



# NATIVE REPTILE CAPTIVE PROPAGATION LAWS AND REGULATIONS

This document is designed to provide essential information about native reptile captive propagation. It does not provide complete coverage of all native reptile captive propagation laws and regulations.

Although this document contains excerpts from the Fish and Game Code, and/or the California Code of Regulations, Title 14, it is the permittees' responsibility to know and obey all laws and regulations in effect while he/she is participating in native reptile captive propagation activity. Changes to either code may occur at any time during the year.

Any discrepancies between this document and the codes(s) from which it was prepared will be enforced and adjudicated according to the official code(s) in effect on the date the activity takes place.

## Fish and Game Code Excerpts

**§5061 Rules and Regulations.** The commission shall establish rules and regulations for the commercial take, sale, transport, export, or import of native reptiles.

### **§6896 Rules for Commercial Take, Sale, Transport, etc.**

Except as otherwise provided in this chapter, the commission shall establish rules for the commercial take, sale, transport, export, or import of native amphibians.

## Title 14, California Code of Regulations Excerpts

### **§1.67. Native Reptiles and Amphibians.**

Native reptiles and amphibians are those subspecies, and species, including all color phases, of the classes Reptilia and Amphibia indigenous to California. This definition includes all specimens regardless of their origin even if they were produced in captivity.

### **§5.60. Reptiles.**

(a) Only the following reptiles may be taken under the authority of a sportfishing license, subject to the restrictions in this section. No sportfishing license is required for the sport take of any rattlesnake, but bag and possession limits do apply. No reptiles shall be taken from ecological reserves designated by the commission in Section 630 or from state parks, or national parks or monuments.

- (b) The limit for each of the species listed below is two, unless otherwise provided. Limit, as used in this section, means daily bag and possession limit.
  - (1) Painted turtle (*Chrysemys picta*): Limit: No limit.
  - (2) Pond Slider (*Trachemys scripta*): Limit: No limit.
  - (3) Spiny softshell (*Apalone spinifera*): Limit: No limit.
  - (4) Western banded gecko (*Coleonyx variegatus*), except San Diego banded gecko (*Coleonyx variegatus abbotti*): See Special Closure (f)(1)
  - (5) Desert iguana (*Dipsosaurus dorsalis*)
  - (6) Common Chuckwalla (*Sauromalus ater*)
  - (7) Zebra-tailed lizard (*Callisaurus draconoides*)
  - (8) Desert spiny lizard (*Sceloporus magister*)
  - (9) Granite spiny lizard (*Sceloporus orcutti*)
  - (10) Western fence lizard (*Sceloporus occidentalis*): Limit: Species No. 10 -14 have a limit of twenty-five (25) in the aggregate
  - (11) Common sagebrush lizard (*Sceloporus graciosus*): Limit: Species No. 10-14 have a limit of twenty-five (25) in the aggregate
  - (12) Common side-blotched lizard (*Uta stansburiana*): Limit: Species No. 10-14 have a limit of twenty-five (25) in the aggregate
  - (13) Western skink (*Plestiodon skiltonianus*): Limit: Species No. 10-14 have a limit of twenty-five (25) in the aggregate
  - (14) Desert night lizard (*Xantusia vigilis*), except Sierra night lizard (*Xantusia (vigilis) sierrae*): See Special Closure (f)(2): Limit: Species in subsections (10) through (14) have a limit of



twenty-five (25) in the aggregate

(15) Long-tailed brush lizard (*Urosaurus graciosus*)

(16) Ornate tree lizard (*Urosaurus ornatus*)

(17) Baja California brush lizard (*Urosaurus nigricaudus*)

(18) Desert horned lizard (*Phrynosoma platyrhinos*)

(19) Pygmy short-horned lizard (*Phrynosoma douglasii*)

(20) Great Basin collared lizard (*Crotaphytus bicinctores*)

(21) Mearns' rock lizard (*Petrosaurus mearnsi*)

(22) Baja California collared lizard (*Crotaphytus vestigium*)

(23) Long-nosed leopard lizard (*Gambelia wislizenii*)

(24) Gilbert's skink (*Plestiodon gilberti*)

(25) Tiger whiptail (*Aspidoscelis tigris*)

(26) Southern alligator lizard (*Elgaria multicarinata*)

(27) Northern alligator lizard (*Elgaria coerulea*)

(28) Northern rubber boa (*Charina bottae*): See Special Closure (f)(3)

(29) Northern three-lined boa (*Lichanura orcutti*)

(30) Ring-necked snake (*Diadophis punctatus*), except Regal ring-necked snake (*Diadophis punctatus regalis*): See Special Closure (f)(4)

(31) Common sharp-tailed snake (*Contia tenuis*)

(32) Forest sharp-tailed snake (*Contia longicauda*)

(33) Spotted leaf-nosed snake (*Phyllorhynchus decurtatus*)

(34) North American racer (*Coluber constrictor*)

(35) Coachwhip (*Coluber flagellum*), except San Joaquin Coachwhip (*Coluber (Masticophis) flagellum ruddocki*): See Special Closure (f)(5)

(36) Striped whipsnake (*Coluber taeniatus*)

(37) Striped racer (*Coluber lateralis*), except Alameda striped racer (whipsnake) (*Coluber (Masticophis) lateralis euryxanthus*): See Special Closure (f)(6)

(38) Western patch-nosed snake (*Salvadora hexalepis*), except coast patch-nosed snake (*Salvadora hexalepis virgultea*): See Special Closure (f)(7)

(39) Glossy snake (*Arizona elegans*), except California glossy snake (*Arizona elegans occidentalis*): See Special Closure (f)(8)

(40) Gophersnake (*Pituophis catenifer*): Limit: Four (4)

(41) California kingsnake (*Lampropeltis californiae*): Limit: Four (4)

(42) California mountain kingsnake (*Lampropeltis zonata*), except San Diego mountain kingsnake (*Lampropeltis zonata pulchra*) and San Bernardino mountain kingsnake (*Lampropeltis zonata parvirubra*): Limit: One (1). See Special Closure: (f)(9)

(43) Long-nosed snake (*Rhinocheilus lecontei*)

(44) Common gartersnake (*Thamnophis sirtalis*), except San Francisco gartersnake (*Thamnophis sirtalis tetrataenia*) and South Coast gartersnake (*Thamnophis sirtalis* spp.): See Special Closure (f)(10)

(45) Terrestrial gartersnake (*Thamnophis elegans*)

(46) Sierra gartersnake (*Thamnophis couchii*)

(47) Aquatic gartersnake (*Thamnophis atratus*)

(48) Northwestern gartersnake (*Thamnophis ordinoides*)

(49) Checkered gartersnake (*Thamnophis marcianus*)

(50) Western groundsnake (*Sonora semiannulata*)

(51) Western shovel-nosed snake (*Chionactis occipitalis*)

(52) Western black-headed snake (*Tantilla planiceps*)

(53) Smith's black-headed snake (*Tantilla hobartsmithi*)

(54) Sonoran lyresnake (*Trimorphodon lambda*)

(55) California lyresnake (*Trimorphodon lyrophanes*)

(56) Desert nightsnake (*Hypsiglena chlorophaea*)

(57) Coast nightsnake (*Hypsiglena ochrorhyncha*)

(58) Western threadsnake (*Rena humilis*)

(59) Western diamond-backed rattlesnake (*Crotalus atrox*)

(60) Mohave rattlesnake (*Crotalus scutulatus*)

(61) Western rattlesnake (*Crotalus oreganus*)

(62) Speckled rattlesnake (*Crotalus mitchellii*)

(63) Sidewinder (*Crotalus cerastes*)

(64) Panamint rattlesnake (*Crotalus stephensi*)

(65) Red diamond rattlesnake (*Crotalus ruber*): Limit: Zero (0)



- (c) Open season: All year.
- (d) Hours: Reptiles may be taken at any time of day or night.
- (e) Methods of take:
  - (1) Reptiles may be taken only by hand, except as provided in subsections (e)(2) and (3) below, or by the following hand-operated devices:
    - (A) Lizard nooses.
    - (B) Snake tongs.
    - (C) Snake hooks.
  - (2) Rattlesnakes may be taken by any method.
  - (3) Turtles may be taken by hook and line.  
Fishing methods described in Section 2.00 apply to the take of spiny softshell turtles, slider turtles and painted turtles.
  - (4) It is unlawful to use any method or means of collecting that involves breaking apart of rocks, granite flakes, logs or other shelters in or under which reptiles may be found.
- (f) Special Closures:
  - (1) No geckos (*Coleonyx variegatus*) may be taken in San Diego County south and west of Highway 79 to its junction with County Road S-2, and south and west of County Road S-2 to the eastern San Diego County border.
  - (2) No night lizards (*Xantusia vigilis*) may be taken in Kern County.
  - (3) No rubber boas (*Charina bottae* or *Charina umbratica*) may be taken in Kern, Los Angeles, Riverside, and San Bernardino counties.
  - (4) No ring-necked snakes (*Diadophis punctatus*) may be taken in San Bernardino and Inyo counties.
  - (5) No coachwhips (*Coluber flagellum*) may be taken in the following counties: Alameda, Contra Costa, Fresno, Kern, Kings, Merced, Monterey, San Benito, San Joaquin, San Luis Obispo, Santa Barbara, Stanislaus, and Tulare.
  - (6) No striped racers (*Coluber lateralis*) may be taken in Alameda and Contra Costa counties.
  - (7) No patch-nosed snakes (*Salvadora hexalepis*) may be taken in the following counties: Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.
  - (8) No glossy snakes (*Arizona elegans*) may be taken in the following counties: Alameda,

Fresno, Imperial (west of Hwy 111), Kern, Los Angeles, Riverside (southwest of Hwy 111 and I-10), San Benito, San Bernardino (West of I-215 and Hwy 138), San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara and Tulare.

(9) No California mountain kingsnakes (*Lampropeltis zonata*) may be taken in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura counties.

(10) No common gartersnakes (*Thamnophis sirtalis*) may be taken in San Mateo, Los Angeles, Orange, Riverside, San Diego, and Ventura counties.

#### **§40. General Provisions Relating to Native Reptiles and Amphibians**

- (a) General Prohibition It is unlawful to capture, collect, intentionally kill or injure, possess, purchase, propagate, sell, transport, import or export any native reptile or amphibian, or part thereof, except as provided in this chapter, Chapter 2 of this subdivision relating to sportfishing and frogging, sections 650, 670.7, or 783 of these regulations, or as otherwise provided in the Fish and Game Code or these regulations.
- (b) For the purposes of this section, "intentionally kill or injure" does not include death or injury that occurs incidental to an otherwise lawful activity. This section does not prohibit the capture, temporary collection or temporary possession of native reptiles and amphibians done to avoid mortality or injury in connection with such activities. The live capture and release of native reptiles and amphibians done to avoid such death or injury may occur only with the department's written approval.
- (c) Except for dried or processed reptile skins, it is unlawful to display, in any place of business where pets or other animals are sold, native reptiles or amphibians which cannot lawfully be sold.
- (d) Progeny resulting from pregnant native reptiles or amphibians collected from the wild must be transferred to another person or to a scientific or educational institution within 45 days of birth or hatching. Persons receiving such progeny shall comply with the bag and possession limits specified in sections 5.05 and 5.60.



- (e) Reptiles or amphibians which have been in captivity, including wild-caught and captive-bred individuals or offspring, shall not be released into the wild without the written approval of the department.
- (f) Biological Supply Houses and Exempt Organizations.
  - (1) Biological Supply Houses. The department may issue permits to owners of biological supply houses to sell native reptiles and amphibians to scientific or educational institutions, pursuant to Section 651 of these regulations.
  - (2) Organizations and Schools Exempt from Permit. Institutions or organizations engaged in bona fide scientific study of native wildlife, whose specimens are readily available for use or viewing by the public at large on a regular basis, and government accredited schools that are open to the public may possess, accept donations of, or exchange, purchase or sell between organizations, native reptiles and amphibians without a permit.

#### **§43. Captive Propagation and Commercialization of Native Reptiles.**

- (a) Native Reptile Propagation Permit.
  - (1) Permit Required. Except for pet shops as provided in subsection 43(f), every person, who, for commercial purposes, sells, possesses, transports, imports, exports or propagates native reptiles pursuant to subsection 43(c), or who propagates native reptiles for noncommercial purposes pursuant to subsection 43(b), shall have a native reptile propagation permit that has not been revoked or suspended issued to that person. The permit or a legible copy of the permit shall be in the immediate possession of the permittee while native reptiles are being displayed to the public, taken, transported, or sold. The permit or a legible copy of the permit shall be kept where native reptiles are maintained. No permit is required for the purchase of subspecies of native reptiles authorized pursuant to subsection 43(c).
  - (2) Application. Application for a permit shall be made on Native Reptile Propagation Permit Application, FG 391B (8/02), which is

incorporated by reference herein. Application forms are available from the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, California 95816; Telephone (916) 227-2244. The application form shall be completed in its entirety, including information on the species and/or subspecies proposed for propagation, the location of the rearing facility and other related information.

- (3) Term of Permit. Permits issued under the provisions of this section shall be valid from January 1 through December 31 or, if issued after the beginning of such term for the remainder thereof.
- (4) Denial. The department may deny a permit to any person who fails to comply with the provisions of a permit or any regulations pertaining to native reptiles. Any person denied a permit may request a hearing before the commission to show cause why his/her permit should be issued.
- (5) Revocation. The commission, after proper notice and providing for an opportunity to be heard, may revoke or suspend a permit for a violation of the Fish and Game Code, or Title 14, CCR, or any federal law or regulation pertaining to reptiles.
- (6) Permit Fee. The permit fee shall be the basic fee set forth in subsection 699(b), Title 14, California Code of Regulations. This fee shall be annually adjusted pursuant to Sections 713 of the Fish and Game Code.
- (7) Albino Native Reptiles. Albino reptiles are defined as individual native reptiles lacking normal body pigment and having red or pink eyes. No permit is required for the possession, propagation, importation, exportation, transportation, purchase or sale of captive-bred native albino reptiles or amphibians. The provisions of section 5.60 apply to the taking and possession of albino native reptiles from the wild.
- (b) Non-commercial Propagation. The department may authorize the possession and propagation of no more than three species and no more than 30 individuals in the aggregate including progeny under a native reptile propagation permit. Within the overall limit of 30 individuals, the department may authorize no more than four of any one



species to be taken from the wild. Individuals may be taken only by the methods authorized by section 5.60. Native reptiles possessed pursuant to this subsection may not be purchased or sold.

- (c) Propagation and Possession for Commercial Purposes. Native reptiles may not be sold, possessed, transported, imported, exported or propagated for commercial purposes, except as provided in sections 40(f) and 42 and except as follows:
- (1) Species and subspecies Authorized. Pursuant to the provisions of this section, only the following species and subspecies may be sold, possessed, transported, imported, exported or propagated for commercial purposes:
    - (A) California kingsnake (*Lampropeltis californiae*);
    - (B) California subspecies of the gophersnake (*Pituophis catenifer*): Great Basin gophersnake (*Pituophis catenifer deserticola*), Pacific gophersnake (*Pituophis catenifer catenifer*), San Diego gophersnake (*Pituophis catenifer annectens*), and Sonoran gophersnake (*Pituophis catenifer affinis*);
    - (C) Northern three-lined boa (*Lichanura orcutii*).
  - (2) Bill of Sale. All animals sold pursuant to this section must be accompanied by a numbered bill of sale which shall contain the name and permit number of the permittee, the complete scientific name of each native reptile sold and the name and address of the buyer. A copy of the bill of sale shall be retained by the buyer.
- (d) Addition or Removal of reptiles authorized for commercial propagation. The following information shall accompany a request to add or remove a reptile to the list that may be commercially propagated:  
A review of scientific literature documenting the population status of the species in California
- (1) Caging and care guidelines for the animal in captivity.
  - (2) Analysis of the effects of broodstock collection methods on wild populations.
  - (3) Analysis of the effects on wild reptile populations of released or escaped reptiles bred under this program.

- (4) Evaluation of the commercial market for the proposed species.
- (e) Limits. except as otherwise authorized, no person shall take or possess native reptiles taken from the wild in excess of the bag and possession limits specified in section 5.60. There are no possession limits for captive-bred native reptiles authorized by subsection 43(c) for persons possessing a native reptile propagation permit or for which the person has a bill of sale as required in subsection 43(c)(2).
- (f) Pet Shops.
- (1) Defined. A “pet shop” means a permanent place of business, licensed by a city or county, that is open to the public and maintains normal business hours, where pet animals are kept for retail sale. An “owner or operator” means the person who owns or is in charge of the pet shop.
  - (2) Exemption. Pet shop owners or operators or their employees or agents, are not required to obtain a native reptile propagation permit to purchase, transport directly from the point of purchase to the pet shop, possess or resell native reptiles purchased from a permittee pursuant to subsection 43(c). This exemption applies only to native reptiles sold by the pet shop from the premises of the pet shop.
  - (3) Records of Purchases. The owner or operator of a pet shop shall retain a legible copy of the bill of sale at the pet shop for each native reptile acquired while the animal is at the pet shop and for two years thereafter. The bill of sale shall contain the name and permit number of the native reptile and amphibian permittee from which the animals were purchased or acquired, the date acquired and the scientific name and number of each subspecies of animals acquired.
  - (4) Records of Sales. Each native reptile sold by pet shops shall be accompanied by a numbered bill of sale which shall contain the name and address of the pet shop, the date sold and the scientific name and number of each subspecies sold. A copy of the bill of sale shall be retained at the pet shop for two years from the date of sale.
  - (5) Effect of Violation. No native reptiles shall be sold from any pet shop whose owner or



operator, or any employee or agent selling native reptiles from the pet shop, has been convicted of a violation pertaining to native reptiles within the previous three years.

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

- (1) Enclosures. The perimeter of the enclosure for snakes 33 inches or less shall be 1.5 times the length of the snake. The perimeter of the enclosure for snakes more than 33 inches in length shall be 1.25 times the length of the snake. The perimeter shall be measured on the inside of the top edge of the enclosure. Snakes may be kept in smaller cages or containers for 31 days from the date of birth or hatching and while being transported or displayed at trade shows. All enclosures shall be adequately ventilated. The substrate shall facilitate the ability to maintain a clean and healthy environment for each animal.
- (2) Food. Food shall be wholesome, palatable and free from contamination and shall be supplied in sufficient quantity and nutritive value to maintain the animal in good health.
- (3) Water. Potable water must be accessible to the animals at all times or provided as often as necessary for the health and comfort of the animal. All water receptacles shall be clean and sanitary.
- (4) Cleaning of enclosures. Excrement shall be removed from enclosures as often as necessary to maintain animals in a healthy condition.
- (5) Disinfection of enclosures. After an animal with an infectious or transmissible disease is removed from an enclosure, that enclosure shall be disinfected.
- (6) Pest control. Programs of disease prevention and parasite control, euthanasia and adequate veterinary care shall be established and maintained by the permittee.
- (7) Observation. Animals shall be observed at least twice a week by the permittee or once a week if the animals are in hibernation. Sick, diseased, stressed, or injured animals shall be provided with care consistent with standards and procedures used by veterinarians or humanely destroyed.

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

- (h) Records. Every permittee shall keep accurate accounting records for three years in which all of the following shall be recorded:
  - (1) The complete scientific name and number of all native reptiles purchased, received, sold, delivered, taken and possessed.
  - (2) The person from whom the native reptiles were purchased or received.
  - (3) The person to whom the native reptiles were sold or delivered.
  - (4) The date the native reptiles were purchased, received, sold, delivered or taken.
  - (5) The price paid or received.
  - (6) The dates and numbers of eggs laid.
  - (7) The dates and numbers of births or hatchings.
- (i) Annual Report Requirement. A copy of the records required in subsection 43(h) shall be submitted to the department by December 31 of each year. No permit shall be renewed unless the records or a signed statement that no species and/or subspecies of native reptiles were purchased, received, sold, delivered, taken or possessed during the year is submitted.
- (j) Confidentiality of Records. The information required in subsections 43(h)(2), (3), and (5) contained in the records and reports filed with the department pursuant to subsection 43(i) shall be confidential and shall not be disclosed to the public.
- (k) Inspection. The department may enter the premises of any permittee where reptiles are maintained, or reasonably may be maintained, at any reasonable hour to inspect reptiles, and enclosures and to inspect, audit or copy records and receipts required by this section. Refusal to allow an inspection may be grounds for revocation of the permit by the Commission.