California Natural Resources Agency
DEPARTMENT OF FISH AND GAME

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 code(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.

California Code of Regulations, Title 14 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 for California or produced in captivity. This definition includes all specimens regardless if they were produced in captivity.

§5.60. Reptiles.

(a) General Provisions: Only the following reptiles may be taken under the authority of a sportfishing license, subject to the restrictions in this section. 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. 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) No sportfishing license is required for the sport take of any rattlesnake.

(1) Painted turtle (*Chrysemys picta*): Limit: No limit.

12-16 have a limit of twenty-five (25) in the aggregate

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

(18) Tree lizard (*Urosaurus ornatus*)

(19) Small-scaled lizard (*Urosaurus microscutatus*)

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

(21) Short-horned lizard (*Phrynosoma douglassii*)

(22) Great basin collared lizard (*Crotaphytus bicintores*)

(23) Banded rock lizard (*Petrosaurus mearnsi*)

(2) Slider Turtle (Pseudemys (*Trachemys scripta*): Limit: No limit.

(3) Spiny softshell turtle (*Trionyx spiniferus*): Limit: No limit.

(4) Western banded gecko (*Coleonyx variegatus*)

(5) Desert iguana (*Dipsosaurus dorsalis*)

(6) Chuckwalla (*Sauromalus obesus*)

(7) Zebra-tailed lizard (*Callisaurus draconoides*)

(8) Colorado Desert fringe-toed lizard (*Uma notata*)

(9) Mojave fringe-toed lizard (*Uma scoparia*)

(10) Desert spiny lizard (*Sceloporus magister*)

(11) Granite spiny lizard (*Sceloporus orcutti*)

(12) Western fence lizard (*Sceloporus occidentalis*): Limit: Species No. 12-16 have a limit of twenty-five (25) in the aggregate

(13) Sagebrush lizard (*Sceloporus graciosus*): Limit: Species No. 12-16 have a limit of twenty-five (25) in the aggregate

(14) Side-blotched lizard (*Uta stansburiana*): Limit: Species No. 12-16 have a limit of twenty-five (25) in the aggregate

(15) Western skink (*Eumeces skiltonianus*): Limit: Species No. 12-16 have a limit of twenty-five (25) in the aggregate

(16) Desert night lizard (*Xantusia vigilis*): Limit: Species No.

(24) Baja California collared lizard (*Crotaphytus vestigum*)

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

(26) Gilbert's skink (*Eumeces gilberti*)

(27) Western whiptail (*Cnemidophorus tigris*)

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

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

(30) California legless lizard (*Anniella pulchra*), except black legless lizard (*Anniella pulchra nigra*): Limit: One (1)

(31) Rubber boa (*Charina bottae*), except southern rubber boa (*Charina bottae umbratica*)

(32) Rosy boa (*Lichanura trivirgata*)

(33) Ringneck snake (*Diadophis punctatus*)

(34) Sharp-tailed snake (*Contia tenuis*)

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

(36) Racer (*Coluber constrictor*).

(37) Coachwhip (*Masticophis flagellum*), except San Joaquin coachwhip (*Masticophis flagellum ruddock*i)

(38) Striped whipsnake (*Masticophis taeniatus*)

(39) California whipsnake (*striped racer*) (*Masticophis lateralis*), except Alameda whipsnake (*Masticophis lateralis euryxanthus*)

(40) Western patch-nosed snake (*Salvadora hexalepis*).

(41) Glossy snake (*Arizona elegans*)

(42) Gopher snake (*Pituophis melanoleucus*): Limit: Four (4)

(43) Common kingsnake (*Lampropeltis getula*): Limit: Four (4)

(44) California mountain kingsnake (*Lampropeltis zonata*), except San Diego mountain kingsnake (*Lampropeltis zonata pulchra*): Limit: One (1). Special Closure: No California mountain kingsnakes shall be taken in Orange and San Diego counties, and in Los Angeles County west of Interstate 5.

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

(46) Common garter snake (*Thamnophis sirtalis*), except San Francisco garter snake (*Thamnophis sirtalis tetrataenia*): Special Closure: No common garter snakes shall be taken in Los Angeles, Orange, Riverside, San Diego, and Ventura counties.

(47) Terrestrial garter snake (*Thamnophis elegans*)

(48) Western aquatic (Sierra) garter snake (*Thamnophis couchii*)

(49) Pacific coast aquatic garter snake (*Thamnophis atratus*)

(50) Northwestern garter snake (*Thamnophis ordinoides*)

(51) Checkered garter snake (*Thamnophis marcianus*)

(52) Ground snake (*Sonora semiannulata*)

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

(54) California black-headed snake (*Tantilla planiceps*)

(55) Southwestern black-headed snake (*Tantilla hobartsmithi*)

(56) Lyre snake (*Trimorphodon biscutatus*)

(57) Night snake (*Hypsiglena torquata*)

(58) Western blind snake (*Leptotyphlops humilis*)

(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 (d)(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.

§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 captively-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.

(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, Form FG391b (08/02), which is incorporated by reference herein. Application forms are available from the Department of Fish and Game, License and Revenue Branch, 1740 N. Market Blvd., Sacramento, California 95834; Telephone (916) 928-5845. 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 the 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 adjusted annually pursuant to Section 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 captively-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 sections 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 Section 40(f) and except as follows:

(1) Subspecies Authorized. Pursuant to the provisions of this section, only the following subspecies may be sold, possessed, transported, imported, exported or propagated for commercial purposes:

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

(B) California subspecies of the gopher snake (*Pituophis melanoleucus*): Great Basin gopher snake (*Pituophis melanoleucus deserticola*), Pacific gopher snake (*Pituophis melanoleucus catenifer*), San Diego gopher snake (*Pituophis melanoleucus annectens*), and Sonora gopher snake (*Pituophis melanoleucus affinis*);

(C) California subspecies of the rosy boa (*Lichanura trivirgata*): Coastal rosy boa (*Lichanura trivirgata roseofusca*) and Desert rosy boa (*Lichanura trivirgata gracia*).

(2) Bill of Sale. All animals sold pursuant to these regulations 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 captively-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 the original 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 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 veterinary-approved care 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 hatchlings.

(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 records and reports filed with the Department pursuant to 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.