Description of Specific Edits to Regulatory Language
Re: Use of Native Rattlesnakes

This document outlines each substantive change to the proposed regulatory language. Additional information regarding each change can be found in the Amended Initial Statement of Reasons for Regulatory Action and the Amended Proposed Regulatory Language.

All Sections

Throughout the regulatory language the word “animal” has been changed to “rattlesnake” where context and clarity were necessary.

Section 42.1

Subsection (a)(2): Language has been amended to “As it pertains to this section, passive income derived from social media views, sponsorship or similar, is not a commercial purpose.”

Subsection (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.”

Subsection (d): The language “Each application shall be submitted” is added. Additionally, clarification has been added that only the portion of the fees designated as “refundable” will be returned.

Subsection (d)(5)(B): The language “This shall include verification of a veterinarian of record pursuant to this section” has been added.

Subsection (h): The language has been amended to say, “…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, permitted wildlife rehabilitator; a municipal animal control agency; or other Exhibition Permit holders. The acquisition of the rattlesnake must comply with other laws as applicable.”

Subsection (h)(2): This subsection has been deleted.

Subsection (h)(3): changed to subsection (h)(2). The language has been updated to say, “No permittee shall possess more than fifty (50) native rattlesnakes…”

Subsection (h)(3) (new): The language, “Propagation. Permittees may propagate native rattlesnakes under this permit, but must comply with other laws as applicable” has been added.

Subsection (i)(1)(B)1.b.: This subsection has been updated to say, “permittee’s current contact information that includes the permittee’s mobile telephone number and email address”.

Subsection (i)(1)(B)(2) (new): The subsection has been added to say, “If any of the above circumstances or travel details are altered, the permitee 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.”

Subsection (i)(3): The language has been updated to say, “Quarantine. Any newly obtained rattlesnake, including neonates older than 31 days, shall be quarantined (i.e., completely separated in their own enclosure) from other rattlesnakes for at least 90 days.”

Subsection (i)(4)(C)(1): The language has been updated to say, “All measurements must apply to the longest rattlesnake held in the enclosure. For non-rectangular enclosures, the minimum perimeter of an enclosure containing native rattlesnakes shall be at least 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 (½) the total length of any snake.”

Subsection (i)(4)(C)(2): The language, “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)” has been added.

Subsection (i)(5): The language has been updated to say, “Each rattlesnake shall be observed and its health documented at least twice a week or every two weeks if the animal is in brumation.”

Subsection (i)(6): The language, “Snake hooks or tongs shall be utilized to move animals during exhibition” has bee added.

Subsection (i)(7): Two new subsections were added regarding the handling of snakes on exhibition. The new subsections read;

“(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.”

Subsection (o)(1): The language has been amended to say, “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 department shall deny…”

Subsection (o)(1)(B): The language has been updated to say, “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]; or”

Subsection (o)(1)(C): The language has been amended to say, “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.”

Subsection (p)(1): The language has been amended to say, “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…”

For consistency with subsection (o)(1)(B) and (C), subsections (p)(1)(A) and (B) have been added;

“(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…”

Section 43

Subsection (a)(1): The language, “No permit is required for the purchase and possession of native reptiles…” has been added.

Section 703

No changes.