Keeping reptiles and amphibians ("herps") is a rewarding activity that can teach us a lot about how different species live and what their biological and behavioral needs are. For many people, it has inspired a love of nature, an interest in natural history, and sometimes it has launched careers in biology. So if you want to keep some herps in captivity, great! We suggest that your goals ought to include:

1. Providing excellent care so that the animal lives a long and healthy life.

2. Making responsible decisions about what to keep, so that we avoid accidents and escapes and we do not wind up regretting the decision to keep that animal if it gets too big or its care too demanding.

3. Staying within the requirements and restrictions provided by law (for example, regarding collecting protected species or obtaining a permit for certain venomous snakes or large constrictors).

This article covers some information about the legal issues in keeping herps.

**Animals: Wild and Domestic, Game and Nongame**

Remember that no herp species is truly domesticated; they are all, on some level, wildlife. They may be bred to show unusual patterns and colors, but they are still wildlife. Domestic animals, like dogs and cats, ordinarily do not live wild, independently of humans. On the other hand, animals like corn snakes, boa constrictors, red-footed tortoises, and other such animals are part of the natural wildlife of some place, even if they also are also bred for the pet trade.

Some wildlife are hunted for sport or for food, and these are referred to as “game” animals. These include species such as white-tailed deer and wild turkeys. The majority of wildlife species are not usually hunted in the traditional sense, for food or trophies. You do not think of hunters going out to shoot armadillo, or leopard frogs, or coachwhip snakes. These species that are not traditionally hunted are called “nongame” animals. When you hear our state wildlife agency talking about “nongame wildlife,” these are the animals they are talking about. All of Texas’ reptiles and amphibians are nongame wildlife.

That means that all herps are wildlife, even if our intention is to keep them as pets, and as a result, the state wildlife agency may have a say in what we can do with them. Most of the regulations that concern reptiles and amphibians are described as nongame wildlife regulations.
Texas Parks & Wildlife Department

The agency responsible for wildlife regulations in Texas is Texas Parks & Wildlife Department (TPWD). Their website - www.tpwd.state.tx.us - provides information about the legal requirements that may affect us. Their website is big and covers lots of topics, but it is the place to get details about legal issues pertaining to our interaction with wildlife. We have summarized information found in the TPWD website, but when you need to be sure about a regulation, please visit the TPWD site for the most up-to-date and most detailed information.

Who enforces these wildlife regulations? TPWD has game wardens whose job involves enforcing these laws. They have the same powers as other state peace officers, meaning that if necessary they can write citations or arrest a person who is violating the law. You might see a game warden out on the road, at the local fishing spots, in Wildlife Management Areas, or at wildlife-related events. In addition to dealing with violations of the law, they also provide training and assistance to the public.

Threatened and Endangered Species

I have wished, for as long as I can remember, that I could have an indigo snake, and Texas has an indigo species (the Texas indigo snake) in south Texas. However, it is protected and so I cannot collect or keep one. If someone offered to give me one, I could not accept it, and I could not legally buy one. Certain educational or scientific organizations may possess them, but private individuals may not, without the relevant permit. The same applies to a number of other species including the Louisiana pine snake, reticulated gecko, Texas horned lizard, alligator snapping turtle, and other species. The list may be found at: http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/nongame/listed-species/herptiles.phtml.

Hunting: Collecting Herps from the Wild

Collecting and keeping native reptiles and amphibians, in the kind of limited way that most people do it, can be a great thing. Suppose you want to go “snake hunting” in a bottomland forest in east Texas, thinking you might come up with a Louisiana milk snake that you can keep. The regulations from TPWD allow for some collecting for personal use. Here are the basics:

1. **Hunting license** - You will need a hunting license for that trip to east Texas to find a Louisiana milk snake. TPWD regulations state, “A hunting license is required of any person, regardless of age, who hunts any animal” including reptiles and amphibians. In the regulations, hunting is not just shooting and killing game. By “hunting,” they mean any activity that looks like it would lead to collecting the animal, and so if a game warden were to see you handling a reptile or amphibian in the wild, it might be assumed that you were hunting, regardless of whether you intend to take the animal home.

2. **Where hunting can occur** - TPWD regulations state, “Nongame wildlife may NOT be collected on public land, from public water, or on public roads and the rights-of-way of public roads.” This would
mean that the ribbon snake you might see along the lake shore of a municipal park is off-limits. Same with a ratsnake or turtle crossing the road. This part of the regulation says that you can only hunt herps on private lands, with permission of the landowner. However, a separate regulation states that reptiles and amphibians may be collected from public rights-of-way, provided that you have a hunting license and a reptile and amphibian stamp (see below).

3. How many you can have for personal use - With a hunting license, you can collect up to six specimens of a given type of herp for your own personal use. You may collect or keep - but not sell - up to six individuals of any black list species (see information about the black list and white list under Commercial Use, below). You may collect/keep up to 25 individuals of any white list species.

Commercial Use (breeding and selling herps)

Lots of people keep reptiles and amphibians as pets, and often they get these animals from other people who breed the animals in captivity. While many pet stores offer herps for sale, you can often get the best deals and some of the best animals from individuals who breed them as a hobby or small business (such as jsdragons!). Some other people sell wild-caught reptiles and amphibians to the public (we do not do this). Either way, the breeding and selling of many herps is regulated by government agencies. Some herps from other countries are protected and U.S. Fish & Wildlife may not allow the import and sale of those animals, or it may be done only if the importer/seller has a permit. The selling of reptiles and amphibians native to Texas is regulated by TPWD. NO species native to Texas can be sold unless the seller has a Nongame Dealer Permit (see below). Some of our Texas species cannot legally be sold even though the collection of a few of them for personal use is allowed. Here are the details:

4. The white list and black list - Texas has a list of species which cannot be collected for commercial purposes (go to http://www.tpwd.state.tx.us/business/permits/land/wildlife/commercial/ and click on Texas Administrative Code regulations Regarding Commercial Nongame Permits). This is the “black list.” There is also a “white list” (see the same source) of species that can be collected for commercial purposes. Thus, if you wanted to collect a pair of Texas garter snakes to breed and sell, you would find that this is a subspecies of the “common garter snake” that is on the black list. You could collect a pair, but could not trade or sell those animals.

5. Selling herps - If you want to sell species of reptiles and amphibians that are native to Texas, even if you are captive breeding them from captive-bred stock (and thus having no impact on wild populations), that means you would be engaging in “commercial use” even if you are not a big-time dealer. You can sell species from the white list IF you have a Nongame Dealer Permit (see http://www.tpwd.state.tx.us/business/permits/land/wildlife/commercial/) which costs residents $63 (or $252 if you live out of state). Species on the black list can be sold by commercial permit holders IF the animals were legally acquired or propagated out of state (make sure that you can document this) and the dealer complies with documentation and reporting rules.
Native Venomous Snakes

TPWD does not forbid the keeping of native venomous snakes, nor do they require a permit for it (they do require a permit for exotic venomous snakes). However, local municipalities often have laws forbidding the keeping of any venomous snakes.

Exotic Venomous Snakes & Large Constrictors

Texas requires you to get a permit in order to own venomous snakes that are not native to Texas as well as certain large constrictors. The regulation identifies the constrictors as: “African rock python (Python sebae), Asiatic rock python (Python molurus), green anaconda (Eunectes murinus), reticulated python (python reticulates [sic]), and southern African python (Python natalensis).” Information about the permit can be found at: http://www.tpwd.state.tx.us/faq/business/permits/nonindigenous_snakes/index.phtml. The regulation forbids anyone to release one of these snakes, and requires a permit in order to possess or transport them.

Road Hunting

For many years people have hunted for herps - primarily snakes - by driving the back roads at night. The best roads cut through good, undisturbed habitat and have almost no traffic. Heavily traveled roads through good habitat are often killing fields where numerous dead herps, but few live ones, can be seen. For several years, road hunting was made illegal, but recently it has been opened back up with a regulation that allows us to hunt herps at night along roadway rights-of-way (see http://www.tpwd.texas.gov/faq/huntwild/amphibian_reptile_stamp.phtml). It is important to look at the regulation carefully. You would need a hunting license and the reptile and amphibian “stamp” which is available for $10 from the same place where you buy the hunting license. You cannot hunt from the car or shine lights from the car to hunt for herps. The regulation does not allow collection from the paved areas of the road. If you can pull off the road safely and get out, you can use lights to shine in the right-of-way (including road cuts) to look for reptiles and amphibians. You also have to wear reflective clothing, such as a safety vest with at least 144 square inches of reflective material.

Turtles

If you look at the black list, you will see that commercial collection and sale of all our native turtles is forbidden EXCEPT for the red-eared slider, the softshell turtles, and the common snapping turtle. And, these three kinds of turtles may only be taken from private lands and waters, if the intention is to sell them or to use them for commercial purposes. Other kinds of native turtles (except for those that are threatened and endangered) may be captive bred and the offspring may be sold as long as the parents were legally obtained.
Additionally, the U.S. Food & Drug Administration (FDA) prohibits the “sale or commercial distribution of viable turtle eggs and small turtles” (by “small” they mean those with a carapace or top shell less than four inches in length). This regulation came about because turtles can carry the Salmonella bacteria and can transmit those bacteria to humans when they are handled or when their cages are cleaned. Years ago, hatchling turtles were widely sold as pets. They were inexpensive and families often bought them for young children without much thought to the turtle’s care or the child’s ability to handle the turtle. As a result, many children got Salmonella infections. The FDA does allow such sales for “bona fide scientific, educational, or exhibitional purposes other than as pets….” As a result, sometimes baby turtles are offered to the public with a sign posted that says that all sales are for scientific or educational purposes, and sometimes this might just be a way to dodge the regulation. Anyone considering buying a baby turtle should think about whether young children might handle the turtle and should review the information about Salmonella in reptiles (see the jsdragons website or see http://www.arav.org/wp-content/uploads/2013/03/Salmonella-Information-for-Reptile-Owners.pdf).

**Conclusion**

We can enjoy the collection, keeping, captive breeding, and sale of many reptiles and amphibians in Texas, but it is important to know about the laws that regulate some of those activities. Agencies that are involved in such regulation include the U.S. Fish & Wildlife Service (www.fws.gov), Texas Parks & Wildlife Department (www.tpwd.state.tx.us), and the U.S. Food & Drug Administration (www.fda.gov). Local cities and towns may also have ordinances and laws that govern the keeping and selling of herps. The information in this article was summarized from agency websites in July, 2014, and we plan to update it from time to time. Meanwhile, it’s always a good idea to go to these agency websites and read more about it.

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Michael Smith

jsdragons.com