

Staff Summary for October 13-16, 2026

7. Use of Native Rattlesnakes**Today's Item****Information** ☐**Action** ☒

Discuss proposed amendments, including considering authorizing staff to provide public notice of Department-requested, sufficiently-related changes to proposed amendments to regulations related to use and possession of native rattlesnakes.

Summary of Previous/Future Actions

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| • Wildlife Resources Committee vetting | September 11, 2025; WRC |
| • Wildlife Resources Committee vetting and recommendation | January 13, 2026; WRC |
| • Notice hearing | August 12-13, 2026 |
| • Today's discussion hearing | October 13-16, 2026 |
| • Adoption hearing | December 15-16, 2026 |

Background

Based on a Department recommendation, the Commission has proposed regulations establishing a permit for the commercial use of rattlesnakes for the purpose of exhibition. For additional background see Exhibit 1 (the staff summary and all accompanying exhibits are located at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=247086&inline>). At the Commission's August 12-13, 2026 meeting, the Commission authorized publication of notice of the proposed regulations; after the meeting, staff provided the notice and posted the rulemaking documents on the Commission's website.

During the notice hearing at the August meeting, several stakeholders shared concerns about the proposed regulations. After the meeting, staff met with Department staff to discuss and consider stakeholder feedback, resulting in draft changes to the proposed regulations.

Draft changes to the regulatory language include:

- The definition of "commercial purpose" is revised to exclude passive income from social media or sponsorships, clarifying that educational content that earns indirect revenue incidental to the activity is not considered commercial.
- The definition "veterinarian of record" has been added, as well as a permit application requirement to provide written verification of a veterinarian of record.
- Clarification is added allowing persons in legal possession and permitted organizations (including biological supply houses) to deliver rattlesnakes to a permittee in accordance with regulations.
- Propagation of rattlesnakes is allowed under an Exhibition Permit.
- Quarantine time is reduced from 1 year to 90 days.
- Minimum enclosure dimensions are updated.

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- The rule limiting time in a small enclosure now requires at least 12 hours of rest in a full-size enclosure.
- Only the permittee or designated handler may touch or handle rattlesnakes during exhibition. An exception is added for film production, allowing others to handle rattlesnakes under direct supervision of the permittee or handler.

Updated versions of the proposed regulatory language and initial statement of reasons (ISOR) highlight the draft changes to the proposed regulatory amendments (exhibits 2 and 3).

Commission Policy on Commercial Use of Native Reptiles

Staff has analyzed this proposal's consistency with the Commission's policy regarding the [Commercial Use of Native Reptiles](#); native rattlesnakes would fall under the purview of this policy. The policy highlights commercial use of reptiles because they are "often inadequately studied and understood with regard to population abundance, distribution, effects of habitat loss, and basic life history parameters." Notably, while there may not be detailed abundance data on the species at issue in this rulemaking, rattlesnakes are generally thought to have robust populations in California, and their ecological and life history factors are generally well-understood.

All of the types of information required under the policy are, for the most part, designed to ensure that the addition of new commercial species do not have negative effects on native populations. For this regulation, the Department and staff believe that the rules are crafted such that only wild rattlesnakes that would otherwise remain in captivity or be legally destroyed may be transferred to business owners under the exhibition permit. Therefore, the permit will have no significant adverse effects to wild rattlesnake populations. It is also important to recognize that the activity contemplated under this permit has been occurring for decades in California; so, while the activity is a new addition to regulation, it is not a hitherto novel practice – which seems to be the situation the policy attempts to address.

The policy also specifically references additions to Section 43, not taking into account the addition of Section 42 (Commercial Use and Possession of Native Rattlesnakes for Biomedical and Therapeutic Purposes) subsequent to the policy's adoption. Importantly, this rulemaking proposes to clarify that Section 43 refers to pets and pet shops only. No additional species or uses of native reptiles are being added to Section 43.

This rulemaking complies with Section 777.8 (b) through (d), and the rulemaking's associated information was reviewed by Department staff, as specified in the policy. Although herpetologists did not provide formal peer review prior to the notice, the herpetological community – in particular those interested in pursuing a rattlesnake exhibition permit – have provided extensive input and feedback. Those responses have been considered by staff and Department staff, resulting in a great number of changes that are being recommended today, primarily to improve flexibility and practicality of the permit and related provisions.

Today's Meeting

Today, Commission staff will provide an update on the draft changes to the proposed regulatory amendments. This meeting offers an opportunity for public discussion of the

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proposed regulations and the draft changes and for the Commission to consider authorizing a notice of changes to the proposed regulations.

Significant Public Comments

1. The operator of SnakeOutInc shares concerns that the proposed regulations have unclear rules around social media use, enclosure sizing, staff training, and conflicts with the Department's existing scientific collecting permit. They also point out the challenges in acquiring legally permitted native rattlesnakes, noting that current regulations prevent breeding and make obtaining suitable animals difficult, especially given medical and market limitations. Lastly, they request clearer, more practical standards for quarantine, veterinary care, and emergency action plans, aiming for a cooperative permit framework that works for agencies, educators, and hobbyists. (Exhibit 7)
2. Save the Snakes supports proposed regulations that establish formal safety and handling standards for commercial rattlesnake work. They emphasize that nuisance rattlesnake relocation remains an unregulated gap that poses ecological risks, including long-distance translocation and disease spread. They urge a permit framework or standardized guidelines for relocators — such as sanitation protocols and simplified reporting. (Exhibit 8)
3. People for the Ethical Treatment of Animals (PETA) urges the Commission to update the proposed regulations to require that all captive snakes have enough space to fully stretch their bodies. The organization states that current perimeter-based standards in the proposed regulations are scientifically unsupported, compromise snake welfare, and increase safety risks for handlers. (Exhibit 9)
4. An apprentice and private keeper of native rattlesnakes shares support for the proposed regulations but requests clearer, more practical standards for acquisition, enclosure sizing, quarantine, and handler requirements. They state that current rules may limit access to suitable animals, impose impractical enclosure and quarantine standards, and unnecessarily increase staffing burdens. (Exhibit 10)
5. The Commission received nearly 1200 emails urging stronger enclosure standards for native snakes, emphasizing that snakes must be able to fully stretch and, even in temporary confinement, turn around and reorient their bodies. Three sample emails are provided. (Exhibit 11)

Recommendation

Commission staff: Approve and authorize publication of notice of the changes to the proposed regulations as reflected in exhibits 2 and 3 and discussed today.

Department: Approve the changes to the proposed regulations as reflected in exhibits 2 and 3.

Exhibits

1. [Staff summary for Agenda Item 18](#), August 12-13, 2026 Commission meeting (*for background purposes only*)
2. [Amended ISOR](#), dated September 14, 2026

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3. [Amended proposed regulatory language](#)
4. [Department presentation](#)
5. [Letter from Jacob Moleri](#), SnakeOutInc, received August 13, 2026
6. [Email from Michael Starkey](#), Founder and Executive Director, Save the Snakes, received August 14, 2026
7. [Letter from Regina Lazarus](#), Senior Counsel, Regulatory Affairs, PETA, received September 29, 2026
8. [Letter from Brenden Elola](#), received September 29, 2026
9. [Emails from Mackenzie Campbell](#), Sophia Kim and Rebecca Wan, received September 29-30, 2026

Motion

Moved by _____ and seconded by _____ that the Commission authorizes staff to publish a 15-day notice of changes to the proposed regulations.

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(For background purposes only)

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

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| • 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.

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The regulation sets standards for care, housing, handling, and safety; limits possession; 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](#)

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(*For background purposes only*)

4. [Proposed Department forms](#)
5. [Draft economic and fiscal impact statement \(STD. 399\) and addendum](#)
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.

State of California
Fish and Game Commission

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

- I. Date of Initial Statement of Reasons: July 1, 2026
- II. Date of Amended Initial Statement of Reasons: September 14, 2026
- III. 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

IV. 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).

- This Amended Initial Statement of Reasons is amended to update, specify and clarify the proposed Regulatory Text of Section 42.1 and Section 43. The additions describing the purpose and reasons for the added text are double underlined, deletions describing the deleted text are double strikethrough.
- Throughout the regulatory text the word “animal” has been changed to “rattlesnake” where context and clarity were necessary. Minor changes to grammatical errors are not described here.

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.

The proposed language is amended to add the following: “As it pertains to this section, passive income derived from social media views, sponsorship or similar, is not a commercial purpose.”

This clarification is necessary to distinguish between income earned from direct services provided by a permittee and income generated passively through third-party platforms. Payments such as advertising revenue, sponsorships, or view-based monetization do not involve the permittee being hired or engaged by a client and therefore do not constitute commercial activity within the meaning of these regulations. By specifying that such earnings are considered “passive income,” the amendment ensures the regulations are applied consistently and prevents unintentional inclusion of social-media-based revenue streams that are fundamentally different from traditional commercial services.

- (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.
- (a)(7) "Veterinarian of record" is added to the text and defined as "A veterinarian, currently licensed in the permittee's state of residency, who agrees in writing to provide and direct veterinary treatment for venomous reptiles." This definition is necessary to ensure that any permittee possessing venomous reptiles has a written agreement with a veterinarian who is currently licensed in the permittee's state of residence. This written agreement confirms that a qualified veterinarian has agreed to provide and direct appropriate veterinary care for venomous reptiles maintained under the permit. Establishing this definition distinguishes that the permittee has professional veterinary support in place to address the specialized medical needs and safety concerns associated with venomous species.

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. Clarification is added specifying that “Each application shall be submitted with the required fees,” when multiple locations are involved each location is separate and pays the fees. 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. Clarification is added that only the portion of fees designated as “refundable” will be returned

- (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. In subpart 3, the reference to “subsection 671.1(c)” will be deleted since the euthanasia is repeated in (B). 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.
- A new provision is added: “This shall include verification of a veterinarian of record pursuant to this section.” This is in accordance with the new subsection (a)(7).
- (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. The reference to subsection (r) is in error and changed to (o).

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 a permitted~~ wildlife rehabilitation facility, or a municipal animal control agency. The amended text also includes “organizations or persons who lawfully acquired and possessed the rattlesnake”, and “biological supply house”. These changes increase the available resources for legal acquisition. 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. “Free of charge” has been deleted since this is covered in subpart (1). “Regulations” has been deleted in favor of “laws” to clarify that any law must be considered, not only state regulations.

(h)(1) Native rattlesnakes ~~acquired~~ may be transferred free of charge, 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) This subsection is deleted since this subject is fully covered in (h)(1) and there is no limitation on the transfer. 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)(2) Limits. Renumbered. A maximum of 30 native rattlesnakes, excluding neonates (baby), is allowed under an Exhibition Permit. The possession limit of 30 is increased to 50 native rattlesnakes. The larger number is indicative of actual projected needs for permittees considering the health, rotation (use of each) given skin molt or other health needs, and the possibility of neonates that can be in the quantity of 12-20 per birth. All requirements (e.g., food, enclosure, safety, health) are likewise increased as needed. A limit is required to ensure that the facility can maintain the health and safety of the public and animals.~~

(h)(3) Propagation. A new subsection is added clarifying that permittees are allowed to propagate their animals in accordance with other laws (e.g., possession limits).

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). Contact information is added to include the permittee's mobile number and email address.
- (i)(1)(B)2. Mandates that the permittee notify the Department of any changes in circumstances before entering the state. This is necessary to inform law enforcement in case of unforeseen circumstances during rattlesnake import such as changes in vehicles or road closures.
- (i)(1)(B)~~2~~3. 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)~~34~~. 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~~ older than 31 days, ~~that snake~~ shall be quarantined (i.e., completely separated) from other animals for at least ~~one year~~ 90 days. The shorter period of time has been demonstrated as sufficient for determining the animal's health. Reasonable care necessitates that these be kept separate from healthy ~~animals~~ rattlesnakes.
- (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.
- The dimensions of the enclosures have been adjusted to more accurately meet the needs of the rattlesnakes within. Based on current standards, for non-rectangular enclosures, the minimum perimeter shall be one and one

half (1 ½) times the total length of the longest snake. For rectangular enclosures the minimum length shall be 2/3 the length of the longest snake and the width at least 1/2 the length.

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.

For the health and wellbeing of the rattlesnake, this provision is amended so as to provide a period of time of rest for the rattlesnake confined to a small enclosure for not more than 48 hours, by placing the animal in a larger enclosure in accordance with (i)(4)(C)1 for not less than 12 hours.

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.

A clarifying provision is added specifying that only qualified "handlers" are allowed to touch the rattlesnakes while on exhibit outside of an enclosure. This is to ensure that activities possibly endangering the public, such as 'petting' 'holding,' are not allowed.

- (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. "Snake hooks or tongs shall be utilized to move animals during exhibition" assuring the continued health, safety and welfare of the animal and public. For snakes that remain in secured enclosures, the requirement for a second handler has been removed because the risk to human safety is considered reduced when a single handler to work with the snakes.
- (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." These provisions are necessary to protect the public.~~ "Snake hooks or tongs shall be immediately available" assuring the continued health, safety and welfare of the animal and public.
- (i)(7)(A) New subpart (A) [moved from (7)] "Persons who are not handlers are not permitted to touch any animals on exhibition." Untrained persons shall not be permitted to

touch, hold a rattlesnake and shall maintain a safe distance. These provisions are necessary to protect the public.

(i)(7)(B) An exception is added allowing, under the direct supervision by the permittee or designated handler provided that public safety is maintained, contact with the rattlesnake by persons involved in film exhibition. This addition clarifies that these activities (film and safe handling) may require direct contact with the animal, however safety must always be maintained. This is necessary to allow close contact activities to occur in limited circumstances, while maintaining public safety.

(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:

A provision is moved from (o)(1)(C) which clarifies that the Department may determine that other corrective actions such as a written warning would not cause the applicant to comply and therefore the application shall be denied. 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)(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) The effective date of this section is added to establish when the Department will begin evaluating new violations or failures to follow Fish and Game Code or related regulations as a basis for denying an application. This is necessary as prior to this regulation, there was no legal permitting process for the commercial exhibition of native rattlesnakes. As a result, applicants will not be penalized for certain past actions that occurred before the regulation took effect.

(o)(1)(C) Violations of federal law, Penal Code section 597, a term or condition of the permit, or ~~has been convicted~~ conviction of a crime of moral turpitude are reasons for denial of the application. 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) This provision is moved to (o)(1). 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 occurring after the effective date of this section is sufficient reason to revoke or suspend a permit. 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) Violations of federal law; or Penal Code section 597, a term or condition of the permit, or conviction of a crime of moral turpitude is sufficient reason to revoke or suspend a permit. 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)-(C)~~ (C) 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). The words “and possession” are added to clarify that pet owners may not only purchase but possess native reptiles as pets.

- (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. ~~Now Section 42.1 is added as an exception to the listed~~

~~prohibitions.~~ This is amended adding “use as pets” clarifying the limitations on commercial use.

(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 ~~orcutti~~ 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 subsubsection 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

Fee	Resident Fee	Nonresident Fee
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.

The following reference is deleted as it only identifies the names of the subject rattlesnakes which are already confirmed in regulation (Section 42, Title 14, CCR) and has no effect on the provisions.

~~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://cnaah.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.

V. 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.

VI. Mitigation Measures Required by Regulatory Action: None.

VII. 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

VIII. 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.

Amended Informative Digest / Policy Statement

Amendments to the proposed regulatory language are indicated by additions in double underline, and ~~deletions by double strikethrough~~.

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.

I. 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.

- Amend the definition of Commercial purpose in (a)(2) to exclude ‘passive income’ derived from social media or sponsorship; This addition is necessary to clarify that passive income does not constitute “commercial purpose” and supports those producing educational content about rattlesnakes without engaging in direct sales.
- Added a definition of ‘Veterinarian of Record. This addition is necessary as venomous reptiles require specialized care. The definition ensures that veterinary involvement is not informal or incidental but documented and intentional, with the veterinarian agreeing in writing to support the permittee.

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.

- Amend to add that the requirement includes verification of the Veterinarian of Record.

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.

- Amended to clarify that persons in legal possession, and organizations 'permitted' under the Department, including Biological Supply House, in accordance with regulations may deliver rattlesnakes to a permittee.
- Also amended to clarify that propagation of rattlesnakes, according to regulations, is allowed under the Exhibition Permit.

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.

- Amended reducing the quarantine time to 90 days (rather than one year) as adequate to determine health.
- The minimum dimensions of the enclosures have been amended to 2/3 the length of the rattlesnake, by 1/2.
- The provision limiting the time an animal may be kept in a small enclosure (48 hours) has been amended to provide a resting period of not less than 12 hours within a full size enclosure.
- Amended specifying that no person, other than the permittee or handler, may touch or handle rattlesnakes on exhibition.
- Amended to provide an exception to handling by persons involved in film, provided that contact is made under direct supervision by the permittee or handler.

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.

- Amended clarifying that an applicant not in compliance with regulations “would not likely cause the applicant to cure a failure” shall be denied.

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.

- Amended clarifying that a permittee violating “federal law” state code or regulations may be denied after the effective date of this section.

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).

II. 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.

III. 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.

Amended Proposed Regulatory Language

The proposed text is amended as follows: Added text is double underlined, ~~deleted text is double strikethrough~~.

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. 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. The use of native rattlesnakes for exhibition for financial gain or profit. As it pertains to this section, passive income derived from social media views, sponsorship or similar, is not a commercial purpose.
- (3) Exhibition. 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. 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. 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. 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*).
- (7) Veterinarian of record. A veterinarian, currently licensed in the permittee's state of residency, who agrees in writing to provide and direct veterinary treatment for venomous reptiles.

(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~~ Each application shall be submitted 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 refundable 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. This shall include verification of a veterinarian of record pursuant to this section.

(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 ~~(f)~~ (o).

(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~~ on 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, organizations or persons who otherwise lawfully acquired and possessed the rattlesnake, including but not limited to a permitted wildlife relocation service, a biological supply house, a licensed wildlife rehabilitation facility, permitted wildlife rehabilitator, a municipal animal control agency, or from other Exhibition Permit holders free of charge. The acquisition of the rattlesnake must comply with other ~~regulations~~ laws 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) (2) Limits.~~ No permittee shall possess more than ~~thirty (30)~~ fifty (50) 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.

~~(3) Propagation.~~ Permittees may propagate native rattlesnakes under this permit, but must comply with other laws as applicable.

(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 that includes the permittee's mobile telephone number and email address;
 - c. number and description of the snakes being transported into the state, including the age, sex, and species and total length of each 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. If any of the above circumstances or travel details are altered, the permittee shall notify the department of any changes as soon as possible and prior to making entry into the state by emailing permitting@wildlife.ca.gov.
23. 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.
34. 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, Any newly obtained rattlesnake, including neonates born older than 31 days, that (those) snake(s) shall be~~ Any newly obtained rattlesnake, including neonates born older than 31 days, shall be quarantined (i.e., completely separated in their own enclosure) from other ~~animals rattlesnakes~~ rattlesnakes for at least ~~one year~~ 90 days.
- (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. All measurements must apply to the longest rattlesnake held in the enclosure. For non-rectangular enclosures, the minimum dimension of the longest side perimeter of an enclosure containing native rattlesnakes shall be at least three inches (3") longer than any one and one half (1 ½) times the total length of the longest snake housed in the enclosure as measured on the inside of the top edge of the enclosure. For rectangular enclosures, the length must measure at

- least two-thirds (2/3) the total length of the longest snake, and the width at least one half (1/2) the total length of any snake.
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. This 48 hour timeframe restarts once a snake has been provided a minimum of 12 hours in a qualifying enclosure as described in subsection (i)(4).
 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~~ rattlesnake. 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~~ rattlesnakes 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~~ rattlesnake in good health.
- (E) Water. Potable water shall be checked and accessible to the ~~animals~~ rattlesnakes 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~~ rattlesnakes in a healthy condition.
- (G) Disinfection of enclosures. An enclosure shall be disinfected after ~~an animal~~ a rattlesnake with an infectious or transmissible disease is removed from it.
- (5) Observation. Each ~~animal~~ rattlesnake 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~~ rattlesnakes shall be provided with care consistent with standards and procedures used by veterinarians, or humanely euthanized.

(6) Handling. ~~Animals-Rattlesnakes~~ 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. Snake hooks or tongs shall be utilized to move animals during exhibition.[JB2][AC3]

(7) Exhibition. ~~Animals-Rattlesnakes~~ 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.~~

(A) Persons who are not handlers are not permitted to touch any rattlesnakes on exhibition.

(B) Subsection (A) notwithstanding, in the case of film exhibition and safe handling trainings, contact with rattlesnakes may be made by persons other than the handler under direct supervision of the handler, provided that public safety is maintained by the use of barriers, safety equipment or other appropriate envenomation mitigation measures.[MR4][MR5]

(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-rattlesnakes~~, 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 pursuant to this section, 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 rattlesnake bite on domestic animals or humans from a rattlesnake possessed under their Exhibition Permit, or any bite suspected of being from a rattlesnake 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) Unless 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 an existing violation or not violate in the future, the ~~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; or
- (B) an applicant, permittee or handler has violated any provision of the Fish and Game Code or any regulation adopted pursuant thereto after [Date to be filled in by OAL]; [MR6] [JB7] [AC8] or
- (C) an applicant, permittee or handler has violated federal law; or Penal Code section 597; or 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 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) Unless the department determines that an action less consequential than a revocation or suspension, such as a written warning issued to the applicant, would likely not cause the applicant to cure a failure to comply an existing violation or not violate in the future, 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. [MR9] [JB10]~~

(A) a person, permittee or handler has violated any provision of the Fish and Game Code or any regulation adopted pursuant thereto after [Date to be filled in by OAL]; or

(B) a person, permittee or handler has violated federal law; or Penal Code section 597; or a term or condition of the Exhibition Permit; or has been convicted of a crime of moral turpitude; and

~~(B)~~ (C) 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 and possession 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 use as pets, ~~purposes, except as provided in sections 40(f) and, 42 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 ~~orecutii~~ 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.
 - (2) Caging and care guidelines for the animal in captivity.
 - (3) Analysis of the effects of broodstock collection methods on wild populations.
 - (4) Analysis of the effects on wild reptile populations of released or escaped reptiles bred under this program.
 - (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~~, 5061 and 6896, Fish and Game Code.
Reference: Sections 75, 200, 205, ~~265, 275~~, 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).



N. Smith

NATIVE RATTLESNAKE COMMERCIAL EXHIBITION PERMIT



PRESENTATION TO THE CALIFORNIA FISH AND GAME COMMISSION

October 13, 2026

AC Nathan Smith, Law Enforcement Division Special Operations Unit

Background/Presentation Overview

- Background
 - Following the commission meeting on August 13, 2026- Public Input
 - Met with the commenters, engaged in communication
 - Worked with Subgroup to consider feedback
 - Amended Text was agreed upon



D. Brookes



Amendment Topics 42.1

- Clarification regarding Social Media as a commercial enterprise
- Veterinarian of record
- Clarify propagation under the permit
- Additional sources for snake acquisition
 - Continue to not allow sport/wild take
- Clarity on Quarantine language
- Transport/Temporary Enclosure
- Enclosure Specifications
- Contact by persons other than handler



D. Brookes



Amendment Topics 43

- Clarification of scope
- Permit application content and specific language
- Consistent language with 42.1 regarding husbandry conditions
- Permit renewal conditions



N. Smith

42.1 Clarification regarding Social Media



D Brookes

- Does not apply to one who passively derives income
- Ex. If applicant charges the public to participate online - Permit
- Ex. If applicant gets ad revenue from followers - No Permit

42.1 Veterinarian of Record



D. Brookes

- Applicant must have identified the Veterinarian of Record
- They must certify that the veterinarian is willing to care for venomous reptiles
- Included in application

42.1 Propagation under this regulation



D. Brookes



- **No increased take of native rattlesnakes**
- Clarifies language to provide a legal pathway for propagation
 - Only permissible for self or other Commercial Exhibition Permit Holders
 - Limited to recovering actual costs

42.1 Additional sources for snake acquisition



D. Brookes



- **No increased take of native rattlesnakes**
- Biological Supply House
- Other persons who lawfully acquired and possessed rattlesnakes
 - Ex. Pet that can't be released
 - Ex. Hitchhiker in a bale of hay

42.1 Enclosure Alterations



D. Brookes



- Non- Rectangular
 - Perimeter $1 \frac{1}{2}$ times - longest snake
 - Length Min $\frac{2}{3}$ total length of the longest snake
 - Width Min $\frac{1}{2}$ total length of the longest snake
- Rectangular
 - Length $\frac{2}{3}$ total length of the longest snake
 - Width $\frac{1}{2}$ total length of the longest snake
 - Diagonal measurement difficult in most racking systems

42.1 Quarantine Changes - Temp Confinement



D. Brookes



- Any Newly Obtained
 - Including neonates
- In their own enclosure separate from other rattlesnakes
- **90 Days**
- Temporary Confinement/Transportation
 - 48 hour maximum
 - If the Snake is moved into a qualified enclosure for 12 hours, time resets

42.1 Contact by persons other than handler

- Hooks/Tongs present while on display
- Used when handling snakes
- Public may not touch rattlesnakes
 - Exception in film/safe handling
- Except/When
 - Under direct supervision of handler
 - Safety is maintained by the use of
 - Barriers
 - Safety Equipment
 - Other envenomation mitigation



D. Brookes

Section 43 Amendments

- Clarification of scope
 - “Pet”-personal use, not for utility
- Permit application content and specific language
 - Process - GO ID, Form Number, Content and denial statement
- Consistent language with 42.1 regarding husbandry conditions
 - Substrate, Disinfection, Ventilation
- Permit renewal conditions
 - Records
 - Revocation terms



D Brookes

Intended Outcomes/Recommendations

Public engagement has occurred.

- Addressed Comments
- Engagement while drafting language

Recommendation

- Accept Amendments



N. Smith



Questions?



Nathan Smith - Assistant Chief, LED

permitting@wildlife.ca.gov

David Kiene - Attorney IV, OGC



Discussion Points Regarding Commercial Use and Possession of Native Rattlesnakes for Exhibition Permit

Introduction

Hello,

My name is Jacob Molieri, and I am the operator of SnakeOutInc. My company provides rattlesnake avoidance training, education, handling classes, events, and more here in the Northern California region.

I attended and watched prior meeting discussions regarding the development of the Commercial Use and Possession of Native Rattlesnakes for Exhibition permit. CDFW attempted to charge me in 2024 for providing these services, which were and still are deemed necessary for the safety of people and pets across California. Those charges were dropped, and I am still continuing to try to create a proper relationship between myself, fellow companies doing these activities, CDFW, and FGC, despite the mess that was created from reckless actions and interpretations of the regulations at the time.

I have been working with other companies, agencies, snakebite specialists, and biologists from both inside and outside California who work with rattlesnakes daily, as I do. I have also trained CDFW and FGC dogs to avoid rattlesnakes.

The goal, as with the last meeting, is to form cooperation and build a permit that works for all parties while taking everyone's interests into consideration. I have not received any money to attend these meetings, but I do this out of care and passion for the work that I and other facilities are doing across California.

The following discussion points were written through collaboration and discussion with other companies, nonprofits, and field experts. Many groups are still hesitant to attend due to the department's actions in my case and feel more comfortable relaying certain concerns to me and others to discuss and present to the FGC and CDFW. Again, to reiterate, the goal is to create a cooperative understanding that we can all accept.

Film and Social Media: What types of film and media activities are deemed necessary to possess this permit? It is our understanding that the FGC wishes for there to be a distinction between "pet snakes" and those being used for "commercial display" activities. That is acceptable. However, does this mean every hobbyist in California who films, photographs, or creates any type of content with their pet native rattlesnakes needs this permit?

We ask this because many hobbyists have social media pages and accounts displaying their collections and may receive ad revenue or donations from streams and videos where snakes are shown. So, does every hobbyist then require this permit?

Furthermore, if someone is doing wildlife photography with captive or wild native rattlesnakes and selling those photos, displaying them, or receiving donations, would they need a permit as well? Is there a distinction if the snakes are in the wild versus in captive collections?

Many people travel throughout California to film and photograph wild rattlesnakes and do generate revenue in some way. Therefore, are we policing everyone, or is there a distinction?

At the end of the day, is there a difference between social media and a Western movie featuring a native snake that can legally be owned?

Enclosure Size: I wish to start by saying that I agree husbandry should be important with these animals. I do agree that we should always try to keep our animals happy.

I and others discussed the "snake length plus 3 inches" rule and had some questions and concerns. For starters, where did we draw the 3-inch idea from? It seemed random due to there being no citation, and the only basis we could find was from regulation changes in Colorado. We would like to see the citation. Also is this measuring head to tail or head to vent?

Furthermore, the enclosure length would be preferred if it was based on **diagonal length or perimeter based**. We keepers made a good example regarding this. The Thrive Not Survive community is a part of the exotic animal-keeping industry, with the belief that animal care should promote thriving and not just survival. We should try to allow animals to display natural behaviors rather than living at the bare minimum.

Enclosure sizes are very important in this group, to the point that they can cause friction with other hobbyist subsets. Whether or not those standards are always accurate is a different discussion.

However, members of the community and zoos say a corn snake tank size is 120 gallons, or 4x2x2. Corn snakes range from 3–5 feet, and a 4x2x2 is considered more than enough. But if I were to follow these regulations and keep a 4-foot rattlesnake in a 4x2x2, that would be prohibited despite a 120-gallon tank potentially being more than enough.

Most commercially sold tanks are developed in 1-foot increasing increments. So, if I get a rattlesnake and it grows to 4 feet, I would then need to get a 5-foot-long enclosure, which may be overkill and unnecessary for the animal's health or well-being and would create an unnecessary expenditure.

Also, are companies allowed to house these animals in screen-topped enclosures, such as Dubia brand enclosures, that are modified to prevent hands from resting on exposed screen? For example, could we slide wood between tanks to cover the screen?

CDFW Staff Training and Regulation Interpretation: Is department staff from CDFW going to be trained on and learn these regulations?

I know, from speaking to multiple hobbyists, zoo facilities, education groups, and more, that many CDFW staff members did or do not know many of the regulations and instead try to interpret them independently. I speak from experience and can attest that this is extremely dangerous.

Obviously, laws and regulations have moments where interpretation is necessary. However, if the regulations are unclear, there becomes a dangerous game of interpretation when dealing with an already grey set of regulations.

So, we want to know: Will CDFW personnel be instructed on, "This is how this regulation is to be read and interpreted"? It **should not ever be** what I and others have heard multiple times: "Well I interpret ____ as ____."

SCP Conflicts: Does the SCP (Scientific Collecting Permit) serve any purpose for doing education with rattlesnakes?

I and others were told, paid for, and acquired SCPs because we were told they covered our ability to conduct education with native species. Therefore, if this new permit is the permit needed to conduct educational classes with rattlesnakes, do you still need an SCP, both permits, or no SCP unless using other native species?

Acquisition of Native Rattlesnakes: Our companies are rather concerned about the changes regarding the acquisition of snakes.

Are we going to have a grandfather provision for snakes that are currently in the class that were acquired from the wild?

Currently, I utilize albino *C. atrox*, but I used to use normal forms of native rattlesnakes, like most companies, before the regulatory discussions began. So there is the question of whether older snakes would still be permitted for use.

Continuing the acquisition discussion, we hobbyists would love to use captive-bred specimens or specimens given to us from the agencies and facilities mentioned, but there are concerns.

First, we in California have not been breeding normal forms due to regulations preventing the production of normal-form rattlesnakes. Even people who will eventually receive this permit will not have babies ready to go because we have all been instructed not to breed or acquire specimens for breeding. The snakes may not produce offspring until possibly fall 2027, and that is only if we can even obtain adult specimens of these species from the facilities mentioned above.

More importantly, selling these animals to other hobbyists for just reimbursement of travel and time is not going to cover the cost of simply getting babies to eat.

I have a baby male *C. atrox* from 2025 that still will not eat without assist feeding. If I sold that baby, I would only get gas money for an animal that has already cost \$80 to feed, not to mention the risk, hazard, and housing involved. At that point, I would never breed for other people and would only breed the amounts I need for myself.

Which means you are not going to have the market generated for these classes when considering the number of snakes we need.

We are all fine with using CBB specimens, but we need a way to actually obtain animals readily.

We highly encourage allowing permit holders, at a minimum, to purchase specimens of California-native morphs from outside California, where established markets already exist.

We are also wondering if there is a way for people to "gift" us their native rattlesnakes if they have any, or if they produced any het morphs during the process of trying to produce morphs such as albino.

For example, someone produces a number of het albino *C. atrox*. We would happily utilize those animals in our programs, but that person is not a permit holder, so we cannot accept the animals unless the regulations change.

The current acquisition regulations are good in intention, but logically, there is not a good way for us to readily acquire new specimens for the next season and going forward.

The majority of rehabilitation facilities will not accept rattlesnakes, and even if they did, the snake should go back into the wild if it can be released. Even if a snake was taken in by a rehab facility and deemed nonreleasable, there is most likely a reason the animal cannot be released. We are not going to use animals in programs if they have medical concerns due to past injuries for the snake's safety. For example, I have an adult female *C atrox*. This female came with massive rib damage to her body from a prior owner's housing accident. We refuse to use her in programs due to her medical conditions. Therefor, even if we got a rehab snake, I don't believe any of us are going to use it if it has extensive medical issues.

People typically are not going to give away speckled rattlesnakes, Mojave rattlesnakes, and other native snakes unless there is a way to recoup the care costs and other expenses involved in raising these animals.

There needs to be a way to obtain more animals from outside California, even with permit holders being allowed to breed. It should be permissible for us to purchase CBB native species from individuals outside California where there is currently an established market.

Veterinary Care and Quarantine: When reviewing the proposal, we were all surprised by the "complete" quarantine requirement of one year. This feels rather long and do animals need to be

quarantined for a whole year before moved to another permit? Are we also not then allowed to use these snakes in outdoor programs (Ex. the snake avoidance classes) till that year is up? What does "completely separate" mean? In the same room but housed solo? Or "completely" different moves. Most hobbyists quarantine our animals for 3-6 months to ensure there are not diseases or parasites present.

We also noted the requirement for an "adequate veterinary care, disease prevention, parasite control, and euthanasia and shall be established and maintained by the permittee."

Are you requesting a written statement from a vet saying they would provide veterinary care to venomous snakes? Or do you want us to just state that we have access to a vet and explain how we disinfect and treat parasites if necessary?

Emergency Bite Action Plan: We support having an emergency bite action plan and most of us already had one. However, we noticed in the section it says:

"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."

Therefore, does that mean whenever we do a dog class, education or film, we need to have the local agencies for each area ready, on display **and aware** of our operations in their area? Or is it just us having a list of all these locations, and the animal control and regional offices in those areas?

I really appreciate us being invited to come, speak, and discuss the permit and regulations. We all want to comply and have a system that works for FGC/CDFW and for the individuals, companies, and nonprofits that work with these animals.

Please let me know if you have ideas for adjustments or compromises that you would like brought forward in these conversations.

Thank you,

Jacob Molieri
SnakeOutInc
jake@snakeout.biz



Discussion Points Regarding Commercial Use and Possession of Native Rattlesnakes for Exhibition Permit

UPDATED: 9/28/2026

Introduction

Hello,

My name is Jacob Molieri, and I am the operator of SnakeOutInc. My company provides rattlesnake avoidance training, education, handling classes, events, and more here in the Northern California region.

I attended and watched prior meeting discussions regarding the development of the Commercial Use and Possession of Native Rattlesnakes for Exhibition permit. CDFW attempted to charge me in 2024 for providing these services, which were and still are deemed necessary for the safety of people and pets across California. Those charges were dropped, and I am still continuing to try to create a proper relationship between myself, fellow companies doing these activities, CDFW, and FGC, despite the mess that was created from reckless actions and interpretations of the regulations at the time.

I have been working with other companies, agencies, snakebite specialists, and biologists from both inside and outside California who work with rattlesnakes daily, as I do. I have also trained CDFW and FGC dogs to avoid rattlesnakes.

The goal, as with the last meeting, is to form cooperation and build a permit that works for all parties while taking everyone's interests into consideration. I have not received any money to attend these meetings, but I do this out of care and passion for the work that I and other facilities are doing across California.

The following discussion points were written through collaboration and discussion with other companies, nonprofits, and field experts. Many groups are still hesitant to attend due to the department's actions in my case and feel more comfortable relaying certain concerns to me and others to discuss and present to the FGC and CDFW. Again, to reiterate, the goal is to create a cooperative understanding that we can all accept.

Handler: We keepers understand the state wants 2 handlers at any class or display with the animals. There are some concerns and questions we have.

Requiring two handlers for every single class is completely financially impractical for private, in-home lessons. Many dogs need to be trained strictly on their own yard and property. A significant portion of the dogs we work with are unsocialized rescues with severe anxiety, high stress, or fear around unfamiliar people and environments. Forcing a nervous or

reactive dog to travel away from its home puts the dog, the owners, other pets, the handlers, and the snakes at a much higher risk.

In contrast, training these dogs at home keeps them in a calmer state. A calm dog learns far faster and more effectively than a dog that is already panicking from a car ride. Private lessons are essential to what we do, and many of our clients specifically request them. Between February 1, 2026, and April 30, 2026 alone, we trained over 120 dogs at vet clinics and an additional 72 dogs through private lessons. While I try to schedule nearby clients on the same day, scheduling conflicts mean I often travel to individual homes to deliver one-on-one training. This work directly saves dogs' lives, but a blanket two-handler mandate makes it nearly impossible to continue serving these 72 dogs.

From a financial perspective, requiring a second handler on every private trip forces a 25% to 50% rate increase depending on travel distance—on top of our current \$130 to \$220 private session fee. I cannot justify charging clients extra just to pay someone to stand by and watch a snake for a single dog. While hiring additional staff makes total sense for larger clinics or group classes where extra hands are needed to manage crowds and dogs, it is completely unnecessary for single-dog home visits (such as driving hours out to Napa for 1–2 dogs).

Ultimately, this requirement creates an artificial barrier: clients face steep price hikes, dogs are forced into high-stress clinic environments where they may have to be turned away for safety reasons, or dogs simply go untrained. Nobody benefits from this rule.

Our handlers are fully trained in venomous snake management and bite protocols; applying this restriction across the board creates unnecessary logistical conflicts without improving actual safety.

Film and Social Media: What types of film and media activities are deemed necessary to possess this permit? It is our understanding that the FGC wishes for there to be a distinction between "pet snakes" and those being used for "commercial display" activities. That is acceptable. However, does this mean every hobbyist in California who films, photographs, or creates any type of content with their pet native rattlesnakes needs this permit?

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Enclosure Size: I wish to start by saying that I agree husbandry should be important with these animals. I do agree that we should always **try** to keep our animals happy.

I and others discussed the "snake length plus 3 inches" rule and had some questions and concerns:

For starters, where did we draw the '3-inch" idea from? It seemed random due to there being no citation, and the only basis we could find was from regulation changes in Colorado. We would like to see the citation. Also is this measuring head to tail or head to vent?

Furthermore, the enclosure length should be **perimeter based** to be consistent with the Native Reptile Propagation Permit and Restricted Species Permit. We keepers made a good example regarding this. The Thrive Not Survive community is a part of the exotic animal-keeping industry, with the belief that animal care should promote thriving and not just survival. We should try to allow animals to display natural behaviors rather than living at the bare minimum. Enclosure sizes are very important in this group, to the point that they can cause friction with other hobbyist subsets. Whether or not those standards are always accurate is a different discussion.

However, members of the community and zoos say a **corn snake tank size is 120 gallons**, or 4x2x2. Corn snakes range from 3–5 feet, and a 4x2x2 is considered more than enough. But if I were to follow these regulations and keep a 4-foot rattlesnake in a 4x2x2, that would be prohibited despite a 120-gallon tank potentially being more than enough. It simply is not logical nor scientific to say that 3 inches is going to be the difference between proper animal care and possible citation following the rough draft's guideline. I myself keep many snake species, breed them, and care for them in tanks that don't follow a 3 in plus idea. I have a 240 gallon tank (4x4x2) and have snakes that are 4'4" and happy in there and reproduce. That is far more space than most zoos for the species. But it would be improper to house an animal in that space following this idea. **It NEEDS to be perimeter based.**

Most commercially sold tanks are developed in 1-foot increasing increments. So, if I get a rattlesnake and it grows to 4 feet, I would then need to get a 5-foot-long enclosure, which may be overkill and unnecessary for the animal's health or well-being and would create an unnecessary expenditure.

Also, are companies allowed to house these animals in screen-topped enclosures, such as Dubia brand enclosures, that are modified to prevent hands from resting on exposed screen? For example, could we slide wood between tanks to cover the screen?

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Obviously, laws and regulations have moments where interpretation is necessary. However, if the regulations are unclear, there becomes a dangerous game of interpretation when dealing with an already grey set of regulations to the point the courts and attorneys are confused and think it's illogical. I speak again from personal experience.

So, we want to know: Will CDFW personnel be instructed on, "This is how this regulation is to be read and interpreted"? It **should not ever be** what I and others have heard multiple times: "Well I interpret ___ as ___." It is dangerous and leads to unnecessary conflict and a court's time being wasted.

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More importantly, selling these animals to other hobbyists for just reimbursement of travel and time is not going to cover the cost of simply getting babies to eat.

I have a baby male *C. atrox* from 2025 that still will not eat without assist feeding. If I sold that baby, I would only get gas money for an animal that has already cost \$80 to feed, not to mention the risk, hazard, and housing involved. At that point, I would never breed for other people and would only breed the amounts I need for myself.

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We are all fine with using CBB specimens, but we need a way to actually obtain animals readily.

We highly encourage permit holders, be allowed to purchase CBB specimens of California-native morphs from outside California, where established markets already exist.

We are also wondering if there is a way for people to "gift" us their native rattlesnakes if they have any, or if they produced any het morphs during the process of trying to produce morphs such as albino.

For example, someone produces a number of het albino *C. atrox*. We would happily utilize those animals in our programs, but that person is not a permit holder, so we cannot accept the animals unless the regulations change. **The current acquisition regulations are good in intention, but logically, there is not a good way for us to readily acquire new specimens for the next season and going forward.**

The **majority of rehabilitation facilities will not accept rattlesnakes**, and even if they did, the snake should go back into the wild if it can be released. Even if a snake was taken in by a rehab facility and deemed nonreleasable, there is most likely a reason the animal cannot be released. **We are not going to use animals in programs if they have medical concerns due to past injuries for the snake's safety.** For example, I have an adult female *C atrox*. This female came with massive rib damage to her body from a prior owner's housing accident. We refuse to use her in programs due to her medical conditions. **Therefore, even if we got a rehab snake, I don't believe any of us are going to use it if it has extensive medical issues.**

People typically are not going to give away speckled rattlesnakes, Mojave rattlesnakes, and other native snakes unless there is a way to recoup the care costs and other expenses involved in raising these animals.

There needs to be a way to obtain more animals from outside California, even with permit holders being allowed to breed. It should be permissible for us to purchase CBB native species from individuals outside California where there is currently an established market.

Furthermore, it would be very helpful if this permit allowed permit holders to sell CBB specimens of native rattlesnakes outside CA.

Veterinary Care and Quarantine: When reviewing the proposal, we were all surprised by the “complete” quarantine requirement of one year. This feels rather long and do animals need to be quarantined for a whole year before moved to another permittee? Are we also not then allowed to use these snakes in outdoor programs (Ex. the snake avoidance classes) till that year is up? What does “completely separate” mean? In the same room but housed solo? Or “completely” different moves. Most hobbyists quarantine our animals for 3-6 months to ensure there are not diseases or parasites present. **I talked to numerous vets and hobbyists and we agree the quarantine time shouldn't be a whole year.**

We also noted the requirement for an “adequate veterinary care, disease prevention, parasite control, and euthanasia and shall be established and maintained by the permittee.”

Are you requesting a written statement from a vet saying they would provide veterinary care to venomous snakes? Or do you want us to just state that we have access to a vet and explain how we disinfect and treat parasites if necessary?

Emergency Bite Action Plan: We support having an emergency bite action plan and most of us already had one. However, we noticed in the section it says:

“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.”

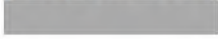
Therefore, does that mean whenever we do a dog class, education or film, we need to have the local agencies for each area ready, on display **and aware** of our operations in their area? Or is it just us having a list of all these locations, and the animal control and regional offices in those areas?

I really appreciate us being invited to come, speak, and discuss the permit and regulations. We all want to comply and have a system that works for FGC/CDFW and for the individuals, companies, and nonprofits that work with these animals.

Please let me know if you have ideas for adjustments or compromises that you would like brought forward in these conversations.

Thank you,

Jacob Molieri
SnakeOutInc
jake@snakeout.biz



From: Michael Starkey
Sent: Friday, August 14, 2026 11:42 AM
To: FGC
Subject: Proposed Regulations for Commercial Rattlesnake Services & Nuisance Relocation Framework

Dear Commissioners and Department Staff,

Thank you for the opportunity to provide public comment during the August 13 Fish and Game Commission hearing regarding Item 18. My name is Michael Starkey, Executive Director of Save The Snakes, a Sacramento-based nonprofit dedicated to snake conservation and human-wildlife conflict mitigation.

Save The Snakes maintains both an active Scientific Collecting Permit (EID-210310001) and a Restricted Species Permit (REX-10014) to deliver professional venomous handling training programs across California. Through these programs, we have provided first responders, wildlife biologists, and others with specific training about snake ecology, safe snake handling and snakebite first aid. This training program has also been provided to state agency personnel, including the CDFW staff responsible for monitoring Snake Fungal Disease (*Ophidiomyces ophidiicola*) across native populations—including Northern Pacific Rattlesnakes and the threatened Giant Garter Snake.

As a permitted, long-standing collaborator with CDFW, Save The Snakes is deeply immersed in California's snake conservation space and the nuances of state rattlesnake culture. We strongly support the intent of the proposed regulation changes to establish formal safety, facility, and handling standards for commercial exhibition, working handlers, and canine aversion training.

Following the hearing, we wish to formally submit one key point for the Department and Commission's consideration as this rulemaking progresses toward the October discussion and December adoption hearings:

The Need for Frameworks Addressing Nuisance Snake Relocation

While Item 18 addresses working handlers and aversion trainers, nuisance snake relocation remains an unaddressed regulatory gap in California. Public sentiment has shifted strongly toward conservation, with homeowners increasingly seeking humane relocation over lethal control. However, local animal control, fire departments, and 311 services rarely have the resources or specialized training to handle rattlesnake calls.

This gap has led to a surge in for-profit relocators and volunteers operating statewide. Without clear regulatory guidance, unmonitored relocations carry significant ecological risks, specifically the long-distance transport of snakes, increased mortality, and the vectoring of pathogens like Snake Fungal Disease.

To prevent individuals from operating unpermitted "under the table", which eliminates state oversight and disease tracking, we respectfully encourage CDFW to consider creating a new permit framework or standardizing the SCP process for relocators by incorporating:

- **Standardized Permit Conditions:** Including mandatory short-distance relocation guidelines and basic equipment sanitation protocols (e.g., bleaching tongs/buckets between calls to prevent SFD transmission).
- **Streamlined Reporting:** A simplified logging mechanism to capture basic conflict and relocation data without overburdening Department staff.

Lastly, Save The Snakes values its collaborative relationship with CDFW and brings extensive ground-level expertise regarding human-rattlesnake interactions, public perceptions, and local reptile safety culture. As a willing, permitted, and experienced professional partner, Save The Snakes stands ready to assist the Department in developing disease-hygiene guidelines, handler safety standards, or educational materials for human-snake conflict management.

Thank you for your leadership and dedication to protecting California's native wildlife.

Respectfully submitted,

Michael G. Starkey
Save The Snakes Founder & Executive Director
www.savethesnakes.org
starkey@savethesnakes.org

Save The Snakes is dedicated exclusively to snake conservation and mitigating human-snake conflict. Our mission is to conserve snakes around the world through education, research, and community support. We envision a world where humans and snakes live harmoniously in increasingly healthy ecosystems.

You can support Save The Snakes by [donating](#), [volunteering](#) or spreading the word about our snake conservation efforts.

September 29, 2026

Via e-mail

California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090
fgc@fgc.ca.gov

**Re: PETA's Comment, Notice of Proposed Changes to the Native
Reptiles and Amphibians Regulations**

Dear Commission,

On behalf of People for the Ethical Treatment of Animals, Inc. (PETA) and its more than 10.4 million members and supporters worldwide—including the over 710,000 in California—I submit this comment on the proposed changes to the California Fish and Game Commission's ("Commission's") native reptiles and amphibians regulations, Cal. Code Regs. tit. 14, Chapter 5, which include adding Section 42.1 (Commercial Use and Possession of Native Rattlesnakes for Exhibition), and amending Section 43 (Captive Propagation and Commercialization of Native Reptiles).

PETA's position is that snakes are wild animals and belong in their natural habitats. If a snake is to be held captive, the enclosure must be *at least* as long as the snake.

PETA supports the [proposed regulatory language](#) in Section 42.1(i)(4)(C)(1) (Enclosures) that requires the longest side of an enclosure containing native rattlesnakes to be at least three inches longer than any snake housed in the enclosure. As explained on page 11 in the [Initial Statement of Reasons for Regulatory Action](#) ("ISOR"), this minimum dimensional requirement is "based on credible science and general captive husbandry standards and [is] necessary for the continued health, safety and welfare of the animals and the public."

Since credible science indicates that the physical and behavioral welfare of *all* snakes depends on having enough space to fully stretch, PETA urges the Commission to amend the enclosure provision in Cal. Code Regs. tit. 14, § 43(g)(1), which addresses the humane care and treatment of native reptiles possessed under a Native Reptile Captive Propagation Permit, to ensure that snake enclosures accommodate rectilinear posturing. The current language, which the Commission has not proposed changing, allows a snake to be confined in an enclosure that is half—or even less than half—of the snake's length. *See* Cal. Code Regs. tit. 14, § 43(g)(1). As detailed in the attached Appendix, a revision is necessary to align it with the well-established scientific consensus.

PEOPLE FOR
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TREATMENT
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323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

PETA FOUNDATION IS AN OPERATING
NAME OF THE FOUNDATION TO
SUPPORT ANIMAL PROTECTION.

ENTITIES:

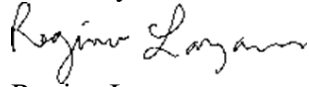
- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

To advance the Commission's objectives for amending Section 43 as stated on page 26 in the ISOR (i.e., "to update the required application and the language of the section to current standards"), and advance objective, evidence-based enclosure dimension standards that reptile experts, veterinarians, and welfare organizations have recognized for years, PETA proposes amending Cal. Code Regs. tit. 14, § 43(g)(1) by requiring a captive snake's enclosure to be at least as long as the snake's length.

Additionally, all snakes in temporary enclosures need to be able to turn around and reorient their body to remain upright and make adjustments. Whereas the Commission expressly requires this in Section 42.1(i)(4)(C)(2), the requirement is absent in Section 43(g)(1). PETA proposes amending Cal. Code Regs. tit. 14, § 43(g)(1) to include this minimum standard.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Regina Lazarus".

Regina Lazarus
Senior Counsel, Regulatory Affairs
(862) 283-1517 | ReginaL@petaf.org

Appendix

Cal. Code Regs. tit. 14, § 43(g)(1): Humane Care and Treatment—Enclosures

I. REQUIRING AN ENCLOSURE THAT IS AT LEAST AS LONG AS THE SNAKE IS A CRITICAL BASELINE REQUIREMENT TO PROMOTE HUMANE CONDITIONS, ACCOMMODATE NORMAL BEHAVIOR AND POSTURING, AND REDUCE SAFETY RISKS INHERENT IN INADEQUATE CONFINEMENT.

To be mentally and physically healthy, snakes held in captivity must be able to fully stretch out their bodies—meaning that they must be housed in enclosures at least as long as their body length.¹ However, Cal. Code Regs. tit. 14, § 43(g)(1) currently allows the perimeter of a snake enclosure to measure 1.5 times the snake's length for snakes 33 inches or less, or 1.25 times the snake's length for snakes more than 33 inches in length. This existing perimeter-based standard is fundamentally inadequate; the minimum requirement allows enclosure dimensions that do not accommodate rectilinear posturing. For example, as illustrated in Figures 1 and 2, a snake may lawfully be confined in an enclosure having a length that is half—or even less than half—of the snake's length. This setup compromises the animal's physical and behavioral well-being and fails to promote safety.

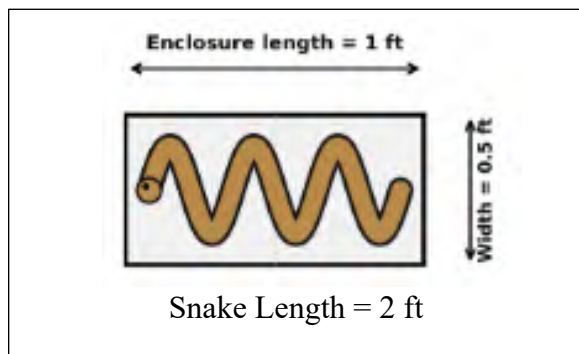


Figure 1. A two-foot snake inside an enclosure that measures three feet (i.e., 1.5 x snake length) in perimeter.

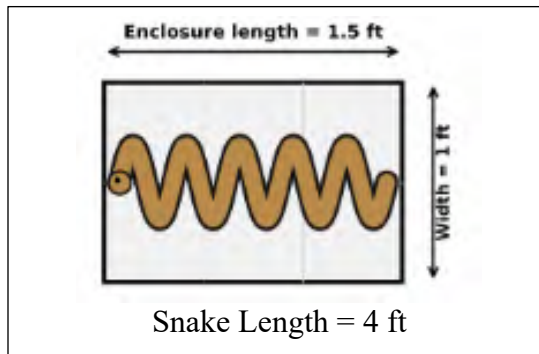


Figure 2. A four-foot snake inside an enclosure that measures five feet (i.e., 1.25 x snake length) in perimeter.

A. Current Confinement Standards Put Snake Welfare at Risk.

Spatially restrictive snake enclosures that do not accommodate straight-line body posturing fail to meet a basic requirement for snake health and welfare, as rectilinear body posturing is an essential component of snake biology.² Over forty problematic physical or behavioral conditions

¹ See, e.g., Clifford Warwick et al., *Spatial Considerations for Captive Snakes*, 30 J. OF VETERINARY BEHAV. 37, 47 (2019), <https://www.sciencedirect.com/science/article/pii/S1558787818302211> [hereinafter *Spatial Considerations*].

² See Clifford Warwick et al., *Getting It Straight: Accommodating Rectilinear Behavior in Captive Snakes—A Review of Recommendations and Their Evidence Base*, 11 ANIMALS 4 (2021), <https://www.mdpi.com/2076-2615/11/5/1459> [hereinafter *Getting It Straight*].

are causally linked to confining a snake in an overly restrictive enclosure.³ These include, but are not limited to:

‘interaction with transparent boundaries’ (a behaviour where snakes push against a glass or plastic transparent barrier), hyperalertness (high levels of nervousness), flattened body posture, rapid body movement (jerky or jumpy), head hiding and co-occupant aggression[,] [v]arious illnesses and other issues include[ing] respiratory disease, rostral abrasions from suspected repeated attempts to escape, ventral contact dermatitis and bowel constipation.⁴

Researchers have found more objective scientific evidence establishing the need for snakes to be able to fully stretch in all enclosures than is available for dogs, cats, and birds, and note the absence of scientific data or related objective opinion supporting keeping snakes in enclosures where they cannot fully extend.⁵ Notwithstanding the scientific consensus that an enclosure must be at least 1 x snake length (SL), and the problematic health and welfare issues associated with enclosures that do not meet this minimum requirement, “[c]aptive snakes may be the only vertebrates where management policy commonly involves deprivation of the ability and probable welfare need to freely extend the body to its natural full length.”⁶

In 2021, a group of 19 prominent experts specializing in snake-related veterinary medicine, biology, animal welfare, and husbandry conducted a significant scientific investigation that was subsequently published in a peer-reviewed academic journal.⁷ One of the authors, Clifford Warwick, summarized the study and findings as follows:

This major review meticulously analysed the available reports and guidance materials pertaining to recommended enclosure sizes for snakes. Of the peer-reviewed reports analysed, 25 recommended minimum enclosure sizes consistent with the ‘one snake length’ (1 x SL) principle or greater, and 6 recommended enclosure sizes of less than 1 x SL. Accordingly, the great majority of the scientific literature conformed with the 1 x SL enclosure principle as a minimum provision. Moreover, whilst all of the scientific literature recommending the 1 x SL principle as a minimum enclosure dimension could be traced back to peer-reviewed scientific evidence and material, none of the literature recommending less than 1 x SL enclosures originated from scientific work; instead, all of that material was derived from hearsay opinion.

³ *Spatial Considerations*, supra note 1, at 41–42.

⁴ Jadan Hutchings & Matthew Crane, *Recent Scientific Insights into the Spatial Needs of Captive Snakes*, INT’L J. ZOOLOGY 2 (2025), <https://onlinelibrary.wiley.com/doi/10.1155/ijz/3548045>; see *Spatial Considerations*, supra note 1, at 41–42.

⁵ See *Getting It Straight*, supra note 2, at 16; Hutchings & Crane, supra note 4, at 5.

⁶ *Spatial Considerations*, supra note 1, at 37.

⁷ See generally *Getting It Straight*, supra note 2.

The recommendation from this major review and analysis (and many others) was that snakes should be able to fully stretch their bodies in all dimensions. The minimum stipulation that indicates 1 x SL as a single dimension should be interpreted as meaning that this constitutes an absolute minimum to allow a straight-line body posture: it does not indicate that one single dimension allowing straight-line posture is a true acceptable minimum in respect of accommodating true normal behaviour. In all other (non-snake) species it is correctly expected that the ability to adopt a stretched-out posture automatically infers in all dimensions. Regardless of the vast amount of evidence showing snakes need to fully stretch at will, there are no scientific or other reasons to conclude the contrary position.⁸

An article published in 2025 described how researchers with the New South Wales Department of Primary Industries and Regional Development Animal Welfare Unit—an entity whose role is to deliver evidence-based information to relevant industries—examined recent peer-reviewed literature comparing the welfare of snakes kept in smaller enclosures with those housed in larger enclosures that allow the snakes to fully stretch out and move freely.⁹ The researchers found no peer-reviewed literature recommending restrictive housing for captive snakes.¹⁰ They concluded that “snake welfare is enhanced when the snake is given space to stretch out and explore.”¹¹

The following includes a sampling of peer-reviewed scientific research, some of which the 2021 publication cited and others that are more recent. Taken together, the literature reviews, field and captive animal observations, and experiments present consistent findings indicating that snakes need space to fully extend.

- B.M. Cargill et al., *A Survey Exploring the Impact of Housing and Husbandry on Pet Snake Welfare*, ANIMAL WELFARE 193, 193–208 (2022);
- Clifford Warwick, *Psychological and Behavioral Principles and Problems*, in HEALTH AND WELFARE OF CAPTIVE REPTILES 239, 267–68 (Clifford Warwick et al. eds., 2d ed. 2023);
- Clifford Warwick, *Reptilian Ethology in Captivity: Observations of Some Problems and Evaluation of Their Aetiology*, 26 APPLIED ANIMAL BEHAV. SCI. 3–4 (1990);
- Clifford Warwick & Catrina Steedman, *Naturalistic Versus Unnaturalistic Environments*, in HEALTH AND WELFARE OF CAPTIVE REPTILES 487, 487–508 (Clifford Warwick et al. eds., 2d ed. 2023);
- Clifford Warwick et al., *Assessing Reptile Welfare Using Behavioural Criteria*, 35 IN PRAC. 123, 234–31 (2013);
- Clifford Warwick et al., *Getting It Straight: Accommodating Rectilinear Behavior in Captive Snakes—A Review of Recommendations and Their Evidence Base*, 11 ANIMALS (2021);

⁸ Letter from Clifford Warwick to Brandon J. DeCuir, Chairman, La. Wildlife & Fisheries Comm’n (Sept. 25, 2024) (on file with PETA).

⁹ See Hutchings & Crane, *supra* note 4, at 5.

¹⁰ *Id.*

¹¹ *Id.*

- Clifford Warwick et al., *Reptile Expos: An Analysis and Recommendations for Control*, FRONTIERS ANIMAL SCI. 7 (2024);
- Clifford Warwick et al., *Spatial Considerations for Captive Snakes*, 30 J. OF VETERINARY BEHAV. 37, 47 (2019);
- Dimple R. Waghela et al., *Ecology of Snakes in Captivity in Rajiv Gandhi Zoological Park, Katraj, Pune, Maharashtra*, 25 ASIAN J. ENV'T & ECOLOGY 199, 203 (2026);
- Lance Jepson, *Inspecting Pet Shops*, 37 IN PRAC. 333, 343 (2015);
- Marisa S. Spain et al., *Effects of Habitat Modifications on Behavioral Indicators of Welfare for Madagascar Giant Hognose Snakes (Leioheterodon madagascariensis)*, 7 ANIMAL BEHAV. & COGNITION 70, 70–81 (2020);
- Mike Jessop et al., *Evidential Thresholds for Species Suitability in Captivity*, in HEALTH AND WELFARE OF CAPTIVE REPTILES 509, 514 (Clifford Warwick et al. eds., 2d ed. 2023);
- Neil D'Cruze et al., *Dropping the Ball? The Welfare of Ball Pythons Traded in the EU and North America*, 10 ANIMALS (2020);
- *Opinion on the Space Requirements for Snakes in Vivaria Within Pet Selling Establishments*, ANIMAL WELFARE COMM. 16 (June 5, 2023);
- Phillip C. Arena & Clifford Warwick, *Spatial and Thermal Factors*, in HEALTH AND WELFARE OF CAPTIVE REPTILES 417, 425, 429–30 (Clifford Warwick et al. eds., 2d ed. 2023);
- Robert W. Mendyk & Clifford Warwick, *Arbitrary Husbandry Practices and Misconceptions*, in HEALTH AND WELFARE OF CAPTIVE REPTILES 561, 561–82 (Clifford Warwick et al. eds., 2d ed. 2023);
- John V. Rossi, *General Husbandry and Management*, in MADER'S REPTILE AND AMPHIBIAN MEDICINE AND SURGERY 109, 118–23 (2019);
- Stephen L. Barten & Gregory J. Fleming, *Current Herpetologic Husbandry and Products*, in CURRENT THERAPY IN REPTILE MED. & SURGERY 2, 2–12 (2014);
- Tina Hollandt et al., *Animal-Appropriate Housing of Ball Pythons (Python regius)—Behavior-Based Evaluation of Two Types of Housing Systems*, 16 PLOS ONE (2021).

Study after study has produced consistent findings that a captive snake's enclosure must be at least long enough to allow a snake to fully stretch, unobstructed by any object within the enclosure, to accommodate the snake's welfare. Enclosures should also be spacious enough to accommodate essential amenities such as heaters, basking areas, hiding spots, water pools, and vegetation without overcrowding. And, because many snake species “may reasonably be expected to move while adopting straight-line behaviour and manifest multiple activity habits (i.e., involve combinations of subterranean, aquatic, terrestrial, and arboreal patterns), increasingly authors are taking a precautionary view that all enclosures for all species ought to allow snakes to stretch and move in all dimensions.”¹² To allow for the fundamental rectilinear behavior associated with locomotion and comfort, Warwick and others maintain that, as an absolute minimum containment condition, terrestrial snakes must receive space equivalent to the length of the snake (primary linear dimension); the other enclosure dimensions must not be less than forty percent of the primary linear dimension.¹³ Arboreal snakes must receive space

¹² B.M. Cargill et al., *A Survey Exploring the Impact of Housing and Husbandry on Pet Snake Welfare*, ANIMAL WELFARE 193, 204 (2022).

¹³ *Spatial Considerations*, *supra* note 1, at 46.

equivalent to the length of the snake in primary linear and vertical dimensions; the width dimension must not be less than 40% of the primary dimension.¹⁴

The objective advice within the scientific literature—that enclosures must provide snakes space to stretch fully—has been adopted in Colorado and by prominent veterinary organizations and retailers in the pet industry. Examples include:

- On May 15, 2025, the Colorado Department of Agriculture adopted amended regulations that expressly require pet stores, breeders, animal rescues, and sanctuaries licensed under the state’s Pet Animal Care and Facilities Act to provide snakes enough space to extend fully.¹⁵
- The British Veterinary Association educates the public that the ball python “[n]eeds enough space to stretch out in full.”¹⁶
- A publication by the British Small Animal Veterinary Association (BSAVA)—an organization whose members include veterinarians who primarily care for snakes living in the homes of hobbyists—advises: “As a rule of thumb, the diagonal of the enclosure should, as a minimum, be approximate to the length of the snake. There should be enough space for the snake to display normal behaviour, move around freely, and the enclosure should be sturdy and escape-proof.”¹⁷
- Petco—one of the largest pet supply companies in the United States—updated its reptile care sheets to recommend enclosures that allow snakes to stretch out fully.¹⁸
- In 2021, reptile supply company Zoo Med Laboratories removed the misleading guidance (i.e., that snakes may be held in an enclosure only half the length of their body) from its website.¹⁹

¹⁴ *Id.*

¹⁵ See 48 Colo. Reg. 754, 774 (June 2025) (describing 8 Colo. Code Regs. § 1202-15:12.11.15 (effective July 15, 2025)). The amended snake enclosure rule provides licensees until January 1, 2027, to comply with the enclosure length requirement, presumably because of the large number of snakes housed by some breeders.

¹⁶ *Think Twice: Is This Pet Right for You?*, BRITISH VETERINARY ASS’N, <https://www.bva.co.uk/take-action/our-policies/exotic-pets-non-traditional-companion-animals/> (last visited Sept. 22, 2026).

¹⁷ *Pet Snakes in the UK – World Snake Day*, BSAVA (July 14, 2023), <https://www.bsava.com/article/pet-snakes-in-the-uk-world-snake-day/>.

¹⁸ Compare, e.g., *Corn Snake Care Sheet*, PETCO (Oct. 22, 2025), <https://www.petco.com/content/content-hub/home/articlePages/caresheets/corn-snake.html#habitat-setup> (“Since habitats should be large enough for an adult corn snake to stretch out fully, a 40-gallon breeder or larger tank is recommended.”) with *Corn Snake Care Sheet*, PETCO (Mar. 2011), <https://www.yumpu.com/en/document/read/24485850/corn-snake-care-sheet-petco> (“size – appropriate size and shape habitat for an adult colubrid to accommodate normal behavior and exercise, at least a 40 breeder”).

¹⁹ See Rachel Showalter, *Central Coast Reptile Supplier Removes Snake-Care Guidance After PETA Lawsuit*, KCBX (June 21, 2021, 5:00 AM), <https://www.kcbx.org/pets-animals/2021-06-21/central-coast-reptile-supplier-removes-snake-care-guidance-after-peta-lawsuit>; see generally Complaint, PETA v. Zoo Med Lab’ys, No. 2020 CA 004123 B (D.C. Super. Ct. Sept. 24, 2020), <https://www.peta.org/wp-content/uploads/2020/10/PETA-v-Zoo-Med-Complaint.pdf>.

- In 2026, reptile retailer Reptmart updated its website to state: “Snakes require adequate space to stretch out the entire length of their bodies in all directions”²⁰ Likewise, Snakes at Sunset’s updated website states: “Snakes must be able to fully stretch their bodies in all directions and move freely within their enclosure.”²¹

In light of the overwhelming and consistent findings, California’s existing snake enclosure standard is no longer defensible; a revision is necessary to align it with the well-established scientific consensus.

B. Inadequate Enclosure Space Increases Safety Risks for Humans.

Subjecting snakes to captivity stress—caused by enclosures that fail to accommodate rectilinear posturing—not only compromises their welfare, it also creates foreseeable safety risks to caretakers. Human-directed aggression in snakes is “[o]ften related to fear/stress, defense, and escape behavior,” and is “[c]ommon in overly restrictive and exposed (including excessive ambient light for nocturnal species), deficient and inappropriate environments.”²² In other words, the very conditions produced by inadequate enclosure standards—including insufficient space to fully stretch—are precisely those known to precipitate defensive and escape-driven responses.

Empirical evidence reinforces this connection. A field study on free-ranging cottonmouths found that “snakes with elevated levels of baseline [corticosterone (CORT)] at first encounter were more likely to strike than exhibit a threat display when approached in the field.”²³ The researchers concluded that “baseline CORT levels can be important correlates of defensive behavior” and that, if this relationship is causal, “environmental challenges that increase baseline stress levels of populations may elevate cottonmouth defensive behavior.”²⁴ Thus, heightened stress does not merely affect physiological health; it may directly influence how snakes respond to perceived threats, shifting behavior toward more immediate and potentially dangerous defensive actions. This relationship has important consequences for snake-human interactions.

Accordingly, requiring that enclosures provide sufficient space for a snake to fully stretch is not only a matter of animal welfare but also a safety measure.

²⁰ See *Responsible Care and Ownership*, REPTMART, <https://reptmart.com/responsible-reptile-care-ownership/> (last visited Sept. 22, 2026).

²¹ *Responsible Care and Ownership*, SNAKES AT SUNSET, <https://snakesatsunset.com/responsible-care-and-ownership/> (last visited Sept. 22, 2026).

²² *Spatial Considerations*, *supra* note 1, at 41; see also Sneha Krishnan et al., *The Effect of Varied Enrichment Types on Snake Behavior*, 53 J. ZOO & WILDLIFE MED. 266, 267 (2022) (“Captivity-related chronic stress behaviors are thought to include increased abnormal behavior, behavioral inhibition, vigilance behavior, excessive hiding, fearfulness, frequency of startle, aggression, reproductive behavior, dietary indiscretion, and behavioral complexity.”); see Albert Martínez Silvestre, *How to Assess Stress in Reptiles*, 23 J. EXOTIC PET MED. 240, 241 (2014) (listing aggression as a specific behavior parameter that indicates chronic stress).

²³ Mark W. Herr et al., *Stressed Snakes Strike First: Hormone Levels and Defensive Behavior in Free Ranging Cottonmouths (Agkistrodon piscivorus)*, 243 GEN. & COMPAR. ENDOCRINOLOGY 89, 89 (2016). CORT levels are “used as a direct proxy for the amount of stress an animal is experiencing.” *Id.*

²⁴ *Id.*

II. SPECIFYING TEMPORARY CONFINEMENT SPATIAL REQUIREMENTS WILL PROVIDE ENFORCEABLE MINIMUM STANDARDS AND HELP PROTECT THE SNAKES' PHYSICAL AND BEHAVIORAL WELFARE.

[T]he informed objective opinion of experts, as well as all of the experimental research, support the assertion that absolute minimum spatial conditions for snakes must allow them enough room in which to fully stretch out, and that in smaller environments where snakes cannot stretch out, they suffer—even in temporary, short-term, conditions (e.g., those that persist beyond one circadian cycle/one day).²⁵

Notwithstanding the above, Cal. Code Regs. tit. 14, § 43(g)(1) currently allows snakes to be kept in “smaller cages or containers for 31 days from the date of birth or hatching and while being transported or displayed at trade shows.” The Commission’s proposed amendment does not materially change the allowance.²⁶ In other words, this provision further weakens an already permissive perimeter-based enclosure standard and imposes no minimum spatial requirements for “temporary” enclosures. If the Commission will not remove the minimum enclosure space exception for native snakes kept in temporary confinement—a carve out that has no welfare-basis and is not supported by the scientific literature or by PETA—PETA urges the Commission to at least add language that mirrors the temporary confinement requirement proposed in Section 42.1: “At all times, every snake must be able to turn around and reorient its body to remain upright and make adjustments.”

The photos below show snakes crammed into containers for display and sale at California reptile expos, which are usually multi-day events. The images underscore the need for regulations that stipulate minimum spatial requirements to protect snakes from extreme confinement in temporary enclosures at these events.

²⁵ *Getting It Straight*, *supra* note 2, at 14–15.

²⁶ The proposed amended version of Cal. Code Regs. tit. 14, § 43(g)(1), as stated in the Proposed Regulatory Language, stipulates: “Snakes may be kept in 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.”



Figure 3. A snake stuffed into a plastic container at the Reptile Super Show in Pomona, CA, on January 10, 2026.



Figure 4. Snakes in cramped enclosures at the Lancaster Reptile & Exotic Pet Expo in Lancaster, CA, on November 8, 2025.

The exotic pet trade is subject to increasing scrutiny in the scientific, legal, and ethical literature because of concerns relating to animal welfare, species conservation, protection of native ecosystems, and public health and safety.²⁷ Researchers have identified reptile expos as among the most “problematic and uncontrolled sectors of the wildlife industry.”²⁸ California routinely hosts more than a dozen reptile expos every year. The Commission’s temporary confinement standards have implications for thousands of snakes displayed, sold, and transported through these events. This widespread activity reinforces the need for minimum standards that safeguard the continued health, safety, and welfare of animals and the public.

To accomplish its objectives of updating the required application and the language of Cal. Code Regs. tit. 14, § 43 to current standards, and for the protection of California’s native reptiles, the Commission must adequately address the basic spatial needs of captive snakes to ensure that the minimum required enclosure dimensions support their health and welfare. PETA’s proposed revisions advance this goal where the current regulation falls short.

²⁷ See Clifford Warwick et al., *Reptile Expos: An Analysis and Recommendations for Control*, FRONTIERS ANIMAL SCI. 7 (2024), <https://www.frontiersin.org/journals/animal-science/articles/10.3389/fanim.2024.1335982/full>.

²⁸ *Id.*

Proposed Revisions

In the Commission's amended version of Cal. Code Regs. tit. 14, § 43(g)(1), as stated in the Proposed Regulatory Language, remove the red-stricken-text and add the red-underlined-text as described below:

(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. For arboreal snake species, the minimum dimensions of an enclosure shall be relative to the length of the body and tail, and shall be at least the length of the snake on the longest side and in height, and shall not be less than forty percent (40%) of that length on the shortest side.

(B) The perimeter of the enclosure for snakes more than 33 inches in length shall be 1.25 times the length of the snake. For terrestrial snake species, the minimum dimensions of an enclosure shall be at least the length of the snake on the longest side and shall not be less than forty percent (40%) of that length on the shortest side, and in height.

~~(C)~~ The perimeter shall be measured on the inside of the top edge of the enclosure.

~~(D)(C)~~ Snakes may be kept in smaller cages or containers enclosures that do not meet the minimum ~~perimeter~~ requirements in (A) and (B) for 31 days from the date of birth or hatching and while being transported or displayed at trade shows.

(D) At all times, every snake must be able to turn around and reorient its body to remain upright and make adjustments.

(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.

Commercial Use of Rattlesnakes

To whom it may concern,

My name is Brenden Elola. I am a private keeper of native rattlesnakes in California and an apprentice to restricted species permit holder Stephen Angeli. Under Steve's mentorship, I have worked with several venomous species, including but not limited to eastern diamondback rattlesnakes, Mangshan pit vipers, black spitting cobras, and Russell's vipers. Having completed my hours with Steve, I also assist SnakeOutInc. with rattlesnake avoidance training clinics when needed. These clinics may train between six and 30 dogs in a day.

I support the creation of a legal pathway for the commercial exhibition of native rattlesnakes. I appreciate the Commission's attention to public safety and animal welfare. Based on my experience, I ask the Commission to reconsider or clarify several provisions so the permit can work effectively in practice.

Acquisition and eligibility of rattlesnakes

The proposed acquisition rules will make it difficult for a new permit holder to obtain suitable snakes. Many facilities are reluctant to work with venomous snakes because of the responsibilities involved. Facilities that do accept rattlesnakes may retain animals that cannot be released because of injuries or other conditions.

While injured animals that can't be released may be suitable for an educational exhibit, they are not suitable for a canine aversion class, where they are involved in a more hands-on activity. Permit holders need a way to select snakes that are healthy and appropriate for the intended use. If many permit holders must rely on a small number of approved sources, acquisition could become a bottleneck.

I ask the Commission to consider allowing documented acquisition of captive bred native rattlesnakes from lawful sources outside California, subject to appropriate import, health, and recordkeeping requirements. This would provide an alternative to acquiring wild-caught snakes and could improve access to animals suited to exhibition. I also ask the Commission to clarify how snakes propagated under the proposed permit may be transferred to new permit holders.

Rattlesnakes already in lawful possession

I currently keep two wild type *Crotalus oreganus* as personal pets. Please clarify whether a person who obtains a commercial permit may register a native rattlesnake already lawfully in their possession for commercial exhibition. Please also clarify whether that person may continue to keep other native rattlesnakes solely for personal purposes at the same facility. How should permit holders identify which rattlesnakes are kept for commercial use and which are kept solely for personal use during an inspection without creating confusion for the inspecting officer?

Species

I also ask to consider adding the red diamond rattlesnake (*Crotalus ruber*) to the approved species list. Encounters with this species have become more frequent than encounters with

other rattlesnake species in the same area. Including *C. ruber* would support education, public awareness, and accurate species identification through activities authorized under this permit.

Enclosure requirements

The regulations require the longest side of the enclosure to be at least 3 inches longer than the snake housed in it. I ask the Commission to explain why this particular measurement was selected and to change it to 1.5 times the length of the snake. Most zoos use perimeter when their animals are off exhibit or used in behind the scenes breeding programs.

Commercially available enclosures often come in standard sizes, so the proposed measurement may require a custom enclosure even where another enclosure provides adequate space.

I also ask to clarify whether the primary enclosure requirement applies to quarantine housing and how it relates to the separate rule allowing temporary confinement for specified purposes.

Quarantine enclosures are often smaller than primary enclosures to make it easier to monitor feces and ensure proper sanitation. Would they need to meet the enclosure requirements of length of the snake + 3 inches?

A proper citation for the proposed requirement will be much appreciated for clarity.

Quarantine

I support effective quarantine and disease prevention, but I ask the Commission to provide the basis for a one year period. Would these animals need to be cleared by a vet, or do they just sit separately for 1 year? A quarantine period of 3-6 months is standard by many keepers and hobbyists that many vets also recommend.

Please also clarify what “completely separated” means in practice. Whether it requires a separate room, and whether a quarantined snake may be transported or exhibited while remaining separated from other animals. These answers will have a substantial effect on how facilities plan their space and operations.

Handler requirements

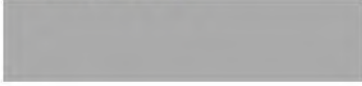
The proposed two-handler requirement could significantly increase operating costs for small businesses. For activities that can be safely conducted by one qualified handler, I recommend allowing single handler operations subject to specific safety protocols outlined in the permit holder’s Emergency Action Plan. Based on my experience assisting with canine aversion classes, two handlers is not necessary in every situation, particularly when a dog is too nervous to participate and the session is paused or ended. Similarly, my experience with educational exhibits suggests that some one hour presentations could be safely conducted by one qualified handler, depending on the setup and level of interaction.

Conclusion

I support the proposed permit and its goals of creating safety for the public and animal welfare.

I ask the Commission to address these concerns and provide clear, practical requirements for acquisition, quarantine, and staffing. Clarification and consideration is vital to ensure responsible permit holders are able to comply and support their business operations.

Thank you for considering my experience and inviting me to comment
Sincerely,
Brenden Elola



From: Mackenzie campbell
Sent: Tuesday, September 29, 2026 11:54 AM
To: FGC
Subject: Protect Captive Native Snakes by Giving Them Space to Fully Stretch

Message to Commission Members:

I am a California resident, and I strongly urge you to amend the minimum spatial requirements for snake enclosures in Cal. Code Regs. tit. 14, § 43(g) to ensure that captive native snakes have at least enough room to fully stretch and, even when temporarily confined, they have space to turn around and reorient their bodies.

The current regulation's enclosure requirements do not ensure that snakes have space to fully extend. Snakes who cannot stretch out experience stress and are far more likely to suffer from a variety of health problems, including obesity, metabolic bone disease, digestive issues, muscle atrophy, respiratory problems, and decreased immune activity. An enclosure that's at least as long as a snake is critical to the animal's mental and physical health and comfort.

Thank you for your time and attention.

Sincerely,
MS. Mackenzie campbell

From: Rebecca Wan
Sent: Wednesday, September 30, 2026 2:52 PM
To: FGC
Subject: Cal. Code Regs. tit. 14, § 43(g)

Dear Members of the Commission,

I am a California resident writing to express my opposition to the current minimum enclosure length standards for native snakes held in captivity under [cite regulation, e.g., Title 14, CCR, section ____]. As written, these standards permit snakes to be confined in enclosures that do not allow them to stretch out to their full body length. I respectfully urge the Commission to revise them.

The ability to fully extend the body is a basic physical need for a snake. Stretching out is a normal, routine behavior used for thermoregulation, movement, and muscle function. An enclosure shorter than the animal's body forces it to remain coiled or bent for its entire life. This is inhumane, and it is inconsistent with the state's responsibility to protect California's native wildlife, including animals lawfully held in captivity.

Husbandry guidance from herpetological and veterinary experts generally recognizes that enclosures should allow a snake to fully extend and move freely, and many reputable keepers already exceed the minimums in our regulations. A standard that permits less than this sets the legal floor below what responsible care requires. It also puts animals at risk of stress, poor health, and reduced welfare in the hands of keepers who rely on the minimum as their guide.

I respectfully request that the Commission:

1.
Amend the minimum enclosure standards so that every captive native snake can fully stretch out in a straight line, with enclosure length at least equal to the snake's total body length, and preferably greater;
2.
Consider standards that also address enclosure width, height, hiding places, and thermal gradients; and
3.
Place this issue on a future meeting agenda and open a public process to review the standards with input from wildlife veterinarians, herpetologists, and animal welfare experts.

California's native snakes are an important part of our state's natural heritage. Basic standards of humane care should reflect that. Thank you for your attention to this matter and for your service to California's wildlife.

Thank you,

Helen Wan

From: Sophia Kim
Sent: Wednesday, September 30, 2026 2:55 PM
To: FGC
Subject: Strengthen proposed standards to help captive native snakes get space to stretch out

Dear Commission,

Rectilinear posturing is a basic need for snakes—just like any other animal—and fundamental to their physical and mental health and welfare. Confining snakes in enclosures that are too small puts them at risk of injury, joint disease, muscle atrophy, respiratory issues, obesity, and constipation.

Please require that enclosures be at least long enough to allow snakes to fully stretch and that snakes be provided space to turn around and reorient their bodies, even in temporary confinement.

Thank you,
Sophia Kim