection shall be inferred if: after three reasonable attempts by the department to schedule an inspection, such a person is unavailable for inspection; or such a person refuses to allow the department to fully inspect any area of a facility, enclosure, equipment, records, and any animal and parts thereof.

(B) The department shall reinstate a permit if the permittee allows the department to conduct an inspection and no violations of these regulations are observed during that inspection.

NOTE: Authority cited: Sections 200, 205, ~~265, 275, and 5061 and 6896~~, Fish and Game Code. Reference: Sections 75, 200, 205, 265, 275, and 5060, ~~5061 and 6896~~, Fish and Game Code.

Proposed Regulatory Language

Section 703 is hereby amended to read 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 changes to subsections (a)(1) through (a)(2)(B)*]

(C) 2027 Commercial Use and Possession of Native Rattlesnakes for Exhibition. All fees are subject to Section 713 of Fish and Game Code.

<u>1. Application Fee</u>	<u>Resident</u>	\$312.00
	<u>Nonresident</u>	
<u>2. Inspection fee</u>	<u>Resident</u>	\$415.75
	<u>Nonresident</u>	
<u>3. Permit Fee</u>	<u>Resident</u>	\$144.00
	<u>Nonresident</u>	
<u>4. Renewal Fee</u> <u>Renewal Late Fee</u>	<u>Resident</u>	\$144.00
	<u>Nonresident</u>	

... [*No changes to subsections (a)(3) through (c)*]

NOTE: Authority cited: Sections 713, 1002, 1002.5, 1050, 2118, 2120, 2122, 2150, 2150.2, 2157 and 5060, Fish and Game Code. Reference: Sections 395, 396, 398, 713, 1002, 1002.5, 1050, 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 21.82 and 21.85; and Opinion of the United States Court of Appeals, 9th Circuit (*Stavrianoudakis, et al. v. USFWS, et al.*, (2024) 108 F.4th 1128).



NATIVE REPTILE CAPTIVE PROPAGATION PERMIT APPLICATION
DFW 391b (Rev. 01/2027)

LICENSE YEAR: _____
If issued after January 1, valid on date issued.

PERMIT # _____

PERMIT FEE: \$ _____

CHECK ONE : ☐ NEW ☐ RENEWAL ☐ CHECK HERE IF NEW MAILING ADDRESS
TYPE OR PRINT CLEARLY.

FIRST NAME		M.I.	LAST NAME			GO ID NUMBER	
DATE OF BIRTH	GENDER ☐ MALE ☐ FEMALE ☐ NONBINARY		HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT	DAY TELEPHONE
MAILING ADDRESS				CITY		STATE	ZIP CODE
BUSINESS NAME (If applicable)						BUSINESS TELEPHONE	
REARING FACILITY ADDRESS (If applicable)				CITY		STATE	ZIP CODE
COUNTY				EMAIL ADDRESS			

☐ Check here if you want the California Department of Fish and Wildlife (CDFW) to include your business name, address, email, and telephone number on the list of Native Reptile Propagation Permittees as having stock for sale to the public posted on the CDFW's website.

LOCATION OF REARING FACILITY (Check at least one)

☐ Garage ☐ Shed ☐ Bedroom ☐ Basement ☐ Other: _____

PROPAGATION AND POSSESSION FOR COMMERCIAL PURPOSES: List cumulative totals of all native reptiles in possession for which captive propagation authorization is being sought for commercial use as pets.

# of Males	# of Females	Common Name	Scientific Name	Date Acquired	Acquired Source
		California kingsnake	Lampropeltis californiae		
		Gophersnake	Pituophis catenifer		
		Northern rosy boa	Lichanura orcutti		

NONCOMMERCIAL PROPAGATION: List cumulative totals of all native reptiles in possession for which captive propagation authorization is being sought for noncommercial use as pets.

# of Males	# of Females	Common Name (Include subspecies when available)	Scientific Name (Include subspecies when available)	Date Acquired	Acquired Source

I certify that I have read, understand, and agree to abide by all conditions of this permit, the applicable provisions of the Fish and Game Code (FGC), and the regulations promulgated thereto. I certify that I am not currently under any Fish and Wildlife license or permit revocation or suspension, and that there are no other legal or administrative proceedings pending that would disqualify me from obtaining this permit. I agree that if I make any false statement as to any fact required as a prerequisite to the issuance of this permit, the permit is void and will be surrendered where purchased, and I understand that I may be subject to prosecution pursuant to FGC Section 1054 or to other administrative actions pursuant to California Code of Regulation (CCR), Title 14, Section 746.

SIGNATURE	DATE
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FOR DEPARTMENT OF FISH AND WILDLIFE USE ONLY

REVIEWED BY/DATE	TRANSACTION NUMBER	ISSUED BY/DATE
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NATIVE REPTILE CAPTIVE PROPAGATION PERMIT APPLICATION
DFW 391b (Rev. 01/2027)

INSTRUCTIONS FOR COMPLETING THE NATIVE REPTILE CAPTIVE PROPAGATION PERMIT APPLICATION

Please allow 15 business days for processing the application. This permit covers both the commercial and noncommercial propagation of native reptiles. Keeping records and issuing numbered bills of sale (or numbered receipts) are required for the transfer of both commercial and noncommercial species and subspecies of native reptiles under this permit. Only those species and subspecies of native reptiles listed in CCR, Title 14, Section 43(c)(1), may be commercially propagated and sold for use as pets. No more than three species and no more than 30 individuals in the aggregate including progeny may be noncommercially propagated for use as pets pursuant to CCR, Title 14, Section 43(b).

Incomplete applications will be returned and could delay the issuance of your permit. Contact the License and Revenue Branch at (916) 928-5846 or SPU@wildlife.ca.gov if you need additional information regarding Native Reptile Captive Propagation Permits (NRCPP).

1. It is mandatory to complete all sections of the application. Type or print clearly.
2. If renewing your permit, you must submit the completed records by December 31 or a signed statement that no species and/or subspecies of native reptiles were purchased, received, sold, delivered, taken or possessed, during the previous year. (CCR, Title 14, Section 43(i))

IMPORTANT: FINAL RECORDS ARE REQUIRED BY DECEMBER 31st, EVEN IF YOU DO NOT RENEW THE PERMIT.

3. Make your check/money order* payable to California Department of Fish and Wildlife. If you're paying by debit/credit card**, fill out and sign the Credit Card Authorization form (DFW1443b). DO NOT SEND CASH ***
4. Submit a copy of your valid photo identification. (For new applicants only)
5. Mail this application, documentation, and payment to:

California Department of Fish and Wildlife
Attn: License and Revenue Branch
P.O. Box 944209
Sacramento, CA 94244-2090

IDENTIFICATION AND BUSINESS DOCUMENTATION REQUIREMENTS

CCR, Title 14, Section 700.4(c) states that any applicant applying for any license, tag, permit, reservation or other entitlement issued via the Automated License Data System (ALDS) shall provide valid identification. Acceptable forms of identification include:

- Any license document or Get Outdoors (GO ID) number previously issued via the Automated License Data System (ALDS)
- A valid driver's license or identification card issued by the Department of Motor Vehicles or by the entity issuing driver's licenses from the licensee's state of domicile
- US Military Identification Cards (Active or reserve duty, dependent, retired member, discharged from service, medical/religious personnel)
- Birth Certificate or passport issued from a US Territory.
- US Passport
- US Birth Certificate
- US Certificate or Report of Birth Abroad.
- Certificate of Naturalization or Citizenship.
- Tribal Identification Card, as defined by each sovereign tribal nation.
- A foreign government-issued photo identification.

All business applicants must provide documentation identifying the business' structure type. Acceptable forms of documentation include:

- Articles of Incorporation
- Statement of Partnership Authority
- Registration as a Limited Liability Partnership; or
- Certificate of Limited Partnership
- Statement of Partnership Authority
- Statement of Sole Proprietorship

If a business' identification names individual(s), each individual must provide a valid individual identification and provide their date of birth, gender, hair and eye color, height and weight.

NOTICE

Disclosure Statement - Under CCR, Title 14, Section 43(a)(2), the CDFW is authorized to collect information from applicants to maintain a record of licensure. All information requested on this application is mandatory unless otherwise indicated. An applicant's name and city of residence may be provided to the public if requested. Other personal information submitted on this application may be released for law enforcement purposes, pursuant to court order, or for official natural resources management purposes.

A licensee may obtain a copy of his/her license records maintained by the CDFW by submitting a written request to the Custodian of Records, California Department of Fish and Wildlife, Attn: License and Revenue Branch, P.O. BOX 944209, Sacramento, CA 94244-2090. All requests must include the requester's name, address, and telephone number.

PAYMENT POLICY

* **Personal or business checks** will be accepted by the CDFW if name and address are imprinted on the check. Checks returned to the CDFW due to insufficient funds will render your permit invalid. The CDFW may also deny the issuance or renewal of any permit if a person has failed to reimburse the CDFW for the amount due plus an additional fee of \$30 (FGC Section 7852.25). Any native reptile captive propagation activity performed without a valid permit is a violation of the Fish and Game Code and therefore subject to enforcement action.

** **Credit Cards**—Licenses, permits, tags, stamps, or registrations may be purchased with debit or credit cards displaying the Visa or Mastercard logo.

*** **Cash** is not accepted at any CDFW offices.



State of California – Department of Fish and Wildlife
NATIVE REPTILE CAPTIVE PROPAGATION PERMIT DISTRIBUTION RECORD
DFW 391c

Draft Document

See instructions.

California Code of Regulations, Title 14, Section 43(i): Annual Report Requirement. All required records shall be legible and in the English language and maintained within the State of California. A copy of the annual records required in subsection 43(h) shall be submitted to the department by December 31 of each year by mail to the California Department of Fish and Wildlife, Attn: License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-0002 or via electronically at www.licenses.wildlife.ca.gov/internetsales/. No permit shall be renewed unless the records or a signed statement that no species and/or subspecies of native reptiles were purchased, received, sold, delivered, taken or possessed during the year is submitted.

- (1) No permit shall be renewed unless the permittee submits the annual records specified in subsection 43(h). Permittees that do not submit the annual report will have their exhibition privileges suspended until the permittee is in compliance.
 - (2) Each permittee shall submit an annual report 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(s) specified above shall be submitted within 30 days of the business closing.
- ☐ Check here if you have no records to report this year, you are still required to submit this report.
- ☐ Check here if you do not wish to renew and are no longer doing the activities which require renewal of the permit, you are still required to submit this final record.

TYPE OR PRINT CLEARLY.

PERMITTEE FIRST NAME	M.I.	LAST NAME	PERMIT NUMBER	REPORT YEAR (h)
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THIS RECORD OF NATIVE REPTILES SOLD BY OR DELIVERED BY THE PERMITTEE MUST BE CURRENT AT ALL TIMES

Attach additional pages if needed.

SCIENTIFIC NAME (h)(1) (Include subspecies)	NUMBER SOLD OR RECEIVED (h)(1)	SELLER NAME (h)(2) OR PURCHASER (h)(3) CAUSE OF DEATH (h)(8)	DATE (h)(4)	PRICE RECEIVED (h)(5)	NUMBER OF EGGS OR BIRTHS (h)(6)(7)	BILL OF SALE OR RECEIPT (f)(2)(3)

I certify that all information on this report is true and correct to the best of my knowledge.

PERMITTEE SIGNATURE	DATE
X	



NATIVE REPTILE CAPTIVE PROPAGATION PERMIT DISTRIBUTION RECORD

DFW 391c

Instructions: In accordance with Section 43(h) Every permittee shall keep accurate accounting records for three years in which all of the following shall be recorded for native reptiles sold or delivered:

Column Requirements:

1. 43(h)(1) Scientific name of native reptiles sold or delivered.
2. 43(h)(1) The number of native reptiles sold or delivered.
3. 43(h)(3) The person to whom the native reptiles were sold or delivered. Write "M" for mortality and state the cause of death.
4. 43(h)(4) Date sold or delivered.
5. 43(h)(5) The price received for the native reptiles sold or delivered. [Write "N/A" for no fee gifts, trades, breeding loans, etc.].
6. 43(h)(6)(7) Number of eggs or births
7. 43(f)(2)(3) "Bill of Sale or Purchase. All animals sold pursuant to this section must be accompanied by a numbered bill of sale which shall contain the name and permit number of the permittee, the complete scientific name of each native reptile sold and the name and address of the buyer. A copy of the bill of sale shall be retained by the buyer."
7. 43(i) Sign and date the record. Submit by December 31 of each year.

Mail the record to the California Department of Fish and Wildlife, Attn: License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090 or log in and upload the record at www.wildlife.ca.gov/Licensing/Online-Sales. Incomplete reports are returned and could delay the issuance of your permit. Contact the License and Revenue Branch at (916) 928-5846 or SPU@wildlife.ca.gov, if you need additional information regarding the Native Reptile Captive Propagation Records.

COMMERCIAL USE AND POSSESSION OF NATIVE RATTLESNAKES FOR EXHIBITION PERMIT APPLICATION

SEE INSTRUCTIONS ON PAGE 2.

PERMIT NUMBER _____

DATE ISSUED _____

EXPIRATION DATE _____

TOTAL FEES \$ _____

UNLESS OTHERWISE SPECIFIED, ALL REFERENCES TO SECTIONS (§) IN THIS DOCUMENT ARE TO TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS (CCR).

SECTION 1 - ALL APPLICANTS §42.1(d)

CHECK ONE:

☐

NEW

☐

RENEWAL

☐

AMENDMENT

First Name §42.1(d)(1)		M.I.	Last Name		Go ID Number (*if available)	
Date Of Birth	Gender	Eye Color	Hair Color	Height	Weight	
Mailing Address			City		State	Zip Code
Identification Provided §700.4(c)		Telephone		Email Address		

SECTION 2 – BUSINESS INFORMATION

Business name (If Applicable) §42.1(d)(2)(A)		Telephone		Email Address		
Physical Facility Address 42.1(d)(2)(B)		City		State	Zip Code	
HANDLER #1 42.1(d)(2)(C) (First and Last Name)		Identification §700.4(c)		Telephone		Email
Mailing Address		City		State	Zip Code	
Date Of Birth	Gender	Eye Color	Hair Color	Height	Weight	
HANDLER #2 (First and Last Name)		Identification Provided §700.4(c)		Telephone		Email
Mailing Address		City		State	Zip Code	
Date Of Birth	Gender	Eye Color	Hair Color	Height	Weight	

SECTION 3- A statement of purpose describing the planned uses and exhibition for the native rattlesnakes. §42.1(d)(3).**SECTION 4 – NATIVE RATTLESNAKE SPECIES IN POSSESSION §42.1(d)(4)**

Common Name	Scientific Name	Number in Possession
Western diamond-backed	<i>Crotalus atrox</i>	
Mohave	<i>Crotalus scutulatus</i>	
Western	<i>Crotalus oreganus</i>	
Southwestern Speckled	<i>Crotalus pyrrhus</i>	
Sidewinder	<i>Crotalus cerastes</i>	
Panamint	<i>Crotalus stephensi</i>	
TOTAL IN POSSESSION CANNOT EXCEED 30 §42.1(h)(3).		Total

SECTION 5 – ATTACH: ☐ **EMERGENCY ACTION PLAN §42.1(d)(5)(A)** ☐ **VETERINARY CARE §42.1(d)(5)(B)**

SECTION 6 – CERTIFICATION §42.1(d)(6) I certify under penalty of perjury that the information I have provided in this application and all supporting materials is true and correct. I certify that there are no criminal, civil, or administrative proceedings pending that would disqualify me from obtaining this permit. I understand that if I submit any false statement to the Department, my permit may be suspended or revoked or my application denied, and I may be subject to prosecution pursuant to FGC Section 1054 or other applicable statutes or regulations. With accordance to California Civil Code §1633.5(b), I acknowledge that by providing my electronic signature for this form, I agree that my electronic signature is legal binding equivalent to a handwriting signature. I hereby confirm that my electronic signature represents my execution or authentication of this form, and my intent to be bound by it.

Signature X	Date
-------------	------

FOR DEPARTMENT OF FISH AND WILDLIFE USE ONLY

Received By/Date	Transaction #	Issued Date	Total Fees
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INSTRUCTIONS FOR COMPLETING THE COMMERCIAL USE AND POSSESSION OF NATIVE RATTLESNAKES FOR EXHIBITION PERMIT APPLICATION

For a complete understanding of all definitions, requirements and conditions of the application and permit, please refer to Section 42.1, Title 14, CCR.

Exhibition Permit Application. Any natural person may apply for a new, renewal, or amendment, and shall submit the completed application form DFW 1070 Commercial Use and Possession of Native Rattlesnakes For Exhibition Permit Application with the required fees as specified in §42.1(g) and §703(a)(2)(C).

It is mandatory to complete all application sections and submit all required attachments. Incomplete applications will be returned and could delay the issuance of your permit. Contact the License and Revenue Branch at (916) 928-5846 or SPU@wildlife.ca.gov if you need more information.

SECTION 1 - Applicant Personal Information §42.1(d)(1). (A new GO ID number, if needed, will be issued upon receipt of this application and fee.)

SECTION 2 - Business Information and list of two Handlers information §42.1(a)(5) and (d)(2).

SECTION 3 - A statement of purpose describing the planned uses and exhibition of the native rattlesnakes §42.1(a)(1)-(3) and (d)(3).

SECTION 4 - List and number of each species of native rattlesnakes in possession §42.1(a)(6) and (d)(4).

Total in possession cannot exceed 30 §42.1(h)(3).

SECTION 5 - Attach the Written Emergency Action and Veterinary Care Plans 42.1(d)(5)(A)-(B).

SECTION 6 - Sign and date the Certification §42.1(d)(6).

ATTACHMENTS must accompany the application or it will not be processed.

- Proof that you and handlers involved in handling rattlesnakes are at least 18 years of age. §42.1(a)(5).
- A copy of your Emergency Action and Veterinary Care Plan for each facility §42.1(d)(5)(A)-(B).
- If renewing your permit, you must also submit the Exhibition Permit Record (DFW 1070A). §42.1(j).

Fees: Commercial Use and Possession of Native Rattlesnakes For Exhibition Permit §42.1(g) and §703(a)(2)(C). Fees are updated annually and are subject to change in accordance with Fish and Game Code 713

Application Fee (nonrefundable)	
Inspection Fee (refundable for residents)	
Permit Fee (refundable for residents)	
Renewal Fee (nonrefundable)	
Renewal Late Fee (nonrefundable) postmarked after the expiration date but not later than 45 days must add the Late Fee.	

Permit Required. Except as otherwise provided in these regulations, it shall be unlawful for a person without a valid Commercial Use and Possession of Native Rattlesnakes For Exhibition Permit issued by the department to possess, exchange, import, export, purchase, sell, propagate, or transport native rattlesnakes for commercial purposes. §42.1(b)

Duration of Permit. Permits issued under this section shall be valid from for a period of 3 calendar years from date of issuance. Permits are nontransferable. §42.1(c)

Inspections Facilities in California shall pass an initial inspection to ensure the requirements of this section are met before the department will issue a permit. §42.1(i)(1)(A).

Nonresident Permit Holders. Upon entry to California, the department may, depending on capacity, conduct an inspection on any vehicle, parcel, enclosure or container and the location which are being used by the nonresident permittee for the exhibiting of native rattlesnakes under this permit. §42.1(i)(1)(B)

Record Requirement. Every permittee shall keep accurate annual accounting records on form DFW 1070A Commercial Use and Possession of Native Rattlesnakes For Exhibition Record. §42.1(m). Copies of the Record form DFW 1070A shall be submitted to the Department with the required renewal application. No permit shall be renewed unless the completed Records are submitted.

Automated License Data System Fee. (ALDS) §699.5(e)

All licenses, tags, permits, reservations or other entitlements purchased via ALDS shall be subject to a three percent nonrefundable application fee, not to exceed seven dollars and fifty cents (\$7.50) per item, to pay the Department's costs for issuing the license, tag, permit, reservation or other entitlement.

Mail this application, the Commercial Native Rattlesnake Permit Record, a copy of your valid photo identification (new applicants only), and all required documentation listed above with a cashier's check, money order, personal or business check* or credit card** authorization form for the appropriate fee to the California Department of Fish and Wildlife, Attn: License and Revenue Branch, PO Box 944209, Sacramento, CA 94244-2090. ***DO NOT SEND CASH ***

IDENTIFICATION REQUIREMENTS

Section 700.4(c), Title 14, of the CCR states any applicant applying for any license, tag, permit, reservation or other entitlement issued via the Automated License Data System (ALDS) shall provide valid identification. Acceptable forms of individual identification include:

- Any license document or Get Outdoors identification number (GO ID) previously issued via ALDS
- A valid driver's license or identification card issued to him or her by the Department of Motor Vehicles or by the entity issuing driver's licenses from the licensee's state of domicile
- Us Military Identification Cards (Active or reserve duty, dependent, retired member, discharged from service, medical/religious personnel)
- US Birth Certificate
- Tribal Identification Card, as defined by each sovereign tribal nation
- US Passport
- A foreign government-issued photo identification
- Certificate of Naturalization or Citizenship
- Birth Certificate or passport issued from a US Territory
- US Certificate or Report of Birth Abroad

NOTICE

Disclosure Statement — Under Fish and Game Code Sections 2535–2546 and Section 745, Title 14, of the CCR, the Department of Fish and Wildlife is authorized to collect information from applicants to maintain a record of licensure. All information requested on this application is mandatory unless otherwise indicated. An applicant's name and city of residence may be provided to the public if requested. Other personal information submitted on this application may be released for law enforcement purposes, pursuant to court order, or for official natural resources management purposes. A licensee may obtain a copy of his/her license records maintained by the Department by submitting a written request to the Custodian of Records, Department of Fish and Wildlife, License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090. All requests must include the requestor's name, address, and telephone number.

PAYMENT POLICY

***Personal or business checks** will be accepted by the Department if name and address are imprinted on the check. Checks returned to the Department due to insufficient funds will render your registration invalid. The Department may also deny the issuance or renewal of any registration if a person has failed to reimburse the Department for the amount due. Any activity performed without a valid registration is a violation of the Fish and Game Code and therefore subject to enforcement action.

****Credit Cards** – Licenses, permits, tags, stamps, or registrations may be purchased with a Visa or MasterCard.

*****Cash** is not accepted at California Department of Fish and Wildlife sales offices.



State of California – Department of Fish and Wildlife

**Commercial Use and Possession of Native Rattlesnakes
For Exhibition Record**

SAVE

PRINT

CLEAR

DFW 1070A [Please refer to the regulations as set forth in Section 42.1, Title 14, California Code of Regulations](#)

TYPE OR PRINT CLEARLY.

FIRST NAME	M.I.	LAST NAME	GO ID NUMBER	PERMIT NUMBER	RECORD YEAR
------------	------	-----------	--------------	---------------	-------------

THIS RECORD MUST BE CURRENT AT ALL TIMES

SCIENTIFIC NAME <i>(Include subspecies)</i>	NUMBER PURCHASED	NUMBER PROPAGATED	NUMBER TRANSFERRED	NUMBER EXCHANGED	NUMBER DIED	TOTAL POSSESSED	RECEIVED FROM OR TRANSFERRED TO:

- ☐ I am no longer doing the activities which require renewal of the permit and am submitting my final report.
- ☐ I have no activity to report and am submitting a “zero” record.
- Instructions: Provide the permittee’s first name, middle initial, last name, GO ID number, permit number, and record year.
 - Incomplete reports are returned and could delay the issuance of your permit. No permit shall be renewed unless the permittee submits the annual records. Permittees that do not submit the annual records will have their exhibition privileges suspended until the permittee is in compliance.
 - Each annual record shall be maintained for three consecutive years from the most recent issuance or renewal of the permit. All required records shall be legible and in the English language and maintained within the State of California.
 - A copy of the three annual records shall be submitted to the department with the application for renewal as set forth in 42.1(e).
 - Enter the date, scientific name and number of native rattlesnakes that were purchased, propagated, transferred, exchanged, died, total possessed. If you have “zero” to record, or if you are no longer doing the activities, you are still required to submit the records by the expiration date of your permit.
 - Enter the person’s name or organization or the Exhibition Permit number for the permitted acquisition source. For rattlesnakes that were distributed by the permittee, the recipient’s name or organization or Exhibition Permit number to whom each native rattlesnake was transferred or exchanged.
 - Sign and date the record and send the reports with your renewal application by mail to License and Revenue Branch, P.O. Box 944209, Sacramento, CA 94244-2090.

I certify that all information on this report is true and correct to the best of my knowledge.

SIGNATURE	DATE
X	

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME California Fish and Game Commission	CONTACT PERSON Gabe Lopez	EMAIL ADDRESS fgc@fgc.ca.gov	TELEPHONE NUMBER 916-737-4862
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Add Sec 42.1; Amend Sec 43, 703, T14, CCR re: Commercial Use and Possession of Native Rattlesnakes			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS Include calculations and assumptions in the rulemaking record.

1. Check the appropriate box(es) below to indicate whether this regulation:
- ☒ a. Impacts business and/or employees
- ☒ b. Impacts small businesses
- ☐ c. Impacts jobs or occupations
- ☐ d. Impacts California competitiveness
- ☐ e. Imposes reporting requirements
- ☐ f. Imposes prescriptive instead of performance
- ☒ g. Impacts individuals
- ☐ h. None of the above (Explain below):

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The California Fish and Game Commission estimates that the economic impact of this regulation (which includes the fiscal impact) is:
- (Agency/Department)
- ☒ Below \$10 million
- ☐ Between \$10 and \$25 million
- ☐ Between \$25 and \$50 million
- ☐ Over \$50 million [If the economic impact is over \$50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]

3. Enter the total number of businesses impacted: < 100

Describe the types of businesses (Include nonprofits): Film, dog aversion training, and safe handling instructors.

Enter the number or percentage of total businesses impacted that are small businesses: 100%

4. Enter the number of businesses that will be created: <100 eliminated: 0

Explain: The proposed regulations permit a formerly illegal activity, and thus expands economic opportunity.

5. Indicate the geographic extent of impacts: ☒ Statewide
- ☐ Local or regional (List areas):

6. Enter the number of jobs created: ~100-200 and eliminated: 0

Describe the types of jobs or occupations impacted: The proposed regulations legalizes commercial rattlesnake breeding and handling, such as for canine training purposes, allowing for increased economic opportunity that can create jobs in this sector.

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☒ NO

If YES, explain briefly:

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)**B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

- What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 149,051.40
 - Initial costs for a small business: \$ 897.90 Annual ongoing costs: \$ 897.90 Years: 3
 - Initial costs for a typical business: \$ 897.90 Annual ongoing costs: \$ 897.90 Years: 3
 - Initial costs for an individual: \$ 897.90 Annual ongoing costs: \$ 897.90 Years: 3
 - Describe other economic costs that may occur: No other indirect costs are anticipated, as these regulations open the door for commercial rattlesnake handling for exhibition purposes to occur legally. Additionally, the annual ongoing cost is just the cost for applying, permits last for three years before renewal.
- If multiple industries are impacted, enter the share of total costs for each industry: 80% for dog aversion training instructors, 20% for film and other industries including safe handling courses (training how to safely relocate snakes). Can't parse out the 20% beyond that due to handling currently being illegal.
- If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ 7.44-9 per app
- Will this regulation directly impact housing costs? ☐ YES ☒ NO
If YES, enter the annual dollar cost per housing unit: \$ _____
Number of units: _____
- Are there comparable Federal regulations? ☐ YES ☒ NO

Explain the need for State regulation given the existence or absence of Federal regulations: Rattlesnakes are not federally listed species and thus there are no comparative regulations for commercial use.

Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ 0

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

- Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: Allowing legal safe-handling training and dog aversion training will result in safety benefits to both animals and humans, especially those who encounter rattlesnakes as part of their occupation, and may reduce the instances of bites, which are estimated to cost \$3,000 per bite for veterinary pet treatment, and \$10,000 - \$100,000 for human treatment, see addendum.
- Are the benefits the result of: ☐ specific statutory requirements, or ☒ goals developed by the agency based on broad statutory authority?
Explain: Establish lawful mechanism to permit possession and propagation of native rattlesnakes for commercial exhibition.
- What are the total statewide benefits from this regulation over its lifetime? \$ 3k-200k /prevented bite
- Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: Currently there are no businesses in this sector due to the lack of legal permitting. This would lead to the creation of businesses in the exhibition field, including but not limited to dog aversion training, film industry, and safe handling courses.

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

- List alternatives considered and describe them below. If no alternatives were considered, explain why not: No alternatives to the proposed regulations were considered. Without the proposed changes the outstanding issues concerning the illegality of possession and commercial use will remain and pose a threat to a useful tool in animal care.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ 3k-200k per bite Cost: \$ 144,710.50Alternative 1: Benefit: \$ 0 Cost: \$ 0Alternative 2: Benefit: \$ 0 Cost: \$ 0

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives:

It is difficult to quantify the number of snake bites that would be prevented as a result of the proposed regulations, as the Dept. does not have any survey data or other data to corroborate. Benefit is represented as the prevention of paying the cost to treat a bite.

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?

☐ YES☒ NOExplain: Performance standards were not considered as they are not relevant to the regulation of commercial use of rattlesnakes.**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.****California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.***1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? ☐ YES ☐ NO***If YES, complete E2. and E3******If NO, skip to E4***

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES☒ NO*If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: There may be a potential for increased investment in the state, as the proposed regulations expand economic opportunity by legalizing a formerly illegal activity.The incentive for innovation in products, materials or processes: There may be incentive for innovation in products, materials, or processes as a result of legalizing the commercial use of native rattlesnakes, as it opens new avenues for research and the development of new handling practices.The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: Legalizing the commercial use and handling of rattlesnakes may improve health, safety, and worker safety outcomes for CA residents by regulating snake handling and increasing opportunities for safe snake training.

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

☐ a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

☐ b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in _____

☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

☐ 3. Annual Savings. (approximate)

\$ _____

☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

☐ 6. Other. Explain _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT (CONTINUED)**B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the _____ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☐ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☒ 4. Other. Explain The Department anticipates additional revenue from the sale of approximately 100 permits in the first year (\$87,175) and approximately 33 permits in subsequent years due to the 3-year renewal process (\$28,767.75 annually). See addendum.**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE

DATE

*The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

AGENCY SECRETARY

DATE

*Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.*

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER

DATE



STD. 399 Addendum

Add Section 42.1 and Amend Sections 43 and 703 Title 14, California Code of Regulations Re: Commercial Use and Possession of Native Rattlesnakes for Exhibition

Background

The purpose of this regulatory action is to provide a means for legal commercial use of California native rattlesnakes for various beneficial needs. Current regulations, including Section 42, only authorize commercial use of rattlesnakes for biomedical and therapeutic purposes and do not cover other commercial exhibition activities such as, but not limited to, dog aversion training, film industry, and safe handling courses, which are referred to herein as “exhibition.”. Section 671 (Importation, Transportation, and Possession of Live Restricted Animals) authorizes commercial exhibition of non-native species designated as restricted; however, it does not apply to California native reptiles, as none are listed as restricted species. Existing regulations that do allow certain commercial uses of native reptiles, which may include rattlesnakes (sections 42, 43, and 651) do not cover the types of commercial exhibition activities addressed in these proposed regulations. Because there is no existing regulation that provides authority for these additional uses, a new section is needed.

Proposed Section 42.1 to Title 14, California Code of Regulations (CCR), creates a permitting pathway for possession and exhibition of native rattlesnakes and outlines specific requirements for permit applications, housing standards, reporting, recordkeeping, and acquisition of snakes.

In addition to adding Section 42.1, Section 43, Captive Propagation and Commercialization of Native Reptiles, is amended to update regulatory language, permit application procedures, and make minor technical corrections.

Section 703, Applications and Fees, is also amended to include application, inspection, and permit fees associated with the costs of commercial use authorizations.

Economic Impact Statement

Section A. Estimated Private Sector Cost Impacts

Question 1. Answer: a. Impacts business and/ or employees, b. Impacts small businesses, g. Impacts individuals

The Department anticipates that the proposed regulations to legalize the commercial handling of rattlesnakes for exhibition purposes, such as dog aversion training, film industry, and safe handling courses will impact the businesses, small businesses, and individuals who wish to commercially handle these reptiles under those settings. As this activity is currently banned, it is expected that the expansion of economic opportunity will attract new entrants into the market, and the Commission anticipates approximately 30 new businesses

Question 4. Number of businesses that will be created or eliminated.

The legalization of commercial rattlesnake exhibition is anticipated to create approximately 30 new businesses, though it is difficult to fully estimate the number of businesses created, as there is no lawful permitted activity in this business sector at this time.

Question 6. Number of jobs created and eliminated

The proposed regulations may create increased economic opportunity by way of job creation, as the demand for some exhibition services would now be met with the lawful permitting of such an activity.

Section B. Estimated Costs

Question 1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime?

\$144,710.50 for the first three years.

While there are approximately 30 businesses that may be created as a result of these regulations to legalize the commercial handling of native rattlesnakes for exhibition purposes, it is expected that multiple permits could be issued to each business to certify their rattlesnake handlers. As such, the Department estimates that it will need to provide approximately 100 permits, which is used to calculate the cost recovery for the fee in Table 1 in the Fiscal Impact Statement below. The proposed fees include \$456 for the inspection fee, \$312 for the application fee, and \$144 for the permit fee, which are all collected at once for a total cost of \$871.75, with a final cost of \$897.90 to the purchaser after the 3% surcharge charged by the Automated License Data System (ALDS, pursuant to Section 700.4 of Title 14, CCR) at the point of purchase is applied (initial costs for small business, typical business, and/or individual). Under the proposed regulations, the permit fee is refunded to the applicant should their application fail (i.e., be denied). With the assumption that 100 permits will be issued the first year and a third of that (approximately 33) each year after due to the three-year lifespan of the permit before renewal, the Department estimates that \$89,790 will be collected in the first year and approximately \$29,630.70 collected in subsequent years (for the first three years the costs are $\$89,790 + \$29,630.70 + \$29,630.70 = \$149,051.40$).

Question 3. If the regulation imposes reporting requirements,

Under the proposed action records must be maintained for three consecutive years so that they may be transmitted to the Department with the renewal application. Department and Commission staff estimate that it will take approximately five minutes for in-state applicants to complete the required annual reporting requirements, and approximately five to ten minutes for out-of-state applicants. The U.S. Bureau of Labor Statistics estimates that the median hourly wage for an Animal Breeder in California in 2026 is \$29.71/hour, so the estimated cost for five to ten minutes of time per year is approximately \$2.48 to \$2.97, for a total of \$7.44 to \$8.91 for each renewal after the three-year period.

Section C. Estimated Benefits

Question 1. Briefly summarize the benefits of the regulation.

There is a need to establish a legal framework to permit the commercial exhibition of California native rattlesnakes. This authority does not exist under any other regulations but is needed to address other forms of beneficial commercial (financial gain or profit) exhibition such as dog aversion training, film industry, and safe handling courses.

Allowing safe-handling training and dog aversion training to legally occur will result in safety benefits to the health and safety of humans, especially people encountering rattlesnakes during their work, and dogs. Legalizing these trainings is anticipated to reduce snakebite and the costs to California residents associated with them, which are estimated by Department staff to be approximately \$3,000 per exposure for pet treatment, with the high end of expenses nearing \$8,000 per exposure. The true cost of preventing a snakebite in humans is more variable due to the discrepancies in the medical system with insurance but generally range from \$10,000 to \$200,000 for out-of-pocket expenses for everything from antivenom to Intensive Care Unit stays at the hospital. ¹

Question 3. What are the total statewide benefits from this regulation over its lifetime?

Unknown. As mentioned above, legalizing these trainings is anticipated to reduce snakebite and the costs to California residents associated with them, which are estimated by Department staff to be approximately \$3,000 per exposure for pet treatment, with the high end of expenses nearing \$8,000 per exposure, and \$10,000 to \$200,000 per human exposure. However, it is difficult to quantify the monetary value of the benefits beyond that as the Department does not possess any survey data or other studies that estimate the effect of increased training on reducing the number of snake bites.

It is worth noting that in the first months of 2026 dozens of California residents have already suffered rattlesnake bites, and three fatalities have occurred. Reliable data for pets are not available, but numbers are likely proportionate. Establishing a legal framework that supports entrepreneurship and promotes the dissemination of accurate safety information to the public is therefore essential.

Section D. Alternatives to the Regulation

Question 1. List all alternatives considered and describe them below. If no alternatives were considered, explain why not:

No alternatives were presented to the Commission for consideration. The proposed addition of Section 42.1 and the amendments to Section 43 and Section 703 provide a legal mechanism for entities to engage in activities with native rattlesnakes that promote safe handling and safe interactions to promote coexistence as opposed to killing them. Without the proposed changes, the outstanding issues concerning illegality of possession and commercial use will remain and

¹ [The Hidden Price Tag of a Rattlesnake Bite: Why Prevention is Priceless | So-Cal Rattlesnake Removal](#)

pose a threat to a useful tool in animal care, and without the proposed fees the Department would not be able to recover the costs of the permit.

Fiscal Impact Statement

Section B. Fiscal Effect on State Government

Answer: 4. Other. Explain:

The Department anticipates that the proposed permit for the commercial exhibition of California native rattlesnakes may yield approximately 100 permittees, which is incorporated into its cost recovery calculations for the proposed fees, as seen in Tables 1 through 4.

Cost Recovery Calculations for Proposed Fee

Table 1: Startup Costs

Cost Description	Hours	Rate	Total
<i>ALDS IT support: Item setup/ configuration /reporting</i>			
Information Technology Specialist I	8	\$78.65	\$629.19
Senior ES Specialist	8	\$96.70	\$773.57
Total Startup Costs			\$1,402.76
Amortized over 3 years:			\$467.59
Amortized Startup Costs per Item			\$4.68

Table 2: Ongoing Annual Program Costs

Cost Description	Task/Staff Person	Hours	Rate	Total
ALDS IT support: Item Review	Information Technology Specialist I	1	\$78.65	\$78.65
	Information Technology Associate	0	\$48.00	\$0
	Program Staff Item review (Senior ES Specialist)	100	\$96.70	\$9,669.64
Inspection fee cost components	LED review (F&G Warden)	100	\$86.11	\$8,610.65
	Law Enforcement Costs (Inspections)(Fish and Game Warden over time)	200	\$129.16	\$25,831.96
Program specific costs	Application Printing	3	\$76.88	\$230.64
	Communications, Outreach & Training (Analyst II class equivalent)	8	\$68.00	\$543.99
Program Operations Staff time (planning, labor, project tracking, etc)	Program Technician II (LRB)	8	\$43.28	\$346.28
	Senior ES Specialist (Application denial review and correspondence)	5	\$96.70	\$483.48
	Program Operations Capital Outlay (vehicles, materials, etc)			\$0

Cost Description	Task/Staff Person	Hours	Rate	Total
	Fixed costs (Milage)	0	\$0.565	\$0
LRB Renewal, Denial, Revocation, and Suspension Review	Analyst II (Renewals)	9	\$68.00	\$611.99
	Analyst II (Denial, revocation, and suspension)	195	\$68.00	\$13,259.84
	Supervisor I (Denial, revocation, and suspension review)	2.5	\$80.28	\$200.70
	Supervisor II (Denial, revocation, and suspension)	1	\$88.13	\$88.13
	Manager II (Denial, revocation, and suspension)	0.5	\$97.91	\$48.96
Reconsideration Review	Analyst II	1.67	\$68.00	\$113.33
	Supervisor I	1	\$80.28	\$80.28
Total Annual Program Costs				\$60,198.53
Annual Program Costs per Item				\$601.99

Table 3: Application Processing Per Item Costs (if applicable)

Cost Description	Task/Staff Person	Hours	Rate	Total
Application processing time per item	Interpreter II, Environmental Scientist (ES), Staff ES, Senior ES, or Habitat Supervisor II	0	\$52.23	\$0
	Office Technician (Mail Processing)	0.083	\$42.44	\$3.52
	Senior ES Specialist	0.25	\$96.70	\$24.18
	AGPA/Analyst II	0	\$76.88	\$0
	Program Technician II	2	43.28	\$86.56
Application Processing Cost per Item Sold				\$114.26

Table 4: Item Fee Calculation

Cost Description	Percentage	Total
Amortized Startup Cost per Item Sold		\$4.68
Annual Program Cost per Item Sold		\$601.99
Application Processing Cost per Item Sold		\$114.26
Overhead for above costs	20.6%	\$149.09
ALDS System costs Per transaction		\$0.78
LRB Operations costs Per transaction		\$0.89
Item Fee Total		\$871.67
Item Fee Total (rounded to nearest \$0.25) per FGC Section 713		\$871.75
License Buyer Surcharge (ALDS)	3%	\$26.15
Total for Customer:		\$897.90

Costs provided by CDFW Budget Branch for 2026

The total cost of \$871.75 is divided into three fee components: \$456 for the inspection fee, \$312 for the application fee, and \$144 for the permit fee, with the total rising to \$897.90 after the 3% ALDS surcharge is applied. Under the proposed regulations, the permit fee is refunded to the applicant if their application is not approved. With the assumption that 100 permits will be issued the first year, and one-third of that amount (approximately 33 permits) is issued in each subsequent year due to the permit's three-year lifespan before renewal, of the permit before renewal, the Department estimates that \$87,175 will be collected in the first year and approximately \$28,767.75 collected in subsequent years. It should be noted that the figures collected by the Department do not include the 3% ALDS surcharge, as that does not go back to the program's cost recovery.



N. Smith

NATIVE RATTLESNAKE COMMERCIAL EXHIBITION PERMIT



PRESENTATION TO THE CALIFORNIA FISH AND GAME COMMISSION

August 13, 2026

AC Nathan Smith, Law Enforcement Division Special Operations Unit

Background/Presentation Overview

- Background
 - Commercial Venom Extraction 2017-2018
 - This topic not addressed at the time
 - Scale/Scope of known “enterprise” has increased
 - Human - wildlife conflict increased in rattlesnake habitat - safe handling
 - Injuries to pets, dog aversion training
 - Paid exhibition - film use
- Native Rattlesnakes ONLY: Non-native covered under restricted species regulations



D. Brookes



Current Regulations

- Authorities
 - Fish and Game Code sections 5061 and 702, among others
- Related regulations
 - Bag Limit established two (recreational) take per subspecies listed
 - Illegal propagation/possession of native reptiles for commercial purposes unless listed species, native rattlesnakes not listed



D. Brookes



Proposed Regulations

- Proposed Regulation to address permitting process for commercial use of rattlesnakes for which will include, but not be limited to:
 - Film Industry (exhibition)
 - Legal pathway
 - Safe Handling
 - Reduces lethal encounters
 - Improves opportunity for rehabilitation (injured)
 - Dog Aversion Training
 - Reduces lethal encounters for pets and snakes
 - Reduces injuries to dogs
 - Reduces human-wildlife conflict



N. Smith

What does this cover?



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- Commercial Use and Possession
 - Use of Native Rattlesnakes for Financial Gain
 - Exhibition, Display for Financial Gain

Who is eligible?



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- Resident Applicants
 - No violations of Fish and Game Code, CCR, Penal Code 597 or terms of the permit
 - Facilities that pass inspection(s)
 - Minimum 500 hours experience captive husbandry, 200 hour minimum working with captive rattlesnakes within 5 years of application
 - 18 years or older
- Non-Resident Applicants
 - Same as above
 - Advanced notice of entry to CA
 - Vehicle description and exhibition locations when entering
 - Subject to inspections

Sources and Conditions for Snakes



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- **No increased take of native rattlesnakes**
- Sources
 - Native Rattlesnakes shall not be acquired by sport
 - Permitted wildlife relocation service
 - Municipal animal control agency
 - Other exhibition permit holders (free of charge)
- Selected Conditions
 - Aggregate limit of 30 native rattlesnakes
 - Shall not be released into the wild

Humane Care – Recapture / Emergency Action Plan



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- Locked containers
- Length of enclosure 3" longer than snake to be housed
- Temporary confinement
 - Locked lid, ventilation, 48 hr max
- Clean substrate, hiding areas
- Regular observation
- No more than 2 snakes per enclosure except neonates
- Emergency action plan and emergency notification

While on Display



D. Brookes

- Hooks/Tongs present
- Public may not touch rattlesnakes
- Sufficient distance to ensure safety of public and snakes

Section 43 Amendments

- Clarify Native Propagation Permit language and content
- Clean up the application form
- Carve out language to allow for Section 42.1 propagation for commercial use permittee
- Add enclosure and humane care specifications



D Brookes

Intended Outcomes/Recommendations

Creates permitting mechanism for commercial exhibition of native rattlesnakes

- Reduce lethal encounters
- Reduction in human wildlife conflict with native rattlesnakes
- Establish legal pathway for existing activities
- Placement options for rehabbers
- Ensures no increased impact to native populations



N. Smith



Questions?



Nathan Smith - Assistant Chief, LED
David Kiene - Attorney IV, OGC

