

What the Listing of the Four Constrictor Snakes as Injurious Means For People Who Own Snakes

The injurious provisions of Lacey Act (18 USC 42 and 50 CFR 16) [hereafter referred to as the Lacey Act] prohibit the importation, interstate movement, or acquisition (obtaining species from across State lines or through importation) of listed species. With the listing of four constrictors as injurious (Burmese python, Northern and Southern African pythons, and yellow anacondas), some activities would not be affected by the listing. However, other activities that are currently being carried out with the species would be affected. For these activities, the Service could authorize interstate movement or import for one of four reasons: medical, scientific, zoological, or education.

Likewise, there are provisions of the Lacey Act that put certain restrictions on how specimens that have previously been permitted for import or interstate movement might now affect how your snakes need to be housed (see PERMITTING below).

OWNERSHIP or POSSESSION (of legally obtained specimens): The listing does not affect ownership of the four species, provided that the animals were obtained prior to the effective date of the rule or obtained within the State you live after the effective date of the rule. The injurious wildlife provisions of the Lacey Act only apply to interstate movement, import, and acquisition (through interstate movement or importation) of listed species. If you already own the snake and do not move it across State lines, no permit or other authorization is required.

BUYING OR OBTAINING A SNAKE WITHIN YOUR STATE OF RESIDENCE: The Lacey Act does not regulate intrastate commerce or obtaining a listed specimen within the State where you live. As long as the snake was within your State before the listing becomes effective or the snake is born within the State after the listing, no permit or other authorization is required to purchase or possess one of these snakes.

MOVING YOUR SNAKE WITHIN YOUR STATE OF RESIDENCE: The Lacey Act does not regulate intrastate movement of listed species (moving from one part of your State to another part). As long as you are not leaving the State (crossing State lines), no permit or other authorization is required to move your snake.

BREEDING YOUR SNAKE: The Lacey Act does not regulate breeding of listed species. This means that there are no prohibitions for you to breed your snake, provided you do not subsequently move the snakes across State lines. This would mean that if you are commercially breeding one of these species, or even breeding as a hobby, you could continue the breeding

activities. However, as stated above, you could not move them across State lines without a permit or other authorization.

EXPORTING SNAKES: The Lacey Act does not regulate exportation of listed species. This means that you can export a listed snake without acquiring authorization under the Lacey Act. These species are, however, listed in Appendix II of the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES) and would require a CITES export permit from the Service. While the Lacey Act does not address export, it does regulate interstate movement. Therefore, while you can export specimens of these four species, you cannot cross State lines while transporting specimens to an airport, and the plane cannot land in another State while in transit to its final destination. Example: the plane carrying the specimens cannot take off from Dallas, TX, and make a stop in Los Angeles, CA, on its way to Hong Kong. By landing in California, the specimens are involved in an interstate movement that is prohibited without authorization under the Lacey Act.

PUBLIC DISPLAY: The Lacey Act does not regulate public display that is not associated with an import, interstate movement, or acquisition (buying or obtaining a listed specimen in association with import or interstate movement). Therefore, providing the specimen is not taken across State lines or imported in order to conduct the public display, no permit or authorization is required under the Lacey Act. Educational programs can be conducted with these snakes provided that any requirements that may have been placed on the specimens through a previous permitting process are met (see PERMITTING below).

PERMITTING: As stated above, importing a listed specimen, moving it across State lines, or acquiring a specimen when interstate movement or importation is involved requires authorization, in the form of a permit or letter of authorization, from the Service BEFORE the activity occurs. The Lacey Act is very specific on the types of activities that can be authorized, however. Only legitimate medical, scientific, zoological, or educational activities can be the basis for issuing authorization for imports, interstate movement, or acquisition under the Lacey Act. If you wish to conduct one of the otherwise prohibited activities under the Lacey Act, you must submit an application to the Service requesting authorization (form 3-200-42, see below). The application will ask questions about the activity you wish to carry out and give you an opportunity to explain how this activity would meet the permit issuance criteria under the Lacey Act and its implementing regulations.

If a permit or other authorization is granted by the Service, you will be able to carry out your proposed activity (please note that there may be other Federal, State, or foreign permitting requirements; the Service will assist you in meeting these needs at the time that you apply for authorization under the Lacey Act). The permit or authorization may include one or more

“permit conditions” that would apply to how you conduct the proposed activity to ensure the safety of the animal and to reduce the risk that the specimen would cause an adverse impact on the environment (the basis for which the species was listed as injurious under the Lacey Act).

One requirement that is on ALL injurious wildlife permits or authorization is the requirement that the specimen would be maintained in DOUBLE ESCAPE-PROOF CONTAINMENT at ALL times. This requirement (explained further below) means that the snake covered by the Lacey Act authorization must be maintained in a double escape-proof containment throughout any interstate movement or importation, AS WELL AS while the snake is permanently or temporarily housed at your home or facility. The requirement also extended to any offspring of that specimen. In practical terms, this means that once a snake is covered by a permit, it must be maintained in double escape-proof containment for the rest of its life. This requirement, as well as its extension to the snake’s offspring, is to ensure that specimens the Service has permitted as part of an otherwise prohibited activity do not cause the specific environmental damage that the listing under the Lacey Act was designed to prevent. Since the leading reason for listing these four species under the Lacey Act was to prevent the colonization or further spread of these species in areas of the United States where the specimens have been shown to be a risk to native wildlife or habitats, the housing requirement is necessary to prevent unintentional release of permitted specimens.

DOUBLE ESCAPE-PROOF CONTAINMENT: While this may sound ominous, the requirement of a double escape-proof containment typically involves maintaining the snake in a cage within larger container or locked room. Maintaining your snake within a glass-enclosed aquarium or display cage within a building would most likely meet this requirement. Likewise, when you are moving the snake from one location to another, such as going from the reptile house of a zoo to the veterinary clinic at the zoo, the snake must be held in a travel container within a larger container. This is to ensure that, however unlikely, if the snake were to get out of one enclosure the second enclosure would restrict escape. This requirement, however, would limit your ability to use the snake in educational programs where the snake is removed from its enclosure to be handled. In cases like this, the educational program would have to be in an interior room of a building where there are at least two closed doors or egresses between the snake and the outdoors. Educational programs could not be held outside, nor could the snake be hand-carried outside at an educational facility.

INTERSTATE MOVEMENT FOR EDUCATION PURPOSES: To move a snake across State lines, even for temporary educational purposes, you must have authorization from the Service under the Lacey Act. Education is an acceptable justification for obtaining authorization, but as stated

above, certain conditions are placed on the specimens used for this purpose. The snakes must be maintained in double escape-proof containment and cannot be taken out of this containment in areas where escape, however unlikely, could occur. In addition, once a snake is permitted for interstate movement (or importation), that snake and all of its offspring are subject to the housing requirement.

The Service does not dictate how an organization manages its educational program. However, if your organization wishes to conduct educational programs both within your facility (e.g., your zoo or educational facility) and at venues outside the State where the facility is located (i.e., conduct interstate movement as part of the education program), it may be beneficial to designate specific snakes for the interstate movement portion so that not all of the snakes associated with the educational program would be subject to the housing requirement.

IMPORTATION OF SNAKES: As stated, the Lacey Act only allows imports to occur if the purpose of the import is for medical, scientific, zoological, or educational. The current application form (3-200-42) would need to be completed and submitted to the Service for processing.

APPLICATION FORM 3-200-42: The application form was last updated in February 2011, before the listing of the snakes took place. The application was designed to address the typical types of activities that were being proposed for injurious species listed at that time. As such, the questions may not clearly relate to proposed activities with these snake species. Specifically, the application does not address how educational programs that are not transferring their snakes to another facility would complete the application. The following is a short guide on how to complete the application to request authorization to conduct interstate movement of listed snakes (or any listed injurious species) for cross-border educational programs. The form should be adequate to address other activities, such as import and interstate movement where the specimen is being transferred to another facility, or acquiring specimens from a source outside the State where your facility is located.

Page 1: You should complete Section A if you are an individual and Section B if you are applying as a business or non-profit organization. Individuals, businesses, or non-profit organizations should complete section C. Section D should also be completed and signed.

Page 2: All applications have an application fee associated with them. Depending on the type of activity you are requested to be authorized, the fee may be different. For Importation and Acquisition (obtaining a specimen from outside your State), the fee is \$100. For transporting a specimen that you already maintain across State lines, either to another facility or as part of an educational program, the fee is \$25.

The first question is to determine if you have already been permitted for the animal for which you are requesting authorization. If you have previously received a permit, please indicate the permit number.

Question 1: For each species AND specimen for which you are requesting authorization, please provide the scientific and common name, information about the specimens (if known), and current location.

Question 2: This question is to determine the type of activity you wish to carry out. The question is straightforward, with the exception of educational programs. If you are requesting authorization to move snakes across State lines for temporary educational purposes, please write BELOW the check-off boxes "TRAVELING EDUCATIONAL PROGRAM".

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Question 3: If you are imported, acquiring, or moving snakes to another facility, include the name and address of the facility where the specimen will be eventually housed. If you are moving snakes as part of a temporary educational program, please indicate the general locations where you believe you will travel. If your facility is in El Paso, Texas, and you only anticipate going to schools in Las Cruces, New Mexico (just across the border), state "schools in Las Cruces, New Mexico". If you anticipate going anywhere in the United States, state that fact.

Questions 4, 5, 6, and 7: all applicants should complete these questions.

Question 8: Complete this question only if you are importing snakes into the United States or acquiring a snake from outside your State.

Question 9: Complete this question only if you are acquiring a specimen from within the United States.

Question 10: Complete this question only if you are importing a specimen.

Questions 11, 12, and 13: Complete if relevant.