STATE OF NEW YORK

1250

2017-2018 Regular Sessions

IN SENATE

January 6, 2017

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to prohibiting the sale, manufacture or possession of flamethrowers

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

Section 1. The general business law is amended by adding a new section 391-u to read as follows:

§ 391-u. Sale and distribution of flamethrowers prohibited. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "flamethrower" means a device capable of projecting a stream of burning fuel a distance of at least six feet. Inoperable display units shall not be considered "flamethrowers" for the purposes of this section.

(b) "historical flamethrower" means a flamethrower constructed, in whole or in substantial part, of components manufactured prior to nineteen hundred sixty-six.

(c) "substantial part" means constructed with at least five significant components manufactured prior to nineteen hundred sixty-six.

(d) "significant components" means fully functional and necessary parts for the operation of a flamethrower including:

(i) fuel cell;

(ii) gas caps;

(iii) pressure regulator;

(iv) pressure bottle;

(v) hose;

(vi) wand fuel valve;

(vii) barrel;

(viii) front grip;

(ix) ignition shield; and

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

LBD04065-01-7

(x) rear grip.

2. No person, firm, partnership or corporation shall sell, offer for sale, manufacture, transfer or possess a flamethrower; provided, however, that nothing in this section shall prohibit the manufacture, remanufacture, restoration or alteration of flamethrower components.

3. This section shall not apply to:

(a) historical flamethrowers;

(b) flamethrowers used for agricultural purposes;

(c) flamethrowers used for film or television productions; or

(d) any flamethrower lawfully acquired prior to the effective date of this section.

4. Violation of this section shall be punishable by a civil penalty of not more than two hundred fifty dollars for the first offense and not more than five hundred dollars for each subsequent offense.

5. This section shall not be construed to create a private right of action against any person or entity possessing, manufacturing, transferring or selling a flamethrower, historic flamethrower or any components thereof.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.