



## OHIO PROPOSES NEW RULES AFFECTING REPTILES AND AMPHIBIANS

**\*\* COMMENT DEADLINE MARCH 4<sup>th</sup> \*\***

### **The Issue:**

Ohio's Department of Natural Resources has published a proposed regulation governing reptile and amphibian licensing and permits. The proposal covers the establishment of open/closed seasons, methods of taking, as well as bag and possession limits. **The deadline for submitting written comments on the proposal is March 4, 2010. The department will also hold a public hearing on March 4<sup>th</sup> in Columbus.**

### **The Impact:**

We urge everyone who could be impacted by this rulemaking to read the entire text of the proposal. Highlighted below are key areas of concern.

**Season Dates:** The proposed regulations set season dates for **bullfrogs, green frogs, snapping turtles and softshell turtles.**

### **Bag and Size Limits:**

- Increases the number of bullfrogs and green frogs a person may take in one day from 10 to 15 because they are abundant and broadly distributed throughout Ohio. The rulemaking restricts having more than 15 bullfrogs or green frogs at/or between the place where taken and a residence.
- Implements a minimum carapace size limit of 13 inches for snapping and softshell turtles. (NOTE: The minimum size will eliminate removal of some eight turtles species native to Ohio.)
- Makes it unlawful for an Ohio resident to take or possess more than "four total individuals of each species of collectable reptiles or collectable amphibians from the wild in Ohio".
- Makes it illegal to take any reptile or amphibian not listed as collectable from the wild in Ohio (exempts bullfrogs, green frogs, snapping turtles and softshell turtles).
- Makes it unlawful to remove reptiles/amphibians from closed lands without written permission from the State (does not apply to bullfrogs, green frogs, snapping turtles and softshell turtles).

**Methods:** The department defines eight methods of taking as illegal.



**Permits:** This rulemaking sets new permit requirements for certain activities and modifies existing requirement for certain activities. One section makes it illegal to buy, sell, barter or trade any reptile/amphibian taken from the wild in Ohio except snapping turtles and softshell turtles.

(NOTE: This provision is somewhat inconsistent with other sections which allow take of green frogs and bull frogs).

Additionally, if adopted, the rulemaking would require a permit if snapping turtles and softshell turtle heads, shells and feet are acquired from out of state or propagated in Ohio.

**Records:** The rulemaking specifies the recordkeeping data to be maintained for reptiles/amphibians taken within the state as well as imported into the state. Records must be maintained for five years. Retail stores, restaurant sales and personal purchase for food consumption of snapping turtles, softshell turtles, bullfrogs and green frogs is exempted from recordkeeping requirements.

In addition to recordkeeping requirements, all persons buying, selling, trading, bartering, receiving or giving away native reptiles or amphibians will be required to report the date of death or escape of all species.

**Identification:** The rule makes it unlawful to sell, barter, trade or gift any reptile regardless of size to another person that is not permanently implanted with unique passive integrated transponder with a frequency of 125 kHz, 134.2 kHz, or 400 kHz except for snapping turtles and softshell turtles legally acquired outside of Ohio or legally obtained in Ohio if accompanied with a bill of sale, receipt or record of acquisition or invoice.

**Release into wild:** The department's proposal makes it unlawful to release into the wild any reptiles/amphibians acquired from out of state or animals removed from the wild in Ohio and held in captivity for more than 30 days. It also make it unlawful to return an animal to the wild at any place other than where it was captured or release an animal that has been in the same enclosure with any other species of reptile or amphibian.

## **PIJAC Position:**

This *PetAlert* is for information purposes and to inform you of comment/hearing information. Some questions surround the "permit" section of the rulemaking with exemptions for certain frogs obtained for food consumption and or propagated under the authority of a commercial propagating license. It is unclear how dealers in the pet industry are affected by the permit section.

## **Recommended Action:**

If this proposed rulemaking concerns you or your business then you should:

1. Read the complete text of the rulemaking, found attached to the online version of this *PetAlert* on the 'Breaking News' page of the PIJAC website (<http://www.pijac.org/petinformation/breakingnews.asp>).
2. Submit written comments to:

Mike Shelton  
Ohio Department of Natural Resources, Division of Wildlife  
2045 Morse Road, Building D-3  
Columbus, OH 43229-6693  
Tel: 614/265-6891

Reference Rule: 1501:31-25-05 Reptiles and Amphibians

3. Attend the hearing on March 4<sup>th</sup> at 9:00 a.m. at the Ohio Division of Wildlife's District office at 1500 Dublin Road, Columbus, OH 43215 and present your testimony in support or opposition.

PIJAC also welcomes your comments to us on this proposed regulation. Contact PIJAC's Bambi Osborne by email at [bambi@pijac.org](mailto:bambi@pijac.org) or by phone at 1-800-553-PETS (7387) to express a viewpoint, or if you have questions or desire additional information. If you decide to attend the hearing, please forward copies of your comments or testimony to PIJAC ([info@pijac.org](mailto:info@pijac.org)).

**PIJAC Members! PIJAC Fans! Join US...**

The Pet Industry Joint Advisory Council (PIJAC) has been protecting and promoting responsible pet ownership for nearly forty years. Follow our successes, events, and action alerts through Facebook and/or Twitter at PIJAC4pets. If you are not already a Member, please join us today by visiting [www.pijac.org/membership](http://www.pijac.org/membership). For additional information on PIJAC and its many exciting campaigns, please visit: [www.pijac.org](http://www.pijac.org) and [www.dontmesswithmypet.org](http://www.dontmesswithmypet.org). Or, contact us at 1-800-553-PETS (1-800-553-7387); [members@pijac.org](mailto:members@pijac.org).

**On behalf of pets, responsible pet owners, and the pet industry, we thank you!**

**OH 15443 2010**

**CITATION:** OAC 1501:31-25-04  
**AGENCY:** Department of Natural Resources  
**VERSION:** Adopted Rule  
**VERSION DATE:** 05/05/2010

**TO BE RESCINDED**

**1501:31-25-04 Reptiles and amphibians regulations.**

(A) "Native" reptiles or amphibians are those taxa listed in Ohio Revised Code section 1531.01 (WW) and (XX) and includes any individual, parts, eggs, tadpoles, or offspring dead or alive.

(B) No endangered reptile or amphibian designated as such may be possessed, bred, sold, offered for sale, traded or bartered except in accordance with Ohio Revised Code section 1531.25 and Ohio Administrative Code rules 1501:31-23-01 and 1501:31-25-04 (this rule).

(C) Except as provided in paragraph (B) of this rule, an Ohio resident, with a propagating license, may possess native reptiles or amphibians, live or dead which have been wild captured, legally obtained from out of state or captively produced. The following are exceptions to this rule:

(1) The following taxa shall be taken, bought and/or sold in accordance with Ohio Administrative Code rule 1501:31-13-05:

Bullfrog (*Rana catesbeiana*)

Green frog (*Rana clamitans*)

Snapping turtle (*Chelydra serpentina serpentina*)

Spiny softshell turtle (*Apalone spinifera spinifera*)

Smooth softshell turtle (*Apalone mutica mutica*)

(2) Except as provided in paragraph (B) of this rule and paragraph (B) of rule 1501:31-13-05 of the Administrative Code, an Ohio resident 17 years of age or younger may possess without a propagating license not more than four individuals or 25 eggs, tadpoles, or larvae of each native reptile or amphibian, live or dead which have been taken from the wild, legally obtained from out of state or captively produced.

(3) Only an Ohio resident may possess four total individuals of each native reptile or amphibian listed in paragraphs (C)(3)(a) and (C)(3)(b) of this rule taken from the wild.

(a) The following reptiles may be taken from the wild:

Common Musk Turtle (*Sternotherus odoratus*), Common Map Turtle (*Graptemys geographica*), Midland Painted Turtle (*Chrysemys picta marginata*), Red-eared Slider (*Trachemys scripta elegans*), Northern Fence Lizard (*Sceloporus undulatus hyacinthinus*), Ground Skink (*Scincella lateralis*), Five-Lined Skink (*Eumeces fasciatus*), Broadhead Skink (*Eumeces laticeps*), European Wall Lizard (*Podarcis muralis*), Queen Snake (*Regina septemvittata*), Northern Water Snake (*Nerodia sipedon sipedon*), Northern Brown Snake (*Storeria dekayi dekayi*), Midland Brown Snake (*Storeria dekayi wrightorum*), Northern Redbelly Snake (*Storeria occipitomaculata occipitomaculata*), Eastern Garter Snake (*Thamnophis sirtalis sirtalis*), Butler's Garter Snake (*Thamnophis butleri*), Eastern Ribbon Snake (*Thamnophis sauritus sauritus*), Northern Ribbon Snake (*Thamnophis sauritus septentrionalis*), Eastern Hognose Snake (*Heterodon platirhinos*), Eastern Smooth Earth Snake (*Virginia valeriae valeriae*), Northern Ringneck Snake (*Diadophis punctatus*)

edwardsii), Midwest Worm Snake (*Carphophis amoenus helenae*), Eastern Worm Snake (*Carphophis amoenus amoenus*), Black Racer (*Coluber constrictor constrictor*), Blue Racer (*Coluber constrictor foxii*), Smooth Green Snake (*Opheodrys vernalis vernalis*), Black Rat Snake (*Elaphe obsoleta obsoleta*), Eastern Milk Snake (*Lampropeltis triangulum triangulum*), and Northern Copperhead (*Agkistrodon contortrix mokasen*).

(b) The following amphibians may be taken from the wild:

Mudpuppy (*Necturus maculosus maculosus*), Red-Spotted Newt (*Notophthalmus viridescens viridescens*), Jefferson Salamander (*Ambystoma jeffersonianum*), Spotted Salamander (*Ambystoma maculatum*), Smallmouth Salamander (*Ambystoma texanum*), Streamside Salamander (*Ambystoma barbouri*), Marbled Salamander (*Ambystoma opacum*), Eastern Tiger Salamander (*Ambystoma tigrinum tigrinum*), Northern Dusky Salamander (*Desmognathus fuscus fuscus*), Mountain Dusky Salamander (*Desmognathus ochrophaeus*), Redback Salamander (*Plethodon cinereus*), Ravine Salamander (*Plethodon richmondi*), Northern Slimy Salamander (*Plethodon glutinosus*), Wehrle's Salamander (*Plethodon wehrlei*), Kentucky Spring Salamander (*Gyrinophilus porphyriticus duryi*), Northern Spring Salamander (*Gyrinophilus porphyriticus porphyriticus*), Mud Salamander (*Pseudotriton montanus*), Northern Red Salamander (*Pseudotriton ruber ruber*), Northern Two-lined Salamander (*Eurycea bislineata*), Longtail Salamander (*Eurycea longicauda longicauda*), Southern Two-lined Salamander (*Eurycea cirrigera*), Fowler's Toad (*Bufo woodhousii fowleri*), American Toad (*Bufo americanus*), Blanchard's Cricket Frog (*Acris crepitans blanchardi*), Northern Spring Peeper (*Pseudacris crucifer crucifer*), Gray Treefrog (*Hyla versicolor*), Cope's Gray Treefrog (*Hyla chrysoscelis*), Western Chorus Frog (*Pseudacris triseriata triseriata*), Mountain Chorus Frog (*Pseudacris brachyphona*), Northern Leopard Frog (*Rana pipiens*), Pickerel Frog (*Rana palustris*), Southern Leopard Frog (*Rana utricularia*), Wood Frog (*Rana sylvatica*) and any hybrids.

(c) No wild captured native reptile and/or amphibian, live or dead, shall be bought, sold, offered for sale, traded, or bartered, except as provided in Administrative Code rule 1501:31-13-05.

(d) It shall be unlawful for a nonresident to collect native reptiles or amphibians from the wild, except as provided in Administrative Code rule 1501:31-13-05.

(4) Except as provided in paragraph (B) of this rule, permanent establishments that are accredited by the American zoo and aquarium association, or division of wildlife approved museums, or scientific or educational institutions are exempt from this rule. All establishments that are accredited by the American zoo and aquarium association, or division of wildlife approved museums, or scientific or educational institutions shall submit an annual report to the division of wildlife by March fifteenth which includes a listing of all native reptiles and amphibians in possession, by species, sex, length, quantity, purpose for possession, and date and where or from whom acquired.

(D) Except as provided in paragraph (B) of this rule, the division of wildlife shall issue a license to sell, offer for sale, trade or barter, legally obtained from out of state or captively produced reptiles or amphibians to persons who have submitted a complete commercial propagating license application form provided by the division of wildlife.

(E) Commercial or noncommercial propagating license applications must be requested from the division of wildlife within ten days after the applicant takes possession of a native reptile or amphibian.

(F) All live native snakes with a snout-vent length of eighteen inches or greater and all native turtles with a straight line carapace length of four inches or greater held in captivity, must be permanently marked with a unique passive integrated transponder implanted under the skin in each specimen. Only pit tags which can be read by an avid reader may be implanted. Passive integrated transponders shall be available for purchase from the division of wildlife.

(G) All records shall be maintained for five years by the license holder and be available for inspection by a representative of the division of wildlife at all reasonable hours. All persons buying, selling, trading, bartering, receiving or giving away native reptiles or amphibians shall maintain accurate records which include:

(1) The taxa and number of native reptiles or amphibians received, traded, bartered, given as a gift, or sold, the birth dates of captive born animals and the date, location and length of all wild captured taxa,

(2) The complete name and address of the person from whom an animal was purchased or to whom the animal was sold, traded, bartered, received or given as a gift, and

(3) The unique passive transponder code of implanted snakes and/or turtles.

(H) A reptile or amphibian that has been captively produced or is not native to Ohio may not be released into the wild. Only reptiles or amphibians that were taken from the wild may be released back into the wild and only if:

- (1) They have not been held in captivity, in the same enclosure, with any other species of reptile or amphibian; and
- (2) They have not been in captivity for more than 30 days; and
- (3) They are released at the point of capture; or
- (4) A person first has written authorization from the chief of the division of wildlife.

(I) The license holder shall retain a certificate of origin, a bill of sale, receipted invoice, or other division of wildlife approved evidence of lawful acquisition for each individual of any taxa of reptile or amphibian captively produced or legally obtained from out of state. Documentation shall include both the common and scientific name, number of individuals by taxa, date of transaction, and name and address of seller, including commercial or noncommercial Ohio propagating license number when applicable.

(J) In accordance with Ohio Revised Code Chapters 1531. and 1533., the chief of the division of wildlife may revoke a propagating license, if the chief finds that the license holder has violated or is violating Ohio Revised Code Chapter 1531., or 1533., or any division rule.

(K) It shall be unlawful to buy, sell, transport, or possess wood (*Clemmys insculpta*) turtles, without a propagating license. A commercial or noncommercial propagating license applications must be requested from the division of wildlife within ten days after the applicant takes possession of the legally obtained from out of state or captively produced wood turtle. A commercial propagating license is required prior to any sales, trade, barter, or giving a gift of any wood turtle in Ohio.

(L) All Ohio residents who possess native reptiles and/or amphibians must request a propagating license application from the division of wildlife within 30 days of the effective date of this rule.

(M) No reptile or amphibian may be taken with the use of chemicals, smoke, explosives, winches, jacks or other device or material that may cause damage or destroy the den or immediate surroundings thereof.

Effective: 01/01/2011

R.C. 119.032 review dates: 01/29/2010

CERTIFIED ELECTRONICALLY

Certification

05/05/2010

Date

Promulgated Under: 119.03

Statutory Authority: 1531.08, 1533.11

Rule Amplifies: 1531.08, 1533.11

Prior Effective Dates: 3-15-00; 5-3-00; 2-1-02, 9-24-02; 9-24-07

**OH 15655 2010**

**CITATION:** OAC 1501:31-25-04  
**AGENCY:** Department of Natural Resources  
**VERSION:** Adopted Rule  
**VERSION DATE:** 05/05/2010

1501:31-25-04 **Reptiles and Amphibians.**

(A) Season Dates

(1) It shall be unlawful for any person to take bullfrogs or green frogs from May first through six p.m. on the second Friday of June each year.

(2) It shall be unlawful for any person to take snapping turtles or softshell turtles from May first through the last day of June each year.

(B) Bag and Size Limits

(1) It shall be unlawful for any person to take more than 15 bullfrogs or green frogs, singularly or in the aggregate, in any one day.

(2) It shall be unlawful for any person to possess more than 15 bullfrogs or green frogs, singularly or in the aggregate, at or between the place where taken and a residence or place of lodging.

(3) It shall be unlawful for any person to take snapping turtles or softshell turtles with a straight-line carapace length of less than 13 inches.

(4) It shall be unlawful for an Ohio resident to take or possess more than 4 total individuals of each species of collectable reptiles or collectable amphibians from the wild in Ohio.

(5) It shall be unlawful to take any reptile or amphibian not listed as a collectable reptile or collectable amphibian from the wild in Ohio except bullfrogs, green frogs, snapping turtles and softshell turtles.

(6) It shall be unlawful to take or possess any reptile or amphibian from any area under agreement with, owned, controlled or administered by the division of wildlife, except for:

(a) persons who have received written permission from the chief of the division of wildlife, provided they carry and exhibit said permission upon request.

(b) persons lawfully taking bullfrogs, green frogs, snapping turtles and softshell turtles.

(7) It shall be unlawful for a nonresident to take any collectable reptile or collectable amphibian from the wild in Ohio.

(C) Methods

(1) It shall be unlawful for any person to take reptiles or amphibians by shooting; except bullfrogs, green frogs, snapping turtles and softshell turtles may be taken with archery equipment.

(2) It shall be unlawful for any person to set, use or maintain a turtle trap having mesh measuring less than four inches on a side unless such traps are provided with an escape ring of at least six inches in diameter, leading out of the trap, held open at all times.

(3) It shall be unlawful for any person to take or attempt to take turtles by means of a trap, placed in the water, having wings or leads.

(4) It shall be unlawful for any person to take reptiles or amphibians with a foot hold or body-gripping trap.

(5) It shall be unlawful for any person to fail to inspect or maintain their trap once every 24 hour period.

(6) It shall be unlawful for any person to set, use or maintain traps unless they have attached thereto a durable waterproof tag bearing the name and address of the user legible in the English language.

(7) It shall be unlawful for any person to disturb or molest a legally set trap of another person without permission from the trap's owner or user.

(8) It shall be unlawful to take reptiles or amphibians with the aid or use of chemicals, deleterious or stupefying substances, smoke, explosives, winches, jacks or other device or material that may cause damage to or destroy the den, hibernaculum, nest, or immediate surroundings thereof.

#### (D) Permits

(1) It shall be unlawful to buy, sell, barter or trade any reptile or amphibian taken from the wild in Ohio except snapping turtles and softshell turtles.

(2) It shall be unlawful for any person 18 years of age or older to fail to apply to the division of wildlife for a propagating license under section 1533.71 of the revised code after taking possession of a reptile or amphibian, except:

(a) bullfrogs and green frogs legally acquired from outside the state, or propagated under the authority of a commercial propagating license issued under section 1533.71 of the revised code, that are accompanied by a bill of sale, receipt, record of acquisition or invoice, legible in the English language, and are possessed and sold solely for consumption as food.

(b) snapping turtles and softshell turtles legally acquired from outside the state, or legally obtained from within the state, that are accompanied by a bill of sale, receipt, record of acquisition or invoice, legible in the English language, and are possessed and sold solely for consumption as food.

(c) snapping turtles and softshell turtle heads, shells and feet legally acquired from outside the state, or legally obtained from within the state, that are accompanied by a bill of sale, receipt, record of acquisition or invoice, legible in the English language.

(d) wildlife ornamental products.

(3) It shall be unlawful for an Ohio resident 17 years of age or younger to possess, without applying for a propagating license under section 1533.71 of the revised code, more than 4 individuals or more than 25 eggs, tadpoles, or larvae of each species of reptile or amphibian.

#### (E) Records

(1) It shall be unlawful for any person possessing, buying, selling, trading, bartering, receiving or gifting reptiles or amphibians to fail to maintain accurate records, legible in the English language, which include the scientific and common names and the following, when applicable:

(a) the date of acquisition or transactions.

(b) the number of reptiles or amphibians by species.

(c) the birth dates of reptiles and amphibians propagated while in possession, by species.

(d) the location of capture and length of all reptiles and amphibians taken from the wild by species.

(e) the complete name and address of the person from whom the reptile or amphibian was purchased or otherwise acquired.

(f) the complete name and address of the person to whom the reptile or amphibian was sold, traded, bartered or given as a gift.

(g) the weight of snapping turtles or softshell turtles sold solely for consumption as food by species.

(h) the date of death or escape.

(i) the unique passive integrated transponder identifier of any implanted reptile.

(2) It shall be unlawful to fail to retain a certificate of origin, a bill of sale, receipt, record of acquisition or invoice legible in the English language, for each individual reptile or amphibian produced in captivity or legally obtained from out of state which includes:

(a) both the scientific and common name.

(b) number of reptiles and amphibians by species.

(c) date of acquisition or transaction.

(d) the complete name and address of the person from whom the reptile or amphibian was purchased or otherwise acquired.

(e) the propagating license number as issued under section 1533.71 of the revised code, when applicable.

(3) It shall be unlawful to fail to maintain on the premises as stated on the license, for a period of less than 5 years any:

(a) records required by this rule.

(b) certificate of origin, a bill of sale, receipt, record of acquisition or invoice required by this rule.

(4) It shall be unlawful to fail to make available for inspection, by an authorized representative of the division of wildlife, at any reasonable time:

(a) reptiles and amphibians possessed.

(b) records required by this rule.

(c) certificate of origin, a bill of sale, receipt, record of acquisition or invoice required by this rule.

(5) Records shall not be required for:

(a) retail store and restaurant sales of snapping turtles, softshell turtles, bullfrogs and green frogs to persons solely for their own consumption as food.

(b) persons who purchase snapping turtles, softshell turtles, bullfrogs and green frogs solely for their own consumption as food.

(c) wildlife ornamental products.

(F) Passive Integrated Transponders

(1) It shall be unlawful to possess any live reptile not permanently implanted with a unique passive integrated transponder with a frequency of 125 kHz, 134.2 kHz or 400 kHz in each:

(a) snake with a snout-vent length of 18 inches or greater.

(b) turtle with a straight-line carapace length of 4 inches or greater, except:

(i) snapping turtles and softshell turtles legally acquired from outside the state, or legally obtained from within the state, that are accompanied by a bill of sale, receipt, record of acquisition or invoice, legible in the English language, and are possessed and sold solely for consumption as food.

(2) It shall be unlawful to sell, barter, trade or gift any reptile, regardless of size, to another person that is not permanently implanted with a unique passive integrated transponder with a frequency of 125 kHz, 134.2 kHz or 400 kHz in each specimen, except:

(a) snapping turtles and softshell turtles legally acquired from outside the state, or legally obtained from within the state, that are accompanied by a bill of sale, receipt, record of acquisition or invoice, legible in the English language, and are possessed and sold solely for consumption as food.

(G) Release Into The Wild

(1) It shall be unlawful to release any reptile or amphibian into the wild that has been produced in captivity or obtained from outside the state.

(2) It shall be unlawful to release any reptile or amphibian into the wild that was taken from the wild in Ohio and was held in captivity for more than 30 days.

(3) It shall be unlawful to release any reptile or amphibian into the wild at any place other than the location of capture.

(4) It shall be unlawful to release any reptile or amphibian into the wild that has been held in captivity, in the same enclosure with any other species of reptile or amphibian.

(H) Special Areas

(1) Pymatuning Lake

(a) It shall be unlawful to take frogs and turtles in any manner or by any method except as provided in section 1501:31-13-07 of the administrative code.

(I) All definitions set forth in rule 1501:31-1-02 of the Administrative Code shall apply to this rule.

Replaces: 1501:31-13-05, 1501:31-25-04

Effective: 01/01/2011

R.C. 119.032 review dates: 12/31/2015

CERTIFIED ELECTRONICALLY

Certification

05/05/2010

Date

Promulgated Under: 119.03

Statutory Authority: 1531.08, 1533.11

Rule Amplifies: 1531.08, 1533.71

Prior Effective Dates: 3-15-00, 5-3-00, 2-1-02, 9-24-02, 9-24-07