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<http://www.REXANO.org>

FREQUENTLY ASKED QUESTIONS ABOUT USA FEDERAL BILLS H.R. 2811 and S. 373 to Include Python genera as an Injurious Animal (111th Congress, Year 2009-2010)

What are H.R. 2811 and S. 373?

The federal bills, HR 2811 and S 373, would amend title 18, United States Code, Lacey act, to include constrictor snakes of the species Python genera as an injurious animal. The bills would make it a federal crime to import or ship certain snakes into the United States and cross the state lines without a federal permit.

http://www.rexano.org/DA_FEDERAL.htm

What snakes would be covered and affected by these bills?

The snakes affected so far in the Senate version are 4 pythons (Python molurus, Python sebae, Python natalensis and Broghammerus reticulatus, formerly Python reticulatus), the Boa constrictors and the 4 Anacondas (Eunectes notaeus, Eunectes deschauenseei, Eunectes murinus and Eunectes beniensis).

It is still not clear how many python and boa species will be affected by this proposed legislation in the House and when the final version will be voted on.

<http://www.rexano.org/Pythons/InjuriousWildlifeFactSheet2007.pdf>

What activities would be prohibited?

Unless you are exempt, you may not move live snakes across State lines or the U.S. border. Prohibited activities include:

- Import into or export out of the United States
- Interstate sale and purchase
- Transport across State lines
- Receiving or acquiring snakes if the animals are moved from one State to another

<http://www.rexano.org/Pythons/Lacey.pdf>

Who would be exempt from the provisions of these bills?

Nobody will be able to move these snakes across state lines or internationally without USFWS injurious wildlife permit which are usually only granted to "bona fide scientific, medical, educational, or zoological purposes" (meaning AZA zoos and research facilities are usually the ones eligible to apply and actually get this permit).

<http://www.rexano.org/Pythons/3-200-42.pdf>

If one of these bills passes, will I be able to keep my current snakes in my home state?

You will be allowed to keep your current inventory of snakes and get more from others in your own state, but you will not be allowed to breed, sell, transport or buy more across state lines or internationally without USFWS permit.

If I move within my state, can I keep my snakes?

Yes. However, if you acquire your snake from somebody (even in your own state) whose animals were brought to the state after these bills become laws (if they do), than any of these snakes or their offspring can only be transferred from permitted to permitted facility. Meaning, if a breeder brings a new snake bloodline to your home state from a neighboring state, then this snake and all the offsprings will only be allowed to go to the permitted facilities approved by the director of USFWS.

Permitted facilities need to inform the director if the facility location changes, even if the move is within the state. To monitor and enforce this would be a total nightmare, as how does one prove the parentage of all the snakes in possession? Will it be innocent until proven guilty, or guilty until proven innocent for the snake owners? DNA test might be used to prove the guilt or innocence, but it would be extremely expensive.

<http://www.rexano.org/pythons.htm> (scroll down)

“(1) All live wildlife acquired under permit and all progeny thereof, must be confined in the approved facilities on the premises authorized in the permit.

(2) No live wildlife, acquired under permit, or any eggs or progeny thereof, may be sold, donated, traded, loaned, or transferred to any other person unless such person has a permit issued by the Director under §16.22 authorizing him to acquire and possess such wildlife or the eggs or progeny thereof.”

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=72b1325d1a2b3584efa49b3b20f48f01&rgn=div5&view=text&node=50:1.0.1.2.10&idno=50>

If I own a snake and move to another State, can I take this animal(s) with me?

No. The prohibition on transport would apply to any movement of a covered snake across State lines, even household moves. Only individuals or entities with injurious wildlife permit can move a snake from one State to another.

Can I take a snake to another State for veterinary treatment?

Unless you qualify for the permit, you cannot transport a covered snake to another State for any reason. Only a permitted individual or entity can arrange such transport.

Can I take a snake to another State in case of a natural disaster?

No.

Can I sell a snake to someone in another State?

No. Unless you will be permitted under the proposed bill, you cannot sell a snake to someone in another State. You may be able to make such a sale within your State, unless State or local laws prohibit such sales, but only to a permitted entity.

If I can no longer keep or care for a snake, can I transfer the animal to an exempt person or organization in another State?

Yes. You may give the snake to a permitted organization or person who can take care of it, but the exempt individual or organization must arrange for transporting the animal across State lines.

Can I buy a snake from a person or organization in another State?

No. Such a purchase would be legal only if you were also permitted. Only permitted entities can move snakes across state lines or in and out of the USA.

What would the penalties be for violating this proposed law?

Penalties depend on the type of violation. The Lacey Act sets fines for violations involving imports or exports, or commercial violations in which the value of the wildlife exceeds \$350. Fines for misdemeanor violations are currently set at a maximum of \$100,000 for individuals and \$200,000 for organizations. Maximum fines for felonies are presently \$250,000 for individuals and \$500,000 for organizations.

http://www.rexano.org/Pythons/Lacey_Fines.pdf

What criteria were used to choose the snake species?

Seems like our hysterical legislators totally ignored the facts and science on this one and just picked the snakes out of the magic hat, instead of properly following the injurious species evaluation criteria

<http://www.rexano.org/Pythons/InjuriousWildlifeEvaluationProcessFlowChart.pdf>

How many snakes will be affected?

There is no exact number as to how many snakes are owned in the USA and going to be affected, but according to November 6, 2009 HR 2811 testimony of DAN ASHE, DEPUTY DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE JUDICIARY SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY, "Over the past 30 years, about a million individuals of these nine species have been imported into the United States, and current domestic production of some species likely exceeds import levels."

What this means that lives of millions of innocent snakes could be affected by this bad legislation.

http://www.rexano.org/Pythons/Ashe_2009_snakes.pdf

What if I can not find a legal home for my snake?

If no legal home is found, your snake will be killed.

Is there a public safety threat associated with the captive constrictors?

No, there is no public safety risk. Between 1990 and 2008, only 8 humans died as a result of strangulation by a captive non venomous snake in the USA. That averages to 0.44 (less than half a person) being killed per year, one - year odds of dying by captive non venomous (constrictor) snake is 1 in 691,590,909, lifetime odds 1 in 8,981,700.

None of these deaths were the result of the constrictor snakes being unsupervised off the private owners' property. Instead, all victims were voluntarily on the property where the animal was kept, be it owner(s) or family members.

REXANO statistics only go thru 2008. Furthermore, the 2009 Florida Burmese python supposedly killing a toddler case is still under investigation.

Since 1990, there is no record of a member of the general public in the USA dying as a result of a constrictor snake. Captive keeping of large constrictors might be a slight voluntarily accepted hobby/occupational hazard, but it is NOT a public safety issue. At the same time in 2005 (year for which detailed governmental statistics are already available), 344 people in the USA died by drowning and submersion while in or falling into bath-tub. Drowning and submersion while in or falling into swimming-pool caused

607 human deaths, while drowning and submersion while in or falling into natural water killed 1,603.

Murder and non-negligent manslaughter killed 16,692 humans. No wild alligators or pythons can match that!

http://www.rexano.org//Statistics/Constrictor_Captive_Snake_Fatality.pdf

http://www.rexano.org/Statistics/Death_Odds_Exotic_Animal_2005.pdf

Is there a public safety threat associated with the captive constrictors at large in the USA?

No. As of today, there is no reported human fatality caused by an exotic constrictor at large in the USA

http://www.rexano.org/Federal_Canada/Constrictor_Snake_Flyer.pdf

What are the problems with these bills?

No real science and peer review was used to choose the snake species covered. Burmese python is a localized issue and Florida State is already addressing it with state legislation

<http://www.rexano.org//StatePages/FloridaFrame.htm>

http://www.rexano.org/Posters_JustSayNO/JSN_Gallery_6.htm

The original intent of Lacey act was to stop trade in the illegally taken wildlife or plant. There are two components to a violation of the Lacey Act.

- 1. Wildlife or plant must be taken, harvested, possessed, transported, sold or exported illegally, in violation of an underlying law in any foreign country or the U.S.**
- 2. An individual or company must trade this illegally acquired wildlife or plant in U.S. interstate or foreign commerce.**

In the case of the 'snake bills', the federal government is trying to regulate the animals that were legally acquired and are currently legally possessed.

The cost of removal of injurious species is very high, however, if some of the millions of snakes currently in possession can't be legally rehomed, some fear the owners might possibly release their beloved pet instead of killing it. This would create a much worse scenario nationwide than what we have now, basically, this bill might make the situation worse instead of better.

<http://www.rexano.org/Pythons/2008-Florida-Invaders.pdf>

According to the cost estimate for H.R. 2811: *"Because those prosecuted and convicted under H.R. 2811 could be subject to criminal fines, the federal government might collect additional fines if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent. CBO expects that any additional revenues and direct spending would not be significant because of the small number of cases likely to be affected.*

By prohibiting the importation and interstate transport of certain snakes without a permit, the bill would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA)."

<snip>

"Based on information about the cost of permits from the USFWS, and information gathered from industry professionals about the value of shipments, sales, and imports of snakes, CBO estimates that the costs of the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$69 million and \$139 million in 2009, respectively, adjusted annually for inflation)."

http://www.rexano.org/Federal_Canada/hr2811.pdf

We believe the H.R. 2811 cost estimate is incorrect and misleading. The actual cost to taxpayers would be astronomical in terms of money and time.

With thousands of affected snake owners, and thousands to millions of individual snakes trying to stay legal and keep their pet when moving across state lines, many will try to apply for USFWS permit. Some might place their pet to a permitted facility across the USA. The USFWS permitting and registration system will be swamped with paperwork. Many snake owners are not independently wealthy, and the cost estimate wrongly assumes that it will be easy to offset the increased cost of injurious wildlife regulations enforcement by collecting \$100,000 to \$200,000 in fines from an illegal snake owner who has maybe few hundred dollars in the bank.

Going after illegal snake owners to collect the fines would also choke the federal court system.

When snake owners have to move to another state and can't find the new legal home for their beloved pet snake, some fear the owners might out of love for their pets just illegally release the snake instead of killing it. This would increase the need for more animal control officers, thus increasing the financial burden on the local enforcement agencies, and waste more tax payers money.

There is no provision to take the snakes across the state lines in the case of a natural disaster, which too would possibly increase the number of unintentionally released snakes.

These proposed bills will solve nothing and can potentially turn the US snake situation into a total disaster in terms of animal welfare and financial burden on taxpayers.

<http://www.rexano.org/Pythons/UMRA1995.pdf>

<http://www.rexano.org/Pythons/Summary-UMRA.pdf>

What might be the next big threat to affected snake owners in the future?

Since the federal 'snake bills' might be hard to enforce by federal authorities due to the sheer volume of owners and snakes, the individual states might have to be forced by special interest animal rights, AR, groups to ban or regulate these snakes on the state level, like Florida is doing.