



Constrictor Snakes as Injurious Wildlife

What It Means for Snake Owners

On March 23, 2012, four species of constrictors (Burmese python, Northern and Southern African pythons, and yellow anacondas) were listed as injurious wildlife under the Lacey Act. On April 9, 2015, four additional species were listed (reticulated python, DeSchauensee's anaconda, green anaconda, and Beni anaconda). This factsheet was developed to answer the public's questions about the listing and ensure an understanding of what the listing means in terms of transporting and housing these species. It also includes a section for snake owners that answers questions they may have around these new regulations.

What does it mean if a species is listed as injurious wildlife?

Under the Lacey Act, a species of wildlife can be listed as injurious when it has been demonstrated to be harmful

or have the potential to be harmful to either the health and welfare of humans, the interests of forestry, agriculture, or horticulture, or the welfare and survival of wildlife or wildlife resources.

Releasing large snakes into areas where they are not native causes an imbalance in the food chain and other serious ecological problems. Species native to the United States have not evolved behaviors or other defenses to protect themselves against these large predators, because there is no native predator similar to these snakes in the United States. All of these eight species of constrictors can attain lengths greater than any of our native snakes. Many of our threatened and endangered species would be further imperiled and risk extinction if these species of snakes become established.

Regulations & Permits

To control the introduction and spread of an injurious species, the listing of the species as "injurious" under the Lacey Act means that its importation and interstate transport are prohibited without a permit issued by the Service. This prohibition includes importation or interstate movement of live animals, their gametes, hybrids, and viable eggs. The Lacey Act does not restrict intrastate (moving within your State) transport. However, injurious species may not be transported into or through U.S. territories or States.

Importing a listed species, 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. The Lacey Act will not authorize the movement of injurious personal pets.

If you wish to conduct one of the activities listed above under the Lacey Act, you must submit an application to the Service requesting authorization (Form [3-200-42](#)). 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.

One requirement for all injurious wildlife permits or authorization is 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 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.

This requirement also extends to any offspring of that specimen. In practical terms, this means that once a snake is covered by a permit, it must be



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Burmese Python

maintained in double escape-proof containment for the rest of its life.

This requirement also applies to specimens previously covered under a permit. If you have previously obtained a permit to take one of these species across state lines, the snake must now be held in double escape proof containment. Permits may be requested by filing form 3-200-42 with the U.S. Fish and Wildlife Service, Division of Management Authority, 5275 Leesburg Pike, MS-IA, Falls Church, VA 22041-3803. The application form may be obtained through the Service's International Affairs website (<http://www.fws.gov/forms/3-200-42.pdf> or <http://www.fws.gov/permits>), or by calling 1-800-358-2104.

Importing Snakes

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



Southern African Python

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 eight 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.

It is recommended that you also consider any regulations of the State you are exporting from as well as any requirements of the air carrier or of the country to which the snake is being exported.

Double Escape-proof Containment

This requirement 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 main reason for listing these eight 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.

A double escape-proof containment typically involves maintaining the snake in a cage within a 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.

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 more on education programs below).

Questions for Snake Owners

What are the "next steps" for snake owners? What do I need to do to be compliant?

The listing does not affect ownership of the eight species, provided that the animals were obtained prior to the effective date of the rule or obtained within the State you live in after the effective date of the rule. If you own a snake as a pet, there is no need to do anything as long as the snakes remain within the State where you currently reside. There are no special steps needed to be taken to be compliant with the rule. Under this rule, there is no requirement for PIT tags or for surrendering animals.

If you anticipate needing to transport your snake across a State line for zoological, educational, medical (does not include veterinary), or scientific purposes, you should apply for a permit from the Service, and any States you will transit, as soon as possible to allow up to 60 days for processing (see the permitting section above for more information).



Yellow Anaconda

Do these new regulations affect the breeding of these species?

The Lacey Act does not regulate the breeding of listed species. There are no prohibitions for you to breed your snake, provided you do not subsequently move the snakes across State lines. If you are commercially breeding one of these species, or breeding as a hobby, you can continue these activities within your State.

What do I need to do if I'm transporting my snake within the State?

Again, the Lacey Act does not regulate intrastate movement of listed species. As long as you are not leaving the State (crossing State lines), no permit or other authorization is required to move your snake.



USFWS

Former Secretary of Interior, Ken Salazar, and USFWS Director, Dan Ashe, with Burmese Python

Can I buy these snakes at Reptile Expos?

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 is required to purchase or possess one of these snakes.

The Service does not regulate activities within a State, only activities that result in live, listed species crossing State lines or being imported into the country. If the buyer or the seller transports a live snake across State lines, a violation of the injurious wildlife provisions of the Lacey Act would have occurred unless the Service has issued a permit authorizing the transport.

Can I order these snakes on the Internet?

Again, the Lacey Act does not regulate intrastate commerce. 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. The sale or purchase of a live snake through the Internet would not be permitted if the snake crosses a State line (including coming from or going to the District of Columbia, Puerto Rico, and the U.S. territories) or is imported.

My veterinarian is in another state. May I take my listed snake to the veterinarian?

No, transporting out of State to take the animal to a veterinarian will be

prohibited. The snake will have to be treated by an in-State professional.

I run a reptile rescue center and people send me sick or unwanted reptiles. Will I be able to receive the listed species from other states?

No, sick or unwanted pets of the eight species will need to go to a rescue center within their State.

I am part of an education program with Burmese pythons (or the other listed species) for schools and other groups, sometimes in another state. Will I still be able to travel to other States?

To move a snake across State lines, even for temporary educational purposes, you must have authorization from the Service under the Lacey Act. 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 (see the section on double escape-proof containment above).

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. To be handled by the public, the educational program would have to be in an interior room of a building with at least two closed doors or egresses between the snake and the outdoors. Educational programs cannot be held outside, nor can the snake be hand-carried outside at a facility.

Where can I find more information on moving across State lines and surrendering my pet snake?

An owner of one of the listed species of snake should contact local authorities responsible for the disposition of unwanted pets. Additional information about the safe and ethical surrender of unwanted exotic pets may be available through the State's natural resources or fish and game agency in which the pet resides. The local office of the U.S. Fish and Wildlife Service can also provide additional information; the Service website, <http://www.fws.gov>, can help snake owners find their local Service office. In addition, pet owners may also ask their local pet retailer or wild animal zoo for suggestions on ethical alternatives.

Here are some additional websites that might be of assistance:

- Pet Industry Joint Advisory Council's Pet Pathway Toolkit: <http://www.petpathwaytoolkit.com/>
- Habitattitude: <http://www.habitattitude.net/>
- Florida Fish and Wildlife Conservation Commission's Nonnative Amnesty Day Events <http://myfwc.com/wildlifehabitats/nonnatives/amnesty-day-events/>

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