

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department Legal Division

Agency or Division Name Arkansas Game & Fish Commission

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

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Name of Rule Fl.08 Venomous Reptile Possession Permit Requirements

Newspaper Name Arkansas Democrat Gazette

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Location and Time of Public Meeting AGFC Auditorium, 2 Natural Resources Drive, Little Rock AR 72205,
at 10:00 a.m.

F1.08 Venomous Reptile Possession Permit Requirements

- A. Permit Requirements: A Venomous Reptile Permit may be issued to applicants complying with the following requirements:
1. The applicant must be at least 18 years old and shall not have been convicted of, or entered a plea of guilty or nolo contendere for, violating any federal, state or municipal law governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to animals within 5 years of the application date.
 2. The applicant shall provide to the Commission, in writing, proof from the appropriate county or municipal jurisdiction, stating that the applicant's possession of medically significant venomous reptiles is in compliance with all local ordinances.
 3. The applicant shall submit a written application (available from the Commission) for each facility to be permitted
- B. The requested permit shall be denied if:
1. The applicant fails to meet any of the issuance criteria set forth in this Addendum chapter;
 2. The applicant fails to disclose material information required, or makes false statements as to any material fact in connection with the application, or supplies false information or makes a false statement on the application;
 3. The Commission finds, through further inquiry or investigation, the issuance of the permit may pose a significant risk to human health and safety, native fish and wildlife health or populations, or agriculture, or the proposed species cannot be safely confined in a humane manner.
 4. The species requested in the application are listed in Addendum **R1.03**.
- C. Caging and Facility Requirements: Venomous Reptile Possession Permittees shall provide secure housing of all medically significant venomous reptiles as defined herein:
1. Animal enclosures whether manufactured or constructed (e.g., wood, injection molded plastics, etc.) shall be made in such a way to provide security against escape. The door, lid, or access feature shall be securely latched or locked to prevent escape of enclosed reptiles.
 2. Rooms in buildings or free standing structures housing venomous reptiles shall be locked when not occupied and must be escape proof not limited to doors, windows, ventilation ducts, gaps or cracks in the structure, etc., so as to provide secondary containment of reptiles that escape their enclosure. When a person is inside any room housing venomous reptiles, all escape routes, including doors, serving as secondary containment must remain closed.
 3. Doorways entering rooms containing venomous reptiles shall have prominent warning signage on doors that is clearly visible and states "Warning: Venomous Reptiles."

4. ~~Permittees~~ Persons temporarily displaying native venomous reptiles to the public must meet the above requirements or alternatively the following:
 - i. Native venomous reptiles must be kept in keyed or combination locked enclosures;
 - ii. Open-topped exhibition areas must have, at a minimum, 2 physical barriers completely surrounding the exhibition area and separating the public from the venomous reptiles, by at least 3 feet, to provide security against escape and to prevent contact between the public and the snakes and must be clearly and visibly labeled with a warning sign stating "Venomous Reptile";
 - iii. Permit holder or a trained representative must be on-site at all times when venomous reptiles are in temporary exhibition area; when such an individual is not present, venomous reptiles must be kept in secure containers which lock or are stored in locked rooms. A manifest must be present containing common and scientific name and number of each venomous reptile species in the exhibition area; and
 - iv. A detailed safety plan, including a barrier design description, must be approved by the Commission.
 5. Venomous reptiles permanently displayed to the public must be kept in accordance with a detailed safety plan, including a barrier design description, approved by the Commission.
 6. All permanent enclosures or exhibition areas housing venomous reptiles shall be clearly and visibly labeled: (a) "Venomous Reptile"; (b) common and scientific name; and (c) number of animals each venomous reptile species in the enclosure or exhibition area. The permittee must remove such labeling from empty enclosures.
- D. Reporting and Record-keeping Requirements:
1. The permittee must retain records evidencing legal possession of all wildlife kept under the permit, including licenses, bills of sale, bills of lading, receipts, invoices or other satisfactory evidence of ownership. Records shall include date of acquisition, place of origin, and the name, address and telephone number of the person from whom the wildlife was acquired.
 2. Records must be retained throughout the time the wildlife is possessed by the permittee or for 5 years, whichever is longer.
 3. After July 1, 2020, stock shall only be obtained in the following manner: (1) acquired from Commission-permitted Wildlife Breeder/Dealer; (2) imported into the state in accordance with a Wildlife Importation Permit (Codes 09.10 and 09.11); or (3) legally captured from the wild in Arkansas in accordance with Code 09.14(A). Permits will not be issued to, and existing permits may be revoked for, facilities that have acquired stock by any other method.
- E. Inspections and Escaped Reptiles:

1. Any facilities and wildlife maintained under the authority of a Venomous Reptile Possession Permit shall be subject to inspection by Commission employees or agents.
2. Permittees shall be given adequate notification prior to inspections and during reasonable hours.
3. ~~The Commission shall provide Venomous Reptile Permittees 30 days' written notice to correct any problems identified during an inspection~~ Permit holders whose facility, including enclosures, pens and cages, is not in compliance with this Commission Addendum Chapter shall be notified in writing and shall have 10 days to correct the violation.
4. A permittee must immediately initiate efforts to capture any escaped animals in their possession. The Commission shall be notified within 24 hours of the escape of any reptiles from the facility.

F. Transport Requirements:

1. Medically significant venomous reptiles will be placed in secure ventilated escape-proof containers for transport. Such containers might include secured snake bags inside locking boxes, ventilated buckets or boxes with lids that snap or screw shut, or other secure containers designed specifically for the purpose. All transport containers shall not be left unattended, and shall be clearly labeled "Caution: Venomous Reptiles."

G. Renewal, Transfer, Suspension, and Revocation:

1. Permits may be revoked for failure to comply with the terms of the permit or with the terms of this Addendum Chapter.
2. Persons in violation of the terms of this permit, violation of the Commission Addendum, or upon conviction of, or entered a plea of guilty or nolo contendere or, violating of any federal, state or municipal law governing captive wildlife, illegal appropriation or commercialization of wildlife, or cruelty to animals associated regulations of the U.S. Fish and Wildlife Service, shall be notified in writing of such violations and shall have 20 days to respond.
3. If, at the end of 20 days, just cause has not been given, the Commission may suspend or revoke any existing permit and refuse to issue any future permit. Permit suspension, revocation or refusal shall be in addition to any criminal charges that may be filed.
4. Upon revocation, permit holder must legally remove all captive wildlife within the time designated in the revocation, not to exceed 60 days, and failure to do so shall result in the Commission taking action, per Commission policy, at the permit holder's expense.