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 language 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 is 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 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.~~ 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). <u>Contact information is added to include the permittee's mobile number and email address.</u>

<u>(i)(1)(B)2. Mandates that the permitee notify the Department of any changes in circumstances before entering the state. This is necessary to inform law</u>

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)~~3~~4. 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~~ every two weeks 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) 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. ~~New 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 ~~*orcutii*~~ 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

<u>Amend Section 703. Miscellaneous Applications, Tags, Seals, Licenses, Permits, and Fees</u>

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

Fee	Resident Fee	Nonresident Fee
2. Inspection Fee	$415.75	$415.75
3. Permit Fee	$144	$144
4. Renewal Fee	$144	$144
5. Renewal Late Fee	$144	$144

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

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

(b) Goals and Benefits of the Regulation

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

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

Add Section 42.1:

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

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

Amend Section 43:

Authority: Sections 200, 205 and 5061, Fish and

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

Amend Section 703:

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

Reference: Sections 395, 396, 398, 713, 1002, 1002.5, 1050, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3503, 3503.5, 3511, 3513, 3950, 5060, 5061, 10500, 12000 and 12002, Fish and Game Code; and Title 50, Code of Federal Regulations, Parts 21.82 and 21.85; and Opinion of the United States Court of Appeals, 9th Circuit (Stavrianoudakis, et al. v. USFWS, et al., (2024) 108 F.4th 1128).

(d) Specific Technology or Equipment Required by Regulatory Change:

None

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

None.

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://cnah.org/ Accessed May 29, 2026.~~

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

Wildlife Resource Committee, September 11, 2025

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

Wildlife Resource Committee, January 13, 2026

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

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 the 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 strikethough~~.

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.