

# STATE OF NEW YORK

2976

2017-2018 Regular Sessions

## IN ASSEMBLY

January 23, 2017

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Consumer Affairs and 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:

1 Section 1. The general business law is amended by adding a new section  
2 391-u to read as follows:

3 § 391-u. Sale and distribution of flamethrowers prohibited. 1. For the  
4 purposes of this section, the following terms shall have the following  
5 meanings:

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

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

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

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

17 (i) fuel cell;

18 (ii) gas caps;

19 (iii) pressure regulator;

20 (iv) pressure bottle;

21 (v) hose;

22 (vi) wand fuel valve;

23 (vii) barrel;

24 (viii) front grip;

25 (ix) ignition shield; and

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

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1 (x) rear grip.

2 2. No person, firm, partnership or corporation shall sell, offer for  
3 sale, manufacture, transfer or possess a flamethrower; provided, howev-  
4 er, that nothing in this section shall prohibit the manufacture, remanu-  
5 facture, restoration or alteration of flamethrower components.

6 3. This section shall not apply to:

7 (a) historical flamethrowers;

8 (b) flamethrowers used for agricultural purposes;

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

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

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

15 5. This section shall not be construed to create a private right of  
16 action against any person or entity possessing, manufacturing, trans-  
17 ferring or selling a flamethrower, historic flamethrower or any compo-  
18 nents thereof.

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