

ILLINOIS REGISTER

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Herptile Code
- 2) Code Citation: 17 Ill. Adm. Code 885
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
885.10	Amendment
885.20	Amendment
885.30	Amendment
885.48	New Section
885.50	Amendment
885.60	Amendment
885.80	Amendment
885.90	Amendment
885.103	New Section
885.105	New Section
885.107	New Section
885.110	Amendment
885.120	Amendment
885.130	Amendment
885.150	Amendment
885.155	New Section
885.160	Amendment
885.170	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 5-20, 5-30, 5-35, 10-5, 10-15, 10-40, 20-10, 20-30, 25-10, 25-30, 30-10, 40-10, 45-5, 50-10, 55-5, 60-5, 65-5, 70-5, 75-5, 80-5, 85-5, 90-5, 100-5, 100-10, 100-15, 105-5, 105-10, 105-15, 105-20, 105-25, 105-40, 105-55, 105-60, 105-65 and 105-70 of the Herptiles-Herps Act [510 ILCS 68/5-20, 5-30, 5-35, 10-5, 10-15, 10-40, 20-10, 20-30, 25-10, 25-30, 30-10, 40-10, 45-5, 50-10, 55-5, 60-5, 65-5, 70-5, 75-5, 80-5, 85-5, 90-5, 100-5, 100-10, 100-15, 105-5, 105-10, 105-15, 105-20, 105-25, 105-40, 105-55, 105-60, 105-65 and 105-70], Sections 1-20, 10-30, 10-35, 10-60, 10-65 and 10-115 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 10-30, 10-35, 10-60, 10-65 and 10-115], Sections 4 and 5 of the Wildlife Code [520 ILCS 10/4 and 5], and Section 48-10 of the Dangerous Animals Act [720 ILCS 5/48-10].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to create a Herptile Endangered and Threatened Species Propagation permit and to make clarifications to this rule.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: U.S. Fish and Wildlife rules and regulations for the captive breeding of legally owned endangered species.
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

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- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Reptile breeder businesses and individual reptile hobbyists
 - B) Reporting, bookkeeping or other procedures required for compliance: Reporting will be annually. Sales will have to be accompanied by detailed receipts and those receipts submitted with the annual report.
 - C) Types of professional skills necessary for compliance: None

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- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2024

The full text of the Proposed Amendments begins on the next page:

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 885
HERPTILE CODE

Section	
885.10	Definitions
885.15	Purpose
885.20	Season, Limits and Methods of Take for Bullfrogs, Snapping Turtles and Other Native Herptiles
885.30	Counties Documented with Ranavirus
885.40	Indigenous or Native Herptile Taxa List
885.45	Use of Boas, Pythons and Anacondas
885.48	Medically Significant Amphibians
885.50	Herptile Scientific Collection Permit Application
885.60	Herptile Scientific Collection Permit Provisions
885.70	Herptile Scientific Collection Permit Reports and Renewal
885.80	Herpetoculture Permit Requirements, Application and Fees
885.90	Herpetoculture Permit Provisions
885.100	Herpetoculture Permit Reporting and Renewal
885.103	Herptile Endangered and Threatened Species Propagation Permit Requirements, Application and Fees
885.105	Herptile Endangered and Threatened Species Propagation Permit Provisions
885.107	Herptile Endangered and Threatened Species Propagation Permit Reporting and Renewal
885.110	Medically Significant Rear-fanged Colubridae
885.120	Resident Herptile Special Use Permit Requirements, Application and Fee
885.130	Resident Herptile Special Use Permit Provisions
885.140	Resident Herptile Special Use Permit Reporting Requirements
885.150	Limited Entry (Nonresident) Special Use Herptile Permits; Fees, Reporting and Renewal
885.155	Herptile Diseases
885.160	Herptile Facilities and Welfare Standards
885.170	Suspension and Revocation Procedures

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AUTHORITY: Implementing and authorized by Sections 5-20, 5-30, 5-35, 10-5, 10-15, 10-40, 20-10, 20-30, 25-10, 25-30, 30-10, 40-10, 45-5, 50-10, 55-5, 60-5, 65-5, 70-5, 75-5, 80-5, 85-5, 90-5, 100-5, 100-10, 100-15, 105-5, 105-10, 105-15, 105-20, 105-25, 105-40, 105-55, 105-60, 105-65 and 105-70 of the Herptiles-Herps Act [510 ILCS 68/5-20, 5-30, 5-35, 10-5, 10-15, 10-40, 20-10, 20-30, 25-10, 25-30, 30-10, 40-10, 45-5, 50-10, 55-5, 60-5, 65-5, 70-5, 75-5, 80-5, 85-5, 90-5, 100-5, 100-10, 100-15, 105-5, 105-10, 105-15, 105-20, 105-25, 105-40, 105-55, 105-60, 105-65 and 105-70], Sections 1-20, 10-30, 10-35, 10-60, 10-65 and 10-115 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 10-30, 10-35, 10-60, 10-65 and 10-115], Sections 4 and 5 of the Wildlife Code [520 ILCS 10/4 and 5], and Section 48-10 of the Dangerous Animals Act [720 ILCS 5/48-10].

SOURCE: Adopted at 41 Ill. Reg. 96, effective December 22, 2016; amended at 48 Ill. Reg. _____, effective _____.

Section 885.10 Definitions

"Act" means the Herptile-Herps Act [510 ILCS 68].

"Administrative rule" means a regulatory measure adopted, pursuant to the Illinois Administrative Procedure Act [5 ILCS 100], by the Director under the Act.

"Authorized Law Enforcement Officer" means all sworn members of the Law Enforcement Division of the Department and those persons specifically granted law enforcement authorization by the Director.

"Bonafide Scientific or Educational Institution" means confirming educational or scientific tax-exemption from the federal Internal Revenue Service or the applicant's national, state or local tax authority, or a statement of accreditation or recognition as an educational institution.

"Code" means the Fish and Aquatic Life Code [515 ILCS 5].

"Commercialize" means to sell, offer for sale, barter, trade or otherwise assign a commercial value to a herptile protected under this Part.

"Contraband" means all reptile or amphibian life taken, bought, sold or bartered, shipped, or held in possession or held in any conveyance, vehicle, watercraft or

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other means of transportation whatsoever, except sealed railroad cars or other sealed common carriers, used to transport or ship any reptile or amphibian life or any part of reptile or amphibian life taken, contrary to the Act or this Part, or used to transport, contrary to the Act or this Part, any of the specified species when taken illegally.

"Culling" means picking out from others and removing rejected members because of inferior quality.

"Department" means the Illinois Department of Natural Resources.

"Director" means the Director of the Illinois Department of Natural Resources.

"Educational Program" means a program of organized instruction or study for providing education intended to meet a public need.

"Endangered or Threatened Species" means any species listed as endangered or threatened to the species level on either the Illinois List of Endangered and Threatened Fauna or the federal U.S. Fish and Wildlife Service List of Threatened or Endangered Species.

"Herpetoculture" means the breeding, hatching, propagation, or raising of indigenous or native herptiles in captivity.

"Herptile" means collectively any amphibian or reptile taxon, whether indigenous to this State or not.

"Herptile Special Use Permit" means the permit issued by the Department under Section 10-15 of the Act and Sections 885.120, 885.140 and 885.150 of this Part that authorizes use of special use herptiles for programs of a bonafide educational purpose.

"HETP" means the Herptile Endangered Threatened Propagation Permit described in Section 885.103.

"HSCP" means the Herptile Scientific Collection Permit described in Section 885.50.

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~~*"Herptile" means collectively any amphibian or reptile taxon, whether indigenous to this State or not.*~~

"Hybrid" means the offspring of 2 herptiles of different breeds, varieties, species, or genera.

"Indigenous" or "Native Taxa" means those amphibians and reptiles to the subspecies level (where applicable) that can be found naturally in this State.

"Individual" means a natural person.

"Intergrade" means the offspring of 2 herptiles of different subspecies.

"Limited Entry Special Use Herptile Permit" or "Limited Entry Permit" means a Herpetoculture Permit or Special Use Herptile Permit issued to a nonresident of Illinois allowing that person to bring specified herptiles into Illinois for a limited period not to exceed 30 days.

"Listed" means a species that is listed as endangered or threatened, either at the State level or the Federal level.

"Medically Significant" means a venomous or poisonous species whose venom or toxin can cause death or serious illness or injury in humans that may require emergency room care or the immediate care of a physician. These species are categorized as being "medically significant" or "medically important".

"Morphological variation" means the form and structure of a herptile or any part of a herptile. "Morphological variation" includes the outward appearance, structure, shape, color, pattern and size of a herptile.

"Non-listed" means a species that is not endangered or threatened.

"Owner" means an individual who has a legal right to the possession of a herptile.

"Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture or group.

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"Possession Limit" means the maximum number or amount of herptiles either alive or dead that can be lawfully held or possessed by one person at any time.

"Possessor" means any person who possesses, keeps, harbors, brings into the State, cares for, acts as custodian for, has in his or her custody or control or holds a property right to a herptile.

"Propagation" means the act or process of maintaining any herptile in its natural environment or in a controlled environment that intentionally or unintentionally results in the production of eggs or offspring from the parent stock.

"Propagation" includes the attempt to produce eggs or offspring from the parent stock.

"Ranavirus" means any group of viruses in the family Iridoviridae that are highly infectious and often lethal to aquatic and terrestrial cold-blooded wildlife. Ranaviruses can cause mass die-offs, especially in aquatic populations. These viruses are found nearly worldwide and can infect any species of fish, amphibian or reptile.

"Reptile Show" means any event open to the public, for a fee or without a fee, that is not a licensed pet store, where herptiles or herptiles together with other animals are exhibited, displayed, sold, bought, traded or otherwise made available for public display.

"Resident" means a person who in good faith makes application for any license or permit and verifies by statement that he or she has maintained his or her permanent abode in this State for a period of at least 30 consecutive days immediately preceding the person's application, and who does not maintain permanent abode or claim residency in another state for the purposes of obtaining any of the same or similar licenses or permits under the Act. A person's permanent abode is his or her fixed and permanent dwelling place, as distinguished from a temporary or transient place of residence. Domiciliary intent is required to establish that the person is maintaining his or her permanent abode in this State. Evidence of domiciliary intent includes, but is not limited to, the location where the person votes, pays personal income tax, or obtains a driver's license. Any person qualifying as a resident under this definition who is on active duty in the Armed Forces shall be considered a resident of Illinois during his or her period of military duty.

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"Special Use Herptile" means any taxon of amphibian or reptile (including, but not limited to crocodylians, Komodo dragons, crocodile monitor lizards, or venomous species) for which a Special Use Herptile Permit is required to acquire and possess.

"Take" means possess, collect, catch, detain, hunt, shoot, pursue, lure, kill, destroy, capture, gig or spear, trap or ensnare or harass, or an attempt to do so.

"Taxidermy Services" means the act of preparing, preserving, stuffing and/or mounting the skins of animals with lifelike effect (e.g., mounting, cleaning, tanning).

"Taxon" or the plural "Taxa" means a taxonomic category such as a genus, species or subspecies.

"Transport" or "Ship" means to convey by parcel post, express, freight, baggage or shipment by common carrier of any description; by automobile, motorcycle or other vehicle of any kind; by water or aircraft of any kind; or by any other means of transportation.

"Turtle Farming" means the act of breeding, hatching, raising or selling turtles, or any combination, commercially for the purpose of providing turtles, turtle eggs or turtle parts to pet suppliers, exporters and food industries.

"Voucher Herptile" means an actual herptile specimen deposited into a museum or scientific institution collection as proof of its existence in the locality at which it was collected.

"Wildlife Sanctuary" means any non-profit organization that:

is exempt from taxation and currently confirmed as exempt under the federal Internal Revenue Code;

operates a place of refuge where wild animals are provided care for their lifetime or released back to their natural range;

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does not conduct activities on animals in its possession that are not inherent to the animal's nature;

does not use animals in its possession for entertainment;

does not sell, trade or barter animals in its possession or parts of those animals; and

does not breed animals in its possession. [510 ILCS 68/1-15]

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 885.20 Seasons, Limits and Methods of Take for Bullfrogs, Snapping Turtles and Other Native Herptiles

- a) A sport fishing license is required for residents, unless exempt from a sport fishing license under Section 20-5 [and 20-15](#) of the Code to legally collect or take any native herptile taxon ~~on private land, with the landowner's permission.~~
- b) Bullfrogs and common snapping turtles may be taken only June 15 through October 15. There is no closed season on all other non-listed native herptiles.
- c) The daily ~~harvest~~ limit for bullfrogs is 8, with a possession limit of 16. The daily ~~harvest~~ limit for common snapping turtles is 2, with a possession limit of 4.
- d) ~~Unless otherwise permitted, for~~ non-listed native herptile taxa (excluding [common snapping turtles and](#) bullfrogs), the possession limit is 8 collectively, with no more than 4 per species. [This includes live specimens or any parts thereof.](#)
- e) [Unless otherwise permitted, bullfrogs may be taken by hand, gig, pitchfork, spear, landing net, bowfishing, and hook and line during bullfrog season.](#)
- ~~f~~e) Unless otherwise ~~permitted~~[authorized](#), turtles other than common snapping turtles may be taken only by hand. Common snapping turtles may be taken only by hand, hook and line or bow and arrow. Common snapping turtles may not be taken by bow and arrow in the following counties: Randolph, Perry, Franklin,

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Hamilton, White, Gallatin, Saline, Williamson, Jackson, Union, Johnson, Pope, Hardin, Massac, Pulaski and Alexander.

- gf) Nonresidents
- 1) Nonresidents may not possess or collect herptiles collected from the wild within this State, except:
 - A) for scientific purposes to those individuals that have been issued with a Herptile Scientific Collection permit.~~;~~~~or~~
 - B) ~~for personal consumption with a nonresident sport fishing license.~~
 - 2) ~~Nonresidents not conducting scientific research may photograph and briefly manipulate nonvenomous herptiles not listed as endangered or threatened in the wild, provided the herptiles are not harmed or removed from the site where encountered.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 885.30 Counties Documented with Ranavirus

- a) The following Illinois counties have been documented with Ranavirus: Clark, Cook, Jackson, Lake, Madison, Monroe and Vermilion.
- b) This Section may be amended to add additional counties as ongoing research documents new outbreaks of the virus in Illinois.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 885.48 Medically Significant Amphibians

Medically significant poisonous/venomous amphibians, capable of causing bodily harm to humans or animals, shall be allowed for educational purposes or research purposes by bona fide scientific or educational institutions. Medically significant amphibians include, but are not limited to, cane or marine toads (Bufo marinus), Colorado river toads (Bufo alvarius), Smooth-sided toad (Rhaebo [Bufo] guttatus), any South American/ beaked/Rio Viejo toads (genus Rhinella), Bruno's casque headed frog (Aparasphenodon bruno), Greening's frog

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[\(Corythomantis greening\), Spring-headed or Coronated tree frog \(Anotheca \[Tripriion\] spinosa\), and Ranwella's horned tree frog \(Polypedates ranwellai\),](#)

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 885.50 Herptile Scientific Collection Permit Application

- a) Any person who wishes to do research on, take or salvage non-listed Illinois herptiles must obtain and possess a valid Herptile Scientific Collection Permit (HSCP) from the Department. The HSCP will permit, for strictly scientific purposes, the capture, marking, handling, banding or collection (including hide, skin, bones, teeth, claws, nest, eggs or young) of any of the herptiles not protected under federal law or the Illinois Endangered Species Protection Act [520 ILCS 10], but now protected under the Herptiles-Herps Act. Any collections made must be for permanent donation to bonafide public or state scientific, educational or zoological institutions. There is no fee for this permit. [Any person who is under the direct control of the applicant, or who is employed by or under control of the applicant and will be assisting with the activities authorized under a HSCP must be listed in the permit application.](#)
- b) To be eligible for an HSCP for scientific research or salvage, the applicant must:
 - 1) be at least 18 years of age;
 - 2) be engaged in scientific research, which may include, but is not necessarily limited to, research sponsored by universities, colleges or scientific institutions; and
 - 3) have public or state scientific, educational or zoological institutions available that will take any voucher herptiles that are collected.
- c) To be eligible for an HSCP for salvage and subsequent rehabilitation of crippled herptiles, the applicant must:
 - 1) be at least 18 years of age;
 - 2) have held a salvage permit the previous year or submit a reference statement from a licensed veterinarian, zoological curator, conservation

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police officer or an IDNR wildlife resources, natural heritage or fisheries biologist, as appropriate, stating that the applicant has experience in treating and handling wild herptiles and has facilities available to treat, care for and produce self-dependent herptiles for release to the wild; and

- 3) have public or state scientific, educational or zoological institutions available that will take voucher and/or permanently disabled herptiles.
- d) Application for an HSCP shall be made on forms provided by the Department. Information items requested on application forms will include, but are not limited to: name, address, phone number, list of herptile species to be requested for that permit. These forms may be submitted via email at DNR.HerpPermit@illinois.gov.
- e) HSCPs may be issued by the Department provided the applicant has met the eligibility requirements of this Section and the application form has been completed.
- f) Collecting on Department-owned, -managed and -leased properties, including but not limited to, collecting in State Parks or Conservation Areas, Nature Preserves or Land and Water Reserves may require additional permits, pursuant to Section 6 of the State Parks Act [20 ILCS 835], Section 23 of the Illinois Natural Areas Preservation Act [525 ILCS 30], and 17 Ill. Adm. Code 110.70, 4000.570, 4000.580 and 4010.260.
- g) Final judgment of applications will be at the sole discretion of the Department. Permits ~~will~~ may be denied to any person whose privileges are revoked or suspended for a violation of the Act. ~~for previous herptile-related violations of Scientific Permits (see 515 ILCS 5/20-100, 520 ILCS 5/3.22 and 17 Ill. Adm. Code 520). Other grounds for denial of permits include, but are not limited to: interfering with or obstructing an ongoing investigation, illegal activity involving any herptile-related violations, and misleading or false statements made to the Department or any of its employees.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 885.60 Herptile Scientific Collection Permit Provisions

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- a) Full-time employees of state or federal conservation agencies shall be issued an HSCP at no charge for the term of their employment, as long as that person continues to submit, by January 31 of each year, an annual report of the past year's activities as defined in Section 885.70.
- b) The HSCP is valid for only the approved type of research and/or collection of a voucher herptile stated on the permit. Under no circumstances shall an HSCP be used in lieu of sport or commercial licenses. HSCPs exempt holders from herptile possession limits for strictly research only, whereas sport fishing licenses do have personal herptile possession limits and Herpetoculture Permits (see Sections 885.80, 885.90 and 885.100) exempt holders from herptile possession limits for personal or commercial purposes only.
- c) The permittee's method of taking herptiles must be approved by the Department. All devices used for taking, which are left unattended, must have the permittee's name, address and Scientific Permit number visible on them.
- d) Taking and/or salvage of herptiles shall be performed by or under the direct supervision of the permittee. The permittee shall disclose in the permit application the name of any other person who will assist the permittee. The permittee must be present when any person named in the application is involved in the actual taking of herptiles.
- e) Taking and/or collection of a voucher herptile is only allowed in areas designated on the permit.
- f) Taking and/or collection of a voucher herptile on private properties requires oral or written landowner's or landowner designee's permission. This permit does not allow the privilege of trespass.
- g) Taking and/or collection of a voucher herptile on Department-owned or -managed lands, including, but not limited to, collection in State Parks, Conservation Areas, Nature Preserves or Land and Water Reserves, is not permitted without additional permits, pursuant to the State Parks Act, Illinois Natural Areas Preservation Act and 17 Ill. Adm. Code 110.70, 4000.570, 4000.580 and 4010.260.
- h) The HSCP must be carried on the person at all times when taking specimens and be presented, upon request, to Department or law enforcement personnel.

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- i) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under control of the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit. Additional persons or agents must be disclosed on the application.
- ji) Herptiles taken and rehabilitated shall be released to the wild here originally captured or shall be permanently donated to a public or state scientific educational or zoological institution. Any proposed return of a herptile taken under an HSCP to the wild of Illinois must first be pre-approved in writing by the Department. Return of a herptile to the wild of Illinois without written approval by the Department will constitute a violation of this Part.
- kj) The permittee is responsible for the taking activities under the permit and for submitting the annual report required by Section 885.70. The permittee must maintain a record of all specimens taken for no less than 2 years and shall present that record, upon request, to Department or law enforcement personnel.
- lk) An HSCP does not release the permittee from other provisions under the Act, nor from federal or other State statutes and does not supersede federal permits.
- ml) No person shall transfer a permit issued under this Section to another person.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 885.80 Herpetoculture Permit Requirements, Application and Fees

- a) A Herpetoculture Permit is required of any persons wishing to:
 - 1) be exempt from his or her possession limits for non-listed native herptile taxa, regardless of whether the permit holder only possesses, or also breeds or commercializes;
 - 2) commercialize any non-listed native herptile taxa that have not originated from the wild in Illinois;

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- 3) breed (either intentionally or unintentionally) any non-listed native herptile taxa.
- b) Residents seeking to obtain a Herpetoculture Permit must submit an application form, provided by the Department, along with a nonrefundable annual fee of \$50. Information items requested on application forms will include, but are not limited to: name, address, phone number, list of herptile species to be requested for that permit. These forms may be submitted via email at DNR.HerpPermit@illinois.gov. The Department will review and act on these permit requests within 60 days after receipt of the request. Residents applying for renewal of their permit must submit an application, along with annual reports for the preceding year's activities and a nonrefundable fee of \$50. Hardcopy applications may be mailed to IDNR, Herptile Permits, One Natural Resources Way, Springfield IL 62702.
- c) Nonresidents seeking to obtain a limited entry Herpetoculture Permit to sell or offer for sale any non-listed native herptile taxa that have not originated from the wild in Illinois must submit an application, provided by the Department, along with a nonrefundable fee of \$25. This permit shall be valid for a specified period that does not exceed 15 consecutive days.
- d) Applicants must be at least 18 years of age. All portions of the permit application must be completed in full and accompanied by the nonrefundable fee. Incomplete applications will be rejected. All non-listed native herptile taxa the applicant wishes to work with or commercialize must be listed on the permit application form. [Any person who is under the direct control of the applicant, or who is employed by or under control of the applicant and will be assisting with the activities authorized under a Herpetoculture Permit must be listed in the permit application.](#)
- e) No Herpetoculture Permit will be issued for any special use herptile taxa. Special use herptile taxa are subject to permitting requirements of Section 885.120.
- f) Indigenous herptile taxa collected from the wild in this State, or any resulting offspring, may not be bred or commercialized, including any lineages of wild-caught Illinois herptiles, unless otherwise authorized by the Department, in writing, for research or recovery purposes.

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- g) Release of any propagated indigenous herptile is prohibited unless authorized by the Department in writing.
- h) Issuance, modification or denial of any and all permits shall be at the sole discretion of the Department. ~~Permits~~~~The Department's action~~ shall be denied to any person whose privileges are revoked or suspended for a violation of the Act based on such considerations as completeness of the application, the applicant's history, if any, of violations of the Act or this Part, etc. Additionally, ~~permits may be denied for previous herptile related violations of aquatic life dealers licenses and aquaculture permits (see 515 ILCS 5/20-70, 20-90 and 20-105 and 17 Ill. Adm. Code 870 and 880).~~ Other grounds for denial of permits include, but are not limited to: interfering with or obstructing an ongoing investigation, illegal activity involving any herptile related violations, and misleading or false statements made to the Department or any of its employees.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 885.90 Herpetoculture Permit Provisions

- a) Additions of native herptile species to Herpetoculture Permits must be approved by the Department prior to acquisition of the species and any changes or reductions in native herptile species identified on the permit must be reported to the Department in writing no later than the first business day after the change or reduction occurs.
- b) Herpetoculture Permit holders must have in possession proof of origin of the native herptiles that are being sold or offered for sale. This can be original receipts from when the permit holder acquired the specimens, along with photo documentation of subsequent hatching eggs and/or hatchlings. Documentation must be presented, upon request, to any authorized officer or agent of the Department or local, state or federal law enforcement officer.
- c) Native herptile species held under a Herpetoculture Permit shall be maintained in facilities that meet the standards of Section 885.160.
- d) Paper receipts/bills of sale must be issued for each sale of native herptile species. Failure to issue paper receipts/bills of sale or issuance of incomplete paper

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receipts/bills of sale shall constitute a violation of this Part. Receipts/bills of sale shall include:

- 1) name, address, phone number and Department Herpetoculture Permit number of the seller in the upper left hand corner;
 - 2) name, address and phone number of the buyer;
 - 3) date of transaction;
 - 4) quantities and species of each native herptile sold.
- e) Any sale of a native herptile to a nonresident shall be documented by a receipt/bill of sale as described in subsection (d) to verify, when the herptile is exiting the State, that it was legally obtained.
- f) Permits must be in the possession of the holder or his or her agent (the agent must be disclosed in the permit application) when engaged in activities involving native herptile species and must be presented, upon request, to any authorized officer or agent of the Department or any local, state or federal law enforcement officer.
- g) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under control of the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit. Additional persons or agents must be disclosed on the application.
- hg) No person shall transfer a Herpetoculture Permit to another person.
- ih) The authorization on the face of a permit that allows specific activities (such as sale, possession, etc.), specifies numbers of native herptile species, or otherwise specifically limits the permit are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.
- ji) All records of permit holder sales and purchases must be kept for a minimum of 2 years from the date of disposition of the herptile.

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(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 885.103 Herptile Endangered and Threatened Species Propagation Permit Requirements, Application and Fees

- a) A Herptile Endangered and Threatened Species Propagation Permit (HETP) is required of any resident wishing to:
 - 1) acquire and/or possess, for the purpose of propagation (intentionally or unintentionally), any herptiles listed under the Illinois Endangered Species Protection Act [520 ILCS 10], that have been legally obtained; or
 - 2) commercialize or offer for sale, any captively propagated and hatched State or Federally endangered/threatened herptiles that was legally obtained.
- b) A person must have a valid Department endangered/threatened species possession permit for any State or Federally endangered/threatened herptile taxa or any hybrid, intergrade, cross, or morphological variation thereof prior to obtaining a permit under this section.
- c) Permits for possession only (i.e. no propagation either intentionally or unintentionally) must be applied for at: [www://dnr.illinois.gov/ORCAApplication Review](http://www://dnr.illinois.gov/ORCAApplicationReview).
- d) A current list of State endangered/threatened herptiles can be found at 17 Ill. Adm. Code 1010. A list of all Federally endangered/threatened species can be found at www://ecos.fws.gov.
- e) Residents seeking to obtain an HETP must be a minimum of 18 years of age and submit an official application along with a non-refundable annual fee of \$150. Applications and instructions for submittal can be found at www.dnr.illinos.gov.
- f) No HEPT will be issued for any special use herptiles defined in Section 885.120. Special use herptiles are subject to permitting requirements under Section 885.120.

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- g) Release of any propagated endangered/threatened herptiles is strictly prohibited unless authorized by the Department pursuant to Section 5-40 of the Act.
- h) Any endangered/threatened herptiles permitted by an HETP shall be exempt from an individual's overall native herptile possession limit set forth in Sections 5-5 and 50-5 of the Act. However, species and quantity limitations noted on an HEPT shall be strictly adhered to.
- i) Issuance, modification or denial of any and all Herptile permits shall be at the sole discretion of the Department. Permits shall be denied to any person whose privileges are revoked or suspended for a violation of the Act.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 885.105 Herptile Endangered and Threatened Species Propagation Permit Provisions

- a) Additions of endangered/threatened herptile species to an HETP must be approved by the Department prior to acquisition of the species. Reductions in endangered/threatened species identified on the permit must be reported to the Department in writing no later than the first business day after the reduction occurs.
- b) HETP holders must retain proof of origin of all endangered/threatened herptiles being propagated, sold, or offered for sale. This can be original purchase receipts and/or a current Department endangered/threatened species possession permit, along with photo documentation of subsequent hatching eggs and/or hatchlings. Documentation must be presented, upon request, to any authorized officer or agent of the Department or local, state or federal law enforcement officer. The Department may require proof of origin for any State or Federally endangered/threatened herptiles to be propagated if that information has not already been submitted to the Department.
- c) Endangered/threatened herptile species held under an HETP shall be maintained in facilities that meet the standards of Section 885.160.
- d) Paper receipts/bills of sale must be issued to all Illinois residents, as well as non-residents, for each sale of endangered/threatened herptile species. Failure to issue

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paper receipts/bills of sale or incomplete paper receipts/bills of sale shall constitute a violation of this Part. Receipts bills of sale shall include:

- 1) name, address, phone number and Department HETP number of the seller in the upper left hand corner;
 - 2) name, address, phone number and Illinois permit number (both HETP and Department endangered/threatened species possession permit), where applicable, of the buyer;
 - 3) date of transaction; and
 - 4) quantity of each endangered/threatened herptile sole.
- e) It is unlawful to sell an endangered/threatened herptile to an Illinois resident who does not have either a current Department endangered/threatened species possession permit, and/or HETP, allowing possession of the species being sold. Sellers must be presented with either an electronic or hard copy of the buyer's permit before completing any transaction.
- f) Permits must be in the possession of the holder, or his or her agent (agent must be disclosed in the permit application) when engaged in activities involving endangered/threatened herptiles. Permits must be presented, upon request, to any authorized officer or agent of the Department, or any local, state or federal law enforcement officer. Failure to present permits shall constitute a violation of this Part.
- g) No person shall transfer an HETP to another person.
- h) The authorization on the face of a permit that allows specific activities (such as sale, possession, etc.), specifies quantities of endangered/threatened herptile species, or other Special Conditions are to be strictly adhered to and shall not be interpreted to allow similar or related matters outside the scope of the permit.
- i) Copies of all sales and purchase records shall be kept for a minimum of 2 years from the date of disposition of any endangered/threatened herptile. Failure to present copies of receipts/bills of sale to any agent of the Department or

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authorized local state or federal law enforcement officer upon request shall constitute a violation of this Part.

- j) Any hybrid, intergrade, cross, or morphological variation of any listed herptile shall be treated as an endangered or threatened herptile under this Part. Examples of these include, but are not limited to: scaleless corn snakes, root beer corn snakes, creamsicle/dreamsicle corn snakes, and Slowinski/Kisatchie rat snakes.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 885.107 Herptile Endangered and Threatened Species Propagation Permit Reporting and Renewal

- a) All permit holders shall submit an annual report by January 31 of each year summarizing activities conducted under the permit during the preceding calendar year. Permit holders applying for HETP renewal shall do so by January 31 of each year and submit the non-refundable fee (see Section 885.103), along with the annual report.
- b) Annual report forms can be accessed at: www.dnr.illinois.gov.
- c) Permit holders must notify the Department in writing of any changes in name, address, or similar contact information within 5 business days after making such a change.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 885.110 Medically Significant Rear-fanged Colubridae

- a) The following 15 medically significant colubrid genera are subject to this Section: *Alsophis*, *Boiga*, *Conophis*, *Hydrodynastes*, *Macropisthodon*, *Malpolon*, *Oligodon*, *Phalotris*, *Philodryas*, *Psammophis*, *Rhamphiophis*, *Thrasops*, *Tomodon*, *Waglerophis* and *Xenodon* [510 ILCS 68/10-5].
- b) Except for boomslangs (*Dispholidus*), twig snakes (*Thelotornis*), keelbacks (*Rhabdophis*), Blanding's tree snake (*Toxicodendron*), brown tree snake (*Boiga irregularis*), Green Palmsnake or Common green racer (*Philodryas [Chlorosoma] viridissima*), and Lichtenstein's green racer (*Philodryas olfersii*), all other

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medically significant species within the genera listed in subsection (a) may be kept with a Herptile Special Use Permit and be exempt from the required hours of experience needed (see Section 10-15 of the Act) and liability insurance requirement (see Section 60-5 of the Act). Annual permit fee, reporting requirements, prohibition on breeding (intentional or unintentional), and required educational programs remain in effect. The facilities to be used to house rear-fanged colubrids must still meet the standards of Article 10 of the Act (Venomous Reptiles) and Section ~~885.160~~~~885.220~~. Experience with rear-fanged colubrids will not count towards experience with other venomous species.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 885.120 Resident Herptile Special Use Permit Requirements, Application and Fee

- a) A Herptile Special Use Permit is required of any resident who commits to conducting at least 6 educational programs per calendar years, for which he or she is seeking to possess any venomous reptile or other special use herptile species, including, but not limited to, any crocodylian, Komodo dragon or crocodile monitor lizard, pursuant to Articles 10, 20 (Crocodylians) and 25 (Monitor Lizards) of the Act, unless exempted under Section 110-5 of the Act. An application for a Herptile Special Use Permit must file an application with the Department on a form provided by the Department. Information items requested on application forms will include, but are not limited to: name, address, phone number, list of herptile species to be requested for that permit. Any person who is under the direct control of the applicant, or who is employed by or under control of the applicant and will be assisting with the activities authorized under a Resident Herptile Special Use Permit must be listed in the permit application. These forms may be submitted via email at DNR.HerpPermit@illinois.gov, or hardcopy applications may be mailed to IDNR, Herptile Permits, One Natural Resources Way, Springfield IL 62702. A period of 60 days should be allowed for the Department to receive and approve permits. Unless otherwise exempted by the Department, prior to any person obtaining a Herptile Special Use Permit, the following criteria must be met:
- 1) Applicants must be at least 18 years of age and complete all portions of the permit application form. Incomplete applications will be rejected.

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- 2) Each applicant must submit payment for each application. The nonrefundable annual fee for a residential Herptile Special Use Permit shall be \$250 per permittee.
 - 3) The requirements of Article 60 of the Act (Herptile Special Use Requirements) must be met.
 - 4) The venomous or special use herptile species applied for must be included in the approved list in Section 10-20, 20-5 or 25-5 of the Act.
 - 5) Unless otherwise exempted, proof of the liability insurance or surety bond required by Section 60-5 of the Act shall be provided and maintained during the term of the permit.
- b) In addition to completing a permit application form provided by the Department, the applicant must submit:
- 1) an outline of the educational program to be presented. Every educational program shall include information on the status of the special use herptiles being displayed or utilized and an explanation of the legal acquisition of the specimens;
 - 2) a list of all similar programs conducted by the applicant during the 2 years preceding the application for a Herptile Special Use Permit, including estimates of the number of persons attending each presentation;
 - 3) a statement as to how the possession of the specimens or products of special use herptiles by the applicant will enhance the welfare of the species involved; and
 - 4) a description, including photographs, of the facilities intended for use in holding the special use herptile species; and
 - 5) ~~a verified statement that any special use herptiles will be obtained legally.~~
- c) A permit for special use herptiles may be issued if the applicant meets the following criteria:

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- 1) unless exempted (see Section 885.110(b)), the credentials and required hours of experience of the applicant indicate training and experience that will assure the applicant has the ability to conduct the proposed programs;
 - 2) the program promotes the survival of the special use herptile species and its natural habitat;
 - 3) the program promotes understanding of the ecological needs of natural populations of the species;
 - 4) the program promotes understanding of the role of the special use herptile species in its natural environment;
 - 5) the applicable nonrefundable fee has been submitted (see subsection (a)(2));
 - 6) unless otherwise exempted, the permit holder has obtained the amount of liability insurance applicable to the number of special use herptiles (see Section 885.150(b)(3));
 - 7) the facilities to be used to house special use herptile species are shown to meet the standards defined in Section 885.160; and
 - 8) a pre-inspection of the proposed facilities has been conducted and the Department has approved the facility.
- d) Issuance, modification or denial of a permit shall be at the sole discretion of the Department. Permits ~~shall~~ may be denied to any person whose privileges are revoked or suspension for a violation of the Act~~for previous herptile-related violations of the Illinois Endangered Species Protection Act or 17 Ill. Adm. Code 1070 (Possession of Specimens or Products of Endangered or Threatened Species). Other grounds for denial of permits include, but are not limited to: interfering with or obstructing an ongoing investigation, illegal activity involving any herptile-related violations, and misleading or false statements made to the Department or any of its employees.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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Section 885.130 Resident Herptile Special Use Permit Provisions

- a) Special use herptiles for which a Herptile Special Use Permit has been issued will not count against an individual's possession limits under the Herpetoculture Permit.
- b) It shall be unlawful for any person to propagate or attempt to propagate any special use herptile, either intentionally or unintentionally, without a Herptile Special Use Permit.
- c) It shall be unlawful for any person to sell or offer for sale any special use herptile without a Herptile Special Use Permit.
- d) Additions of specimens to Herptile Special Use Permits must be approved prior to acquisition of the specimens. Any changes in numbers of specimens possessed must be reported to the Department in writing no later than the first business day after that change occurs.
- e) A minimum of 6 documented educational programs shall be required of each permittee per calendar year.
- f) The special use herptile shall be maintained in a facility that meets the requirements of Sections 10-25, 20-15 and 25-15 of the Act and Section 885.160 of this Part.
- g) Educational program use of special use herptiles shall be in accordance with Sections 10-30, 20-20 and 25-20 of the Act.
- h) Transport of special use herptiles shall be in accordance with Sections 10-35, 20-25 and 25-25 of the Act.
- i) All special use herptiles must be pit-tagged or microchipped to individually identify them unless the specimen is too small to be tagged or chipped. In that case, a color photograph documenting pattern aberrancies unique to that specimen may be accepted until the herptile is larger, at the sole discretion of the Department.

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- j) The Herptile Special Use Permit, or a valid copy of the permit, must be in the possession of the holder or his or her agent (the agent must be disclosed in the permit application) when engaged in activities involving special use herptile species and presented upon demand to any authorized officer or agent of the Department or authorized local, state or federal law enforcement officer.
- k) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under control of the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit. Additional persons or agents must be disclosed on the application.
- l) No person shall transfer a Herptile Special Use Permit to another person.
- m) The authorization on the face of a permit that allows specific activities (such as taking, possession, etc.), specifies the number or quantity of special use herptile specimens or products, or otherwise specifically limits the permit are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 885.150 Limited Entry (Nonresident) Special Use Herptile Permits; Fees, Reporting and Renewal

- a) Nonresidents seeking to transport, ship or display venomous or other special use herptiles through or within the State must apply for a Limited Entry Special Use Herptile Permit. The permit shall be valid for a specified period that does not exceed ~~1530~~ consecutive days. Any person who is under the direct control of the applicant, or who is employed by or under control of the applicant and will be assisting with the activities authorized under a Limited Entry Special Use Herptile Permit must be listed in the permit application. The nonrefundable fee for the Limited Entry Permit is \$25.
- b) *The Department may issue a Limited Entry Permit to an applicant who:*
 - 1) *is not a resident of this State;*

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- 2) *complies with the requirements of the Act and this Part;*
 - 3) *provides proof to the Department that he or she shall, during the permit term, maintain sufficient liability insurance coverage of \$100,000 per special use herptile, up to a maximum of \$1,000,000;*
 - 4) *pays to the Department, along with each Limited Entry Permit, a nonrefundable fee of \$25;*
 - 5) *uses the special use herptile for an activity authorized in the Limited Entry Permit [510 ILCS 68/65-5]; and*
 - 6) meets the standards defined in Article 10 of the Act and Section 885.160 of this Part to house special use herptiles.
- c) In addition to completing a Limited Entry Permit application form provided by the Department, the applicant must submit:
- 1) a description, including photographs, of the facilities intended for use in holding the special use herptiles while in Illinois;
 - 2) the name and address of any venues where the special use herptiles will appear;
 - 3) the dates of entry and exit from the State;
 - 4) a complete inventory of special use herptiles entering the State with the applicant; and
 - 5) a verified statement that any specimens to be possessed while in Illinois have been obtained legally.
- d) Limited Entry Permit holders must submit a report to the Department within 30 days after the expiration of the permit, on forms provided by the Department. Failure to provide required reports can result in denial of subsequent permit requests.

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- e) Permits must be in the possession of the holder or his or her agent (agent must be disclosed in the permit application) when engaged in activities involving Special Use herptile species and must be presented, upon request, to any authorized officer or agent of the Department or any local, state or federal law enforcement officer.
- f) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under control of the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit. Additional persons or agents must be disclosed on the application.
- ge) Issuance, modification or denial of any Limited Entry Permit shall be at the sole discretion of the Department. ~~Permits shall may be denied to any person whose privileges are revoked or suspended for a violation of the Act for previous herptile-related violations of the Illinois Endangered Species Protection Act or 17 Ill. Adm. Code 1070 (Possession of Specimens or Products of Endangered or Threatened Species). Other grounds for denial of permits include, but are not limited to: interfering with or obstructing an ongoing investigation, illegal activity involving any herptile-related violations, or misleading or false statements made to the Department or any of its employees.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 885.155 Herptile Diseases

- a) Herptile Diseases shall include any naturally occurring pathogen, including but not limited to Ranavirus, chytrid fungus, Bsal fungus, Snake Fungal Disease, and shell fungal disease.
- b) Any herptile diagnosed positively with any herptile disease, already in captivity, shall be observed by the owner and reported to the Department. Care and/or treatment for a positive diagnosis shall require quarantine by the owner and consultation with a licensed veterinarian for proper care of the herptile.
- c) Decontamination procedures with waste water or substrate consisting of treatment with a ten percent bleach solution or scientifically based equivalent disinfectant to kill listed pathogens must be used before discarding into a public sewage system

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will be required. Discarding of any decontaminated or non-decontaminated waste water or substrate into a natural body of water within the State of Illinois is illegal.

- d) A positively diagnosed herptile may not be propagated or transferred/commercialized to another person until there is a licensed veterinarian diagnosis/release that the infected herptile has been deemed disease free. Disposal or request for transfer or commercialization of any positive diagnosed herptile must be approved by the Department.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 885.160 Herptile Facilities and Welfare Standards

- a) Facility Standards
All Herpetoculture, Herptile Endangered and Threatened Species Propagation, and Herptile Special Use Permit holders shall keep herptiles in a secure, escape-proof enclosure that is large enough to allow the herptiles reasonable movement. The herptiles shall be supplied clean water, cover and a clean environment and shall be fed regularly.
- 1) Enclosures must be relatively free of feces and multiple shed skins. Non-eaten food items must be removed. Each permit holder must demonstrate that his or her premises and any facilities used in his or her operation comply with this Section.
 - 2) The facility must be constructed of materials of sufficient strength and design to prohibit escape, and enclosures must be of dimensions that allow the intended species to move about freely. Facilities shall be structurally sound and maintained in good repair to protect herptiles from damage by unauthorized persons or from other causes. Electric power, if required to comply with other provisions of this Section, shall be available on the premises.
 - 3) Temperatures in indoor facilities shall be regulated by heating or cooling to simulate conditions of the herptile's natural environment. Indoor facilities shall have lighting, by natural or artificial means or both, of

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quality, intensity, color, temperature, distribution and duration appropriate for the species.

- 4) Outdoor facilities shall be sited and constructed to simulate the natural environment of the herptile with regard to humidity, moisture, temperature, lighting, cover, clean water, and all other factors necessary for survival and growth.

b) Inspection of Facilities

To assure adequacy of facilities when a permit application is being reviewed, or upon receipt of a complaint, the applicant/permit holder shall make the premises, facilities and equipment available at any reasonable hour for the purpose of ascertaining compliance with the Act and this Part. If the applicant's/permit holder's premises, facilities or equipment do not meet the requirements of the Act and this Part, the applicant/permit holder will be advised of deficiencies and the corrective measures that must be taken to bring the premises, facilities and equipment into compliance. The permit holder will be given a deadline by which prescribed corrective measures must be completed.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 885.170 Suspension and Revocation Procedures

- a) ~~In accordance with Section 5-20 and 70-5 of the Act, failure~~Failure to comply with any provision of ~~this Part or the Act, or providing false information to obtain any permit under the Act,~~ may result in suspension or revocation of ~~any~~the permit issued pursuant to the Act. The timeframe for the suspension of permits and the procedure by which suspensions and revocations are made, the rights of permittees to notice and hearing; and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530.~~Additional causes for suspension or revocation include, but are not limited to:~~

- 1) ~~The permit holder fails to comply with the provisions and reporting requirements of the permit;~~

- 2) ~~Annual reports are not submitted by the stated deadline, are incomplete or contain false information;~~

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- ~~3) The permit holder fails to comply with herptile facility and welfare standards of the Act and this Part;~~
- ~~4) Violation of State or federal laws.~~
- b) ~~Any person whose permit has been revoked or privileges suspended shall not be eligible to apply for a new permit in his or her name or in any other name for a period of one year from the ending date of the revocation or suspension.~~
- e) ~~Any person who has been or is an officer, agent or employee of a permittee whose permit has been revoked and who was responsible for or participated in the violation upon which the revocation was based shall not receive a permit within the period during which the revocation is in effect.~~
- d) ~~Failure to comply with the provisions of the Herptile Scientific Collection Permit may result in suspension of privileges and/or revocation of that permit. Any suspension of the HSCP will be for a period of not less than one year.~~
- e) ~~Failure to comply with the provisions of the Herpetoculture Permit may result in suspension of privileges and/or revocation of that permit. Any suspension of the permit will be for a period of one to 5 years from the date of violation.~~
- f) ~~Any person who has been convicted of a violation of any provision of the Illinois Endangered Species Protection Act shall not be eligible to apply for a permit under this Part in his or her own name or in any other name for a period of one to 5 years from the date of conviction.~~
- g) ~~Suspension and revocation of Herptile Special Use Permits are determined pursuant to Article 70 of the Act.~~
- h) ~~Upon suspension or revocation of any herptile-related permits, previously permitted herptiles owned by the permittee are immediately and permanently forfeited to the Department.~~
- i) ~~Unless already provided in Article 70 and Sections 105-40 and 105-70 of the Act, suspension and revocation procedures, the rights of permittees to notice and hearing, and the procedures governing hearings are set forth in 17 Ill. Adm. Code 2530.~~

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(Source: Amended at 48 Ill. Reg. _____, effective _____)