

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 713, 1002, 1002.5, 1050, 2118, 2120, 2122, 2150, 2150.2, 2157, 5060, 5061 of the Fish and Game Code, interpret or make specific sections 75, 200, 205, 395, 396, 398, 713, 1002, 1002.5, 1050, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3503, 3503.5, 3511, 3513, 3950, 5060, 5061, 6896, 7149.3, 10500, 12000 and 12002, Fish and Game Code; Sections 11503 and 11506 Government Code; Section 597, Penal Code; Title 50, Code of Federal Regulations, Parts 21.82 and 21.85; and Opinion of the United States Court of Appeals, 9th Circuit, proposes to add Section 42.1 and amend sections 43 and 703, Title 14, California Code of Regulations (CCR), relating to the use of native rattlesnakes.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14, CCR.

The proposed regulatory changes add Section 42.1, Title 14 CCR, Commercial Use and Possession of Native Rattlesnakes for Exhibition, amend Section 43, Title 14, CCR, Captive Propagation of Native Reptiles for Use as Pets, and subsection 703(c) relating to Commercial Use and Possession of Native Rattlesnakes. The Department of Fish and Wildlife (Department) has requested the proposed amendments for the purpose of establishing a legal framework to permit the commercial exhibition of California native rattlesnakes. It is necessary that the Fish and Game Commission:

- Establish a legal framework allowing commercial exhibition of California native rattlesnakes.
- Create a permitting process for possession and exhibition, covering activities such as dog aversion training, film production, and safe-handling courses.
- Define detailed permit application requirements and permittee responsibilities, including housing, care, record keeping, safe handling, and lawful acquisition.
- Address gaps in existing regulations, which currently do not authorize these forms of commercial exhibition for native species.
- Support public safety by promoting accurate rattlesnake-related information and responsible commercial practices.
- Update related sections (Sections 43 and 703) to align permitting procedures, application requirements, inspections, and fees with the new regulatory structure.

Proposed Regulatory Changes

Addition of Section 42.1

The new section establishes a permitting system for the commercial use and exhibition of native rattlesnakes in California. It defines key terms, outlines who qualifies as a handler, and explains what activities require an exhibition permit. The permit is valid for three years and requires applicants to provide personal, business and facility information, emergency plans, veterinary care, and details on rattlesnake numbers and intended uses.

The regulation includes strict care, housing, handling, and safety standards; limits on the number of snakes a permittee may possess, and restricts acquisition to approved sources. Facilities may be inspected, and permittees must keep detailed records, report escapes or injuries, and comply with all other laws. Lastly, the section outlines the denial, suspension, and revoking of permits for violations and the process of appeal.

Proposed changes to Section 43

The amendments update Section 43 to modern standards, revise the permit application process, and clarify that the regulation covers both commercial and noncommercial captive propagation of native reptiles specifically for use as pets. The application form has been updated, renamed, and has additional identification, business, and contact requirements added. The form will no longer be incorporated by reference and is now described in the regulation. The definition of “pet” is clarified, outdated language is removed, and several terms are updated for consistency.

Minor clarifications are made throughout regarding permitted activities, species nomenclature, enclosure standards, humane care requirements, recordkeeping, and annual reporting. The confidentiality subsection is deleted as it conflicts with the Public Records Act. Lastly, the subsection updates inspection provisions to provide clarity regarding scheduling, authority, and consequences of refusal.

Proposed changes to Section 703

Addition of a new subsection to set the fees for commercial use of possession of native rattlesnakes for other purposes.

Benefit of the Regulations

There is a need to establish a legal framework to permit the commercial exhibition of California native rattlesnakes. This authority does not exist under any other regulations but is needed to address other forms of beneficial commercial (financial gain or profit) exhibition such as dog aversion training, film industry, and safe handling courses.

Consistency and Compatibility with Existing Regulations

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing reptiles (Section 4902, Fish and Game Code). No other state agency has the authority to adopt regulations concerning native rattlesnakes. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Public Participation

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before **December 3, 2026** at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received on **December 11, 2027**. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090.

Meetings

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a ~~webinar/teleconference hearing originating~~ hearing to be held in the California Natural Resources Building, 715, P Street, Sacramento, California, which will commence at 8:00 a.m., or soon thereafter, on **Tuesday, October 13, 2026** and may continue at 8:00 a.m. on **Wednesday, October 14, 2026, Thursday October 15, 2026 and Friday, October 16, 2026**. This meeting will also include the opportunity to participate via webinar/teleconference.

Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the East End Complex Auditorium, 1500 Capitol Ave, Sacramento, CA 95814, which will commence at 8:00 a.m., or soon thereafter, on **Tuesday, December 15, 2026**, and may continue at 8:00 a.m. on **Wednesday, December 16, 2026**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

Availability of Documents

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Jenn Bacon at FGC@fgc.ca.gov or at the preceding address or phone number. **Casey McVay, Lieutenant Law Enforcement Division, Department of Fish and Wildlife, has been designated to respond to questions on the substance of the proposed regulations. Mr. McVay can be reached at LEDRegulations@wildlife.ca.gov.**

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Commission does not anticipate any significant statewide adverse economic impacts that would directly affect businesses as a result of the proposed regulations.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in

California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates that the proposed regulation will create conditions that will positively impact the creation of jobs and new businesses as a result of these regulations. The legalization of commercial rattlesnake handling is anticipated to create approximately 30 new businesses, though it is difficult to fully estimate the number of businesses created due to no permitted activity in this business sector at this time.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission anticipates that the proposed regulation will create some cost impacts to private businesses in the form of the proposed fees.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

California Fish and Game Commission

Dated: September 8, 2026

Melissa Miller-Henson
Executive Director