

## **R657. Natural Resources, Wildlife Resources.**

### **R657-53. Amphibian and Reptile Collection, Importation, Transportation and Possession**

#### **R657-53-1. Purpose and Authority**

(1) Under Title 23, Wildlife Resources Code of Utah, this rule governs the collection, importation, transportation, possession, and propagation of amphibians and reptiles.

(2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) In addition to this rule, additional regulation is provided in R657-40. Where a more specific provision has been adopted, that provision shall control.

(4) Specific dates, species, areas, number of pre-authorized certificates of registration, limits and other administrative details which may change annually are published in the proclamation of the Wildlife Board for amphibians and reptiles.

(5) Amphibians and reptiles lawfully collected from wild populations in Utah and thereafter possessed remain the property of the state for the life of the animal pursuant to Section 23-13-3. The state does not assert ownership interest in lawfully possessed, captive-bred amphibians and reptiles, but does retain jurisdiction to regulate the importation, possession, propagation and use of such animals pursuant to Title 23 of the Utah Code and this rule.

(6) This rule does not apply to division employees acting within the scope of their assigned duties.

#### **R657-53-8. Certificate of Registration Required.**

(1)(a) A person shall obtain a certificate of registration before collecting, importing, transporting, possessing, or propagating any amphibian or reptile or their parts as provided in rule and the proclamations of the Wildlife Board for amphibians and reptiles, except as otherwise provided by the Wildlife Board or rules of the Wildlife Board.

(b) A certificate of registration is not required:

(i) to collect, import, transport, or possess any amphibian or reptile classified as noncontrolled, except as provided in Subsections R657-53-26(1)(c), R657-53-~~2728~~(5) and R657-53-~~2829~~(7); or

(ii) to export any species or subspecies of amphibian or reptile from Utah, provided that the amphibian or reptile is held in legal possession and importation into the destination state is lawful.

(c) An application for an amphibian or reptile classified as prohibited shall not be accepted by the division without providing written justification describing how the applicant's proposed collection, importation, or possession of the amphibian or reptile meets the criteria provided in Subsections R657-53-23(1)(a), R657-53-24(c)(i) or R657-53-19.

(d) Pre-authorized certificates of registration may be issued for collection and the resulting possession of amphibians and reptiles classified as controlled for collection pursuant to R657-53-13.

(2)(a) Certificates of registration expire as designated on the certificate of registration.

(b) Certificates of registration are not transferable.

(c) If the holder of a certificate of registration is a representative of an institution, organization, business, or agency, the certificate of registration shall end upon the representative's discontinuation of association with that entity.

(d) Certificates of registration do not provide the holder with any rights of succession and any certificate of registration issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer.

(3) The issuance of a certificate of registration automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the certificate of registration is issued.

(4) In addition to this rule, the division may impose specific requirements on the holder of the certificate of registration necessary for the safe and humane handling and care of the amphibian or reptile.

(5)(a) Upon or before the expiration date of a certificate of registration, the holder must renew an existing or apply for a new certificate of registration to continue the activity.

(b) The division shall use the criteria provided in Section R657-53-11 in determining whether to issue a certificate of registration.

(c) If an application is not made by the expiration date, a live or dead amphibian or reptile held in possession under the expired certificate of registration shall be considered unlawfully held.

(d) If an application for a new certificate of registration is submitted before the expiration date, the existing certificate of registration shall remain valid while the application is pending.

(6) Failure to submit timely, accurate, or valid reports as required under this rule or the certificate of registration may disqualify a person from obtaining a new certificate of registration.

(7) A certificate of registration may be suspended as provided in Section 23-19-9 and Rule R657-26.

#### **R657-53-9. Application Procedures -- Fees.**

(1)(a) Applications for certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City or any regional division office.

(b) The application may require up to 45 days for review and processing.

(c) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be returned to the applicant.

(2)(a) Legal tender in the correct amount must accompany the application.

(b) ~~The certificate of registration fee includes a nonrefundable handling fee.~~ A nonrefundable handling fee shall be assessed in addition to the certificate of registration fee.

(c) An additional fee may be imposed to cover the costs associated with facility inspections.

~~(d)~~ (d) Fees may be waived for wildlife rehabilitation, educational or scientific activities, or for state or federal agencies upon request if, in the opinion of the division, the activity is significantly beneficial to the division, wildlife, or wildlife management.

#### **R657-53-13. Pre-authorized Certificates of Registration for Personal Use**

(1)(a) Pre-authorized certificates of registration may only be issued for collection and the resulting possession for personal use of amphibians and

reptiles classified as controlled for collection, as provided in this rule and the proclamation of the Wildlife Board.

(b) Notwithstanding Subsection (a), pre-authorized certificates of registration will not be issued for the collection and resulting possession of a Great Basin rattlesnake or midget faded rattlesnake.

(2) Pre-authorized certificates of registration shall be held to all conditions established in R657-53-8.

(3)(a) The criteria established in R657-53-11(1) shall be utilized to determine if pre-authorized certificates of registration shall be approved and issued.

(b) The criteria shall be applied to all amphibians and reptiles classified as controlled for collection, except as provided in Subsection (1)(b).

(c) Pre-authorized certificates of registration shall be approved and issued only when the R657-53-11(1) criteria have been evaluated by the division and issuance found consistent with the criteria.

(4)(a) Applications for pre-authorized certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City.

(i) Applications for pre-authorized certificates of registration shall be accepted during the second full week of January and must be received by the Salt Lake Office by 5 6 p.m. Friday-Thursday of that week.

(ii) Applications received before the second full week in January will not be accepted.

(iii) If necessary, a drawing will be held for those species that have more applications than available pre-authorized certificates of registration.

(iv) Remaining pre-authorized certificates of registration will be available after the second full week of January on a first-come, first-served basis.

(v) A person may not apply for or obtain more than one pre-authorized certificate of registration for each available species in a calendar year.

(vi) If available, pre-authorized certificates of registration shall be issued within five business days beginning the Monday after the second full week in January.

(vii) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be rejected.

(b)(i) Legal tender in the correct amount must accompany the application.

(ii) ~~The pre-authorized certificate of registration fee includes a nonrefundable handling fee~~ A nonrefundable handling fee shall be assessed in addition to the pre-authorized certificate of registration fee.

(c) Applications for pre-authorized certificates of registration may be denied as provided in R657-53-11(4).

(5)(a) Pre-authorized certificates of registration are not transferable, nor may they be amended to change collection area, species, bag limits, or dates.

(b) A holder of a pre-authorized certificate of registration shall notify the division within 30 days of any change in mailing address.

(c) An amphibian or reptile, or activities authorized by a certificate of registration may not be held or conducted at any location not specified on the certificate of registration without prior written permission from the division.

(6) Specific dates, species, areas, number of pre-authorized certificates of registration approved, and bag limits shall be published in the proclamation of the Wildlife Board for amphibians and reptiles.

(7)(a) Holders of a pre-authorized certificate of registration must report collection success or lack thereof to the division before the expiration date of the pre-authorized certificate of registration.

(b) The division shall issue a possession certificate of registration for the amphibian or reptile collected under the pre-authorized certification of registration for the life of the animal.

(c) Annual reporting to the division on the status of the animal is required or the possession certificate of registration becomes invalid.

#### **R657-53-21. Prohibited Collection Methods.**

(1) Amphibians and reptiles may not be collected using any method prohibited in this rule and the proclamations of the Wildlife Board except as provided by a certificate of registration or the Wildlife Board.

(a) Lethal methods of collection are prohibited except as provided in Subsections R657-53-~~2728~~(6) and R657-53-~~2829~~(6), (8), and (9).

(b) The destruction of habitats such as breaking apart of rocks, logs or other shelters in or under which amphibians or reptiles may be found is prohibited.

(c) The use of winches, auto jacks, hydraulic jacks, crowbars and pry bars are prohibited.

(d) The use of gasoline or other potentially toxic substance is prohibited.

(e) The use of firearms, airguns or explosives is prohibited.

(f) The use of electrical or mechanical devices, or smokers is prohibited except as provided in Subsection (2)(b).

(g) The use of traps including pit fall traps, can traps, or funnel traps is prohibited.

(h) The use of fykes, seines, weirs, or nets of any description are prohibited except as provided in Subsection (2)(b).

(2)(a) Any logs, rocks, or other objects turned over or moved must be replaced in their original position.

(b) Dip nets less than 24 inches in diameter, snake sticks, and lizard nooses may be used.

#### **R657-53-22. Personal Use: Collection and Possession or Importation and Possession of a Live or Dead Amphibian or Reptile.**

(1) A person may collect and possess a live amphibian or reptile for personal use only as provided in Subsection (a), (b) or (c).

(a) Certificates of registration are not issued for the collection and possession of any live amphibian or reptile classified as prohibited for collection and possession, except as provided in R657-53-19.

(b) A certificate of registration is required for collection and possession of any live amphibian or reptile classified as controlled for collection and possession, except as otherwise provided by the Wildlife Board.

(c) A certificate of registration is not required for collection and possession of any live amphibian or reptile classified as noncontrolled for collection and possession, except as provided in Subsections R657-53-~~2728~~(5) and (6) and R657-53-~~2829~~(7) and (8).

(2) A person may collect and possess a dead amphibian or reptile or its parts for personal use only as provided in Subsections (a), (b) or (c).

(a) A person may collect and possess a dead amphibian or reptile or its parts classified as controlled for collection and possession without a certificate of registration as provided in Subsections (i) and (ii).

(i) The specimen must be frozen and submitted to the division by appointment within 30 days of collection; and

(ii) The specimen must be labeled with the species name, salvage date, salvage location, Universal Transverse Mercator (UTM) location coordinates and name of person collecting the dead amphibian or reptile.

(b) A certificate of registration is required for collection and possession of a dead amphibian or reptile or its parts classified as controlled for collection and possession where the dead amphibian or reptile or its parts remains in personal possession, except as otherwise provided by the Wildlife Board.

(i) A certificate of registration is not required for collection and possession of any dead amphibian or reptile classified as noncontrolled for collection and possession, except as provided in Subsections R657-53-~~2728~~(5) and (6) and R657-53-~~2829~~(7) and (8).

(ii) Collection and possession of any dead amphibian or reptile or its parts classified as noncontrolled for collection and possession, which remain in personal possession will count against collection and possession limits.

(c) A dead amphibian or reptile or its parts classified as prohibited for collection and possession may not be collected and possessed without a certificate of registration issued by the division for collection and possession of the specimen.

(3) A person may temporarily handle for personal use live amphibians or reptiles classified as noncontrolled and controlled for collection and possession without a certificate of registration only as provided in Subsections (a) through (d).

(a) An amphibian or reptile may be held for up to 15 minutes in a non-harmful way for the purpose of photography, noninvasive data collection and moving out of harm's way;

(i) For the purposes of this Subsection, noninvasive data collection means the collection of external measurements, specimen weights, external meristics, and sex determination which does not involve the use of probes or other instruments which enter the body of the animal;

(b) The amphibian or reptile cannot be moved more than 60 feet from the location found;

(c) The amphibian or reptile can be placed in any container, bag or device which confines the animal so it may be transported; and

(d) The amphibian or reptile must be released immediately when directed to do so by a division employee.

(4) A certificate of registration is required for a person to handle live amphibians or reptiles classified as prohibited for collection and possession.

(5) A person may import and possess a live or dead amphibian or reptile or its parts for personal use only as provided in subsection (b), (c) and (d).

(a) Certificates of registration are not issued for the importation and possession of any live or dead amphibian or reptile or its parts classified as prohibited for importation and possession, except as provided in Subsection (d) and R657-53-19.

(b) A certificate of registration is required for importation and possession of any live or dead amphibian or reptile or its parts classified as controlled for importation and possession, except as otherwise provided by the Wildlife Board and subsection (i).

(i) Prior to importation, a certificate of registration shall be issued for the importation and the resulting possession of any live amphibian or reptile for

personal use that is legally obtained from outside the state of Utah, is a species native to Utah, and is classified as controlled for importation and possession.

(ii) Legal documentation of the acquisition of the amphibian or reptile shall be maintained as determined in the certificate of registration.

(iii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.

(iv) Imported native and naturalized species shall not count toward the possession limit.

(c) A certificate of registration is not required for importation and possession of any live or dead amphibian or reptile or its parts classified as noncontrolled for importation and possession.

(i) Legal documentation of the acquisition of the amphibian or reptile shall be maintained for the life of the animal or the time the animal is in possession.

(ii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.

(iii) Imported native and naturalized species shall not count toward the possession limit.

(d) Notwithstanding subsection (5)(a) or (b), a person may import and possess any dead amphibian or reptile or its parts classified as prohibited or controlled, except as provided in Section R657-53-5, for personal use without obtaining a certificate of registration, provided the animal was legally taken, is held in legal possession, and a valid license, permit, tag, certificate of registration, bill of sale, or invoice is available for inspection upon request.

### **R657-53-23. Scientific, or Educational Use: Collection and Possession or Importation and Possession of a Live or Dead Amphibian or Reptile.**

(1) A person may collect and possess or import and possess a live or dead amphibian or reptile or its parts for scientific or educational use only as provided in Subsections (a), (b) and (c) and R657-53-19.

(a) The division may issue a certificate of registration to a university, college, governmental agency, bona fide nonprofit educational or scientific institution, or a person involved in wildlife research through an eligible institution to collect and possess or import and possess a live or dead amphibian or reptile classified as prohibited for collection and possession or importation and possession if, in the opinion of the division, the scientific or educational use is beneficial to wildlife and significantly benefits the general public without material detriment to wildlife.

(b) A certificate of registration is required for the collection and possession or importation and possession of any live or dead amphibian or reptile or its parts classified as controlled for collection and possession or importation and possession for scientific or educational use, except as otherwise provided by the Wildlife Board.

(i) Prior to importation, a certificate of registration shall be issued for the importation and resulting possession of any live amphibian or reptile for scientific or educational use that is legally obtained from outside the state of Utah, is a species native to Utah, and is classified as controlled for importation and possession.

(ii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.

(iii) Imported native and naturalized species shall not count toward the possession limit.

(c)(i) A certificate of registration is not required for the collection and possession or importation and possession of any live or dead amphibian or reptile or its parts classified as noncontrolled for collection and possession or importation and possession for scientific or educational use, except as provided in Subsections R657-53-~~2728~~(5) and (6) and R657-53-~~2829~~(7) and (8).

(ii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.

(iii) Imported native and naturalized species shall not count toward the possession limit.

#### **R657-53-26. Propagation of Amphibians or Reptiles.**

(1) A person may propagate native amphibians or reptiles that are legally collected in Utah and possessed only as provided in Subsection (a) through (c).

(a) Certificates of registration are not issued for the propagation of any native amphibian or reptile collected in Utah and classified as prohibited for propagation except as provided in R657-53-19.

(b) A certificate of registration is required for propagating any native amphibian or reptile collected in Utah and classified as controlled for propagation, except as otherwise provided by the Wildlife Board.

(i) All progeny shall be marked as determined in the certificate of registration;

(ii) A report shall be submitted yearly as specified in the certificate of registration;

(iii) Records of the progeny as determined in the certificate of registration shall be kept for the life of the animal or time in possession; and

(iv) Progeny shall not count toward possession limits.

(c) A certificate of registration is required for propagating native amphibians or reptiles collected in Utah and classified as noncontrolled for propagation.

(i) A report shall be submitted yearly as specified in the certificate of registration;

(ii) Records of the progeny as determined in the certificate of registration shall be kept for the life of the animal or time in possession; and

(iii) Progeny shall not count toward possession limits.

(2) A person may propagate naturalized amphibians or reptiles that are legally collected in Utah and possessed only as provided in Subsection (a) through (c).

(a) Certificates of registration are not issued for the propagation of any naturalized amphibian or reptile collected in Utah and classified as prohibited for propagation except as provided in R657-53-19.

(b) A certificate of registration is not required for propagating any naturalized amphibian or reptile collected in Utah and classified as controlled for possession but classified as noncontrolled for propagation.

(i) Records of the progeny shall be kept for the life of the animal or time in possession; and

(ii) Progeny shall not count toward possession limits.

(c) A certificate of registration is not required for propagating naturalized amphibians or reptiles collected in Utah and classified as noncontrolled for propagation.

(i) Progeny shall not count toward possession limits.

(3) A person may propagate native amphibians or reptiles that are legally imported into Utah and possessed only as provided in Subsection (a) through (c).

(a) Certificates of registration are not issued for the propagation of any native amphibian or reptile imported into Utah and classified as prohibited for propagation except as provided in R657-53-19.

~~(b) A certificate of registration is required for propagating any native amphibian or reptile imported into Utah and classified as controlled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession; and~~

~~(ii) Progeny shall count toward possession limits.~~

(b) A certificate of registration is not required for propagating any native amphibian or reptile imported into Utah and classified as controlled for possession but classified as noncontrolled for propagation.

(i) Records of the progeny shall be kept for the life of the animal or time in possession; and

(ii) Progeny shall not count toward possession limits.

(c) A certificate of registration is not required for propagating native amphibians or reptiles imported into Utah and classified as noncontrolled for propagation.

(i) Records of the progeny shall be kept for the life of the animal or time in possession; and

(ii) Progeny shall not count toward possession limits.

(4) A person with a certificate of registration authorizing propagation of Great Basin or midget faded rattlesnakes shall not possess more than twenty five (25) progeny at any point in time, and shall not possess more breeding stock than allowed by the certificate of registration.

(5) A person may propagate nonnative or naturalized amphibians or reptiles that are legally imported into Utah and possessed only as provided in Subsections (a) through (c).

(a) Certificates of registration are not issued for the propagation of any nonnative or naturalized amphibian or reptile imported into Utah and classified as prohibited for propagation except as provided in R657-53-19.

(b) A certificate of registration is not required for propagating any nonnative or naturalized amphibian or reptile imported into Utah and classified as controlled for possession but classified as noncontrolled for propagation.

(i) Records of the progeny shall be kept for the life of the animal or time in possession; and

(ii) Progeny shall not count toward possession limits.

(c) A certificate of registration is not required for propagating nonnative or naturalized amphibians or reptiles imported into Utah and classified as noncontrolled for propagation.

(i) Progeny shall not count toward possession limits.

(6) Certificates of registration may be denied to an applicant who:

(a) is a non-resident of Utah;

(b) fails to provide and maintain suitable, disease-free facilities and to humanely hold and maintain amphibians or reptiles in good condition;

(c) has been judicially or administratively found guilty of violating the provisions of this rule;

(d) has been convicted of, pleaded no contest to, or entered into a plea in abeyance to any criminal offense that bears a reasonable relationship to the



applicant's ability to safely and responsibly collect, import, transport or possess amphibians or reptiles; or

(e) fails to maintain the propagation records and file the annual reports required in this section.

(7) Legally-obtained amphibians or reptiles and their progeny and descendants born in captivity, which are held in possession under the authority of a certificate of registration, remain property of the holder, but are subject to regulation by the division in accordance with the needs for public health, welfare, and safety, and impacts on wildlife.

### **R657-53-27. Collection, Possession, and Importation of Great Basin and Midget Faded Rattlesnakes for Personal Use.**

(1) A person shall obtain a certificate of registration before collecting, importing, transporting, possessing, or propagating any Great Basin rattlesnake (*Crotalus oreganus lutosus* (Crother 2008)) or midget faded rattlesnake (*Crotalus oreganus concolor* (Crother 2008)) for personal use, except as provided in R657-53-29(6).

(2) Certificate of registration applications shall be filed consistent with the procedures and requirements in R657-53-9.

(3) In addition to the certificate of registration issuance criteria and procedures in R657-53-11, the Division may deny an application for a certificate of registration under this Section where the applicant:

(a) engages in conduct that results in the conviction of, a plea of no contest to, or a plea held in abeyance to a crime of:

(i) moral turpitude; or

(ii) cruelty to animals;

(b) is an unlawful user of a controlled substance as defined in Section 58-37-2; or

(c) fails to obtain written approval for possessing a venomous reptile from any federal, state, or local authority having jurisdiction to legally control possession at the location where the reptile will be held; or

(d) fails to obtain written approval for possessing a venomous reptile from the landlord, owner, property manager, or other person or entity that has legal authority to control the possession of a venomous reptile at the property where it will be held; or

(e) fails to comply with the laws or conditions imposed by any federal, state, or local authority approving the possession of a venomous reptile.

(4) A person may not receive a certificate of registration to possess a Great Basin or midget faded rattlesnake without first demonstrating to the Division:

(i) they are twenty-one (21) years of age or older; and

(ii) they have three (3) years experience handling and caring for venomous or non-venomous snakes.

(5)(a) A person may not obtain a certificate or registration to possess a Great Basin or midget faded rattlesnake without first providing adequate facilities and equipment to safely and humanely care for the animal.

(i) The Division may impose additional requirements outside this rule to insure the safe and humane handling and care of venomous snakes.

(b) To obtain and maintain a certificate of registration for a Great Basin or midget faded rattlesnake, the applicant must provide:

(i) A secured room used exclusively for housing, caring for, and handling the venomous reptile. "Secured room" means, for purposes of this Section, a room:

(A) from which a snake cannot escape or conceal itself in holes, cracks, or gaps in walls, floors, doors, windows, ducts, vents, cabinets, sinks, fixtures, or furniture;

(B) that has smooth surface flooring;

(C) that can be illuminated using a switch located outside the room or next to the door inside the room;

(D) that has an emergency lighting source in the event of a power failure;

(E) without upholstered furniture;

(F) where all entry doors are secured with a sturdy lock and locked closed at all times when the certificate or registration holder is not in the room;

(G) where at least one entry door is comprised of a double door configuration with the exterior door constructed of a durable solid material and the interior door constructed of glass or other transparent material allowing visual inspection of the room before entry;

(H) where all interior and exterior doors are sealed with weather stripping or sweeps that securely close all gaps at the floor and in the door jam;

(I) that has ample floor space free of clutter;

(J) with an interior smoke detector and fire extinguisher;

(K) that has immediate access to snake handling equipment; and

(L) with caution signs posted on the outside of each entry door informing the reader:

(I) that venomous reptiles are housed within the room;

(II) of the species and number of each venomous reptile held in the room;

and

(III) that unsupervised entry is prohibited.

(ii) Individual cages or enclosures for each snake that have the following characteristics:

(A) constructed of durable, sturdy materials that are escape-proof and easy to clean;

(B) has an effective primary and secondary locking mechanism that secures all doors and access portals;

(C) allows visual inspection of the interior of the enclosure and the snake without opening a door or portal on the enclosure;

(D) provides necessary lighting, ventilation, temperature control, hydration, and cover;

(E) set a minimum of 12 inches off the floor;

(F) not a glass aquarium or terrarium; and

(G) not a tupperware or other similar plastic container;

(iii) An emergency kit that is accessible from inside the secured room and that includes:

(A) a basic first aid kit;

(B) an epinephrine kit;

(C) a bite-plan;

(D) an envenomation protocol for each species of venomous snake housed inside the room, including names and phone numbers of doctors, hospitals, antivenin banks, and paramedics; a brief medical history; allergy information, and medical insurance information; and

(E) a written description for the location of spare keys to the secured room and all animal cages.

(iv) Snake handling equipment and tools necessary to safely handle and work with a venomous reptile held in captivity, including:

(A) snake hooks or snake sticks of sufficient length to safely pick up a venomous snake and remain outside its striking range;

(B) tongs or grab sticks to safely restrain and control a venomous snake

(C) restraining tubes for hands-on contact with venomous snakes;

(D) transparent snake shield designed to protect the handler from strikes while providing routine maintenance in the snake enclosure;

(E) hemostats or forceps for safe introduction of prey items and removal of small objects inside the enclosure;

(F) snake bags securely constructed to safely confine a venomous snake on a temporary basis for holding or transportation; and

(G) escape-proof holding containers to safely hold snakes during maintenance and cleaning of permanent enclosures.

(6) Before a person may obtain a certificate of registration for a Great Basin or midget faded rattlesnake, the snake housing facilities and equipment must be inspected by a Division representative.

(a) Inspections will be conducted in the presence of the applicant.

(b) The Division representative performing the inspection may take photographs of the facilities and equipment to keep on file with the applicant's records.

(c) The Division retains the authority to inspect snake housing facilities and equipment at reasonable times throughout the term of the certificate of registration to ensure compliance with applicable law, this rule, and the terms of the certificate of registration.

(i) Inspections will be conducted in the presence of the applicant.

(7)(a) A person may transport a Great Basin or midget faded rattlesnake, provided the snake is securely enclosed inside a sewn snake bag and placed within a sturdy transport container.

(b) Transport containers shall:

(i) be constructed to protect the health and safety of the snake and to satisfy its biological requirements during transportation;

(ii) be constructed of sturdy impact resistant material;

(iii) have a secure carrying handle;

(iv) be fastened closed using a tamper-resistant locking mechanism;

(v) be clearly labeled and contents sufficiently described;

(vi) contain ventilation holes less than one-quarter the width of the snake ;

and

(vii) shall be adequately secured during transportation in a vehicle.

(c) Transport boxes containing multiple venomous reptiles or a venomous reptile and other reptiles shall:

(i) conform with the requirements in Subsection (b);

(ii) be constructed to safely and humanely transport multiple reptiles; and

(iii) include rigid and secure dividers separating each individual snake.

(d) The following items shall accompany a transport box containing a Great Basin or midget faded rattlesnake at all times:

(i) snake hooks;

(ii) tongs;

(iii) restraining tubes;

(iv) a sufficient number of additional snake bags; and

(v) a complete envenomation kit and species-specific protocol for use.

(e) A Great Basin or midget faded rattlesnake in transit must be transported directly to the destination and may never be left unattended by the handler in a vehicle.

(f)(i) A Great Basin of midget faded rattlesnake shall not be transported using public transportation.

(ii)(A) Aside from a personal vehicle, air cargo is the only legal means of shipping a Great Basin of midget faded rattlesnake.

(B) Air cargo shipments shall comply with the laws, regulations and procedures of the airline, United States Fish and Wildlife Service, and International Air Transport Association.

(8)(a) The Division may not authorize a person to possess for personal use more than nine Great Basin and ~~nine~~ midget faded rattlesnakes for a ~~in~~-total of eighteen (18) snakes, of which no more than:

(i) three Great Basin rattlesnakes may be from a wild source; and

(ii) three midget faded rattlesnakes may be from a wild source.

(b) Subject to the possession limits in Subsection (a), the Division may not authorize a person to collect from the wild for personal use more than one Great Basin rattlesnake and one midget faded rattlesnake each year.

(c) The Division may authorize collection of:

(i) Great Basin Rattlesnakes within the Great Basin, excluding Washington County; and

(ii) Midget faded Rattlesnakes within the Colorado River drainage basin, excluding Washington County.

(d) A person may not collect a Great Basin or midget faded rattlesnake in any area where possession is prohibited by federal, state, or local law.

(e) The Division may restrict possession limits to a number less than the maximum allowed in Subsection (8) based on:

(i) the applicant's experience and training in handling and caring for Great Basin and midget faded rattlesnakes;

(ii) the housing facilities for the snakes;

(iii) health, safety, and welfare of the snakes; and

(iv) health, safety and welfare of the public.

(9)(a) A person may not use or display a Great Basin or midget faded rattlesnake possessed under authority of this Section at any show, event, exhibition, demonstration, educational program, or similar activity where members of the public are invited or allowed to attend.

(b) This restriction applies to both commercial and non-commercial uses and displays.

(10) The Division may not authorize a person to:

(a) collect from the wild for personal use a Great Basin or midget faded rattlesnake which is gravid;

(b) possess for personal use a gravid Great Basin or midget faded rattlesnake collected from the wild; or

(c) possess for personal use a gravid Great Basin or midget faded rattlesnake acquired from a non-wild source, except as authorized by a certificate or registration issued under R657-53-26.

(11)(a) If a gravid Great Basin or midget faded rattlesnake is collected from the wild, the person collecting or possessing the snake shall notify the Division immediately upon discovering it is gravid.

(b) The Division may take possession of any gravid snake, including progeny, which is collected or possessed in violation of this rule or a certificate of registration.

(12) A person may not import a Great Basin or midget faded rattlesnake into the state unless accompanied by a certificate of veterinary inspection and an import permit number obtained from the Utah Department of Agriculture and Food as required in Section 4-31-9 and R58-1.

**R657-53-28 29. Classification and Specific Rules for Reptiles.**

(ix) Great Basin rattlesnake, Viperidae Family (Crotalus oreganus lutosus [\(Crother 2008\)](#)) is

(A) ~~prohibited~~ controlled for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (6);

(B) ~~prohibited~~ controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

(xiii) Midget faded rattlesnake, Viperidae Family (Crotalus oreganus concolor [\(Crother 2008\)](#)) is

(A) ~~prohibited~~ controlled for collection, possession and propagation of individuals from wild populations in Utah;

(B) ~~prohibited~~ controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

**KEY: wildlife, import restrictions, amphibian, reptile**

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Proposal