

# STATE OF NEW YORK

6216

2021-2022 Regular Sessions

## IN ASSEMBLY

March 10, 2021

Introduced by M. of A. RICHARDSON -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the executive law, in relation to prohibiting the use of  
certain chemical incapacitants by law enforcement agencies

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

Section 1. The executive law is amended by adding a new section 837-w  
to read as follows:

§ 837-w. Prohibit use of chemical incapacitants. 1. No law enforcement  
agency shall use any chemical incapacitant, except for pepper spray.  
Pepper spray shall be limited to liquid spray canisters of a volume no  
greater than 0.75 ounces, and shall not be used for crowd control  
purposes.

2. For the purposes of this section, the following terms shall have  
the following meanings:

(a) "Law enforcement agency" means any agency which is empowered by  
law to conduct an investigation or to make an arrest for a felony, and  
any agency which is authorized by law to prosecute or participate in the  
prosecution of a felony.

(b) "Chemical incapacitant" means the following, together or separate-  
ly:

(i) Toxic chemicals and their precursors, except where intended for  
purposes not prohibited under this section, as long as the types and  
quantities are consistent with such purposes;

(ii) Munitions and devices, specifically designed to cause temporary  
pain, temporary irritation, temporary disruption of vital processes,  
temporary incapacitation, temporary disability, or permanent harm  
through the toxic properties of those toxic chemicals specified in  
subparagraph (i) of this paragraph, which would be released as a result  
of the employment of such munitions and devices;

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

LBD02986-01-1

1     (iii) Any equipment specifically designed for use directly in  
2 connection with the employment of munitions and devices specified in  
3 subparagraph (ii) of this paragraph.

4     (c) "Toxic chemical" means any chemical which through its chemical  
5 action on biological processes can cause death, temporary pain, tempo-  
6 rary irritation, temporary disruption of vital processes, temporary  
7 incapacitation, temporary disability, or permanent harm to humans or  
8 animals. This includes all such chemicals, regardless of their origin or  
9 of their method of production, and regardless of whether they are  
10 produced in facilities, in munitions or elsewhere.

11     (d) "Precursor" means any chemical reactant which takes part at any  
12 stage in the production by whatever method of a toxic chemical. This  
13 includes any key component of a binary or multicomponent chemical  
14 system.

15     (e) "Key component of binary or multicomponent chemical systems"  
16 (hereinafter referred to as "key component") means: the precursor which  
17 plays the most important role in determining the toxic properties of the  
18 final product and reacts rapidly with other chemicals in the binary or  
19 multicomponent system.

20     § 2. This act shall take effect immediately.