

STATE OF NEW YORK

1838--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 14, 2025

Introduced by M. of A. EACHUS, ROZIC, ALVAREZ, HEVESI, McDONOUGH, BAILEY, CHANG -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to the sale and possession of self-defense spray devices; and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph 14 of subdivision a of section 265.20 of the
2 penal law, as added by chapter 354 of the laws of 1996, is amended to
3 read as follows:

4 14. Possession in accordance with the provisions of this paragraph of
5 a self-defense spray device as defined herein for the protection of a
6 person or property and use of such self-defense spray device under
7 circumstances which would justify the use of physical force pursuant to
8 article thirty-five of this chapter.

9 (a) As used in this section "self-defense spray device" shall mean a
10 pocket sized spray device which contains and releases a chemical or
11 organic substance which is intended to produce temporary physical
12 discomfort or disability through being vaporized or otherwise dispensed
13 in the air or any like device containing tear gas, pepper or similar
14 disabling agent. Notwithstanding any law, rule, or regulation to the
15 contrary, the contents of every self-defense spray device shall not
16 contain more than 1.33 percent by weight total capsaicinoids.

17 (b) The exemption under this paragraph shall not apply to a person
18 who:

19 (i) is less than eighteen years of age; or

20 (ii) has been previously convicted in this state of a felony or any
21 assault; or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (iii) has been convicted of a crime outside the state of New York
2 which if committed in New York would constitute a felony or any assault
3 crime.

4 (c) The department of health, with the cooperation of the division of
5 criminal justice services and the superintendent of state police, shall
6 develop standards and promulgate regulations regarding the type of self-
7 defense spray device which may lawfully be purchased, possessed and used
8 pursuant to this paragraph. The regulations shall permit the shipping

9 and sale of such self-defense spray devices within the state in accord-

10 ance with this subdivision. The regulations shall include a requirement
11 that every self-defense spray device which may be lawfully purchased,

12 possessed or used pursuant to this paragraph have a label which states:
13 "WARNING: The use of this substance or device for any purpose other than
14 self-defense is a criminal offense under the law. The contents are
15 dangerous - use with care. [~~This device shall not be sold by anyone~~

16 ~~other than a licensed or authorized dealer.~~] Possession of this device
17 by any person under the age of eighteen or by anyone who has been
18 convicted of a felony or assault is illegal. Violators may be prosecuted
19 under the law."

20 (d) Every self-defense spray device shall be accompanied by an insert
21 or inserts which include directions for use, first aid information,
22 safety and storage information and which shall also contain a toll-free
23 telephone number for the purpose of allowing any purchaser to call and
24 receive additional information regarding the availability of local
25 courses in self-defense training and safety in the use of a self-defense
26 spray device.

27 (e) Before delivering a self-defense spray device to any person, the
28 seller shall require proof of age.

29 § 2. Paragraph 15 of subdivision a of section 265.20 of the penal law
30 is REPEALED.

31 § 3. This act shall take effect immediately.