

STATE OF NEW YORK

10701

IN ASSEMBLY

March 20, 2026

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

AN ACT to amend the general business law, in relation to certain types of imitation guns

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

1 Section 1. The opening paragraph of subdivision 2 of section 871 of
2 the general business law, as amended by chapter 73 of the laws of 2023,
3 is amended to read as follows:

4 "Imitation weapon" means any device or object, including an air rifle,
5 pellet gun, or "B-B" gun, made of plastic, wood, metal or any other
6 material which substantially duplicates or can reasonably be perceived
7 to be an actual firearm[~~, air rifle, pellet gun, or "B-B" gun~~]; unless
8 such imitation weapon:

9 § 2. Section 399-r of the general business law, as added by chapter
10 120 of the laws of 1989, is amended to read as follows:

11 § 399-r. Sale of paint pellet guns or other types of air guns. (a) No
12 person, firm, or corporation shall sell or offer to sell a paint pellet
13 gun or other types of air guns to any person under [~~sixteen~~] eighteen
14 years of age.

15 (b) For purposes of this subdivision, the term "paint pellet gun"
16 means a gun, air gun, pistol, rifle, or like device in appearance or
17 function, capable of and designed for discharging and propelling through
18 the air to a target a small quantity of paint enclosed within a pellet
19 or pellet-like device or capsule or capsule-like device that breaks upon
20 impact with the target, overspreading the target with paint.

21 (c) For the purposes of this subdivision, the term "other type of air
22 gun" means any implement that expels a missile or projectile by the
23 force of a spring, air, or other non-ignited compressed gas.

24 (d) Any person, firm, or corporation who violates the provisions of
25 this section shall be subject to a civil penalty of not more than [~~five~~
26 ~~hundred~~] one thousand dollars for each violation.

27 § 3. Subdivisions 2 and 4 of section 898-a of the general business
28 law, subdivision 2 as amended by chapter 429 of the laws of 2024, and

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

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1 subdivision 4 as added by chapter 237 of the laws of 2021, are amended
2 and a new subdivision 7 is added to read as follows:

3 2. "Reasonable controls and procedures" shall mean policies that
4 include, but are not limited to: (a) instituting screening, security,
5 inventory and other business practices to prevent thefts of qualified
6 products as well as sales of qualified products to straw purchasers,
7 traffickers, persons prohibited from possessing firearms under state or
8 federal law, or persons at risk of injuring themselves or others; (b)
9 preventing deceptive acts and practices and false advertising and other-
10 wise ensuring compliance with all provisions of article twenty-two-A of
11 this chapter; [~~and~~] (c) taking reasonable steps to prevent the installa-
12 tion and use of a pistol converter, as defined in section 265.00 of the
13 penal law, on qualified products; and (d) taking reasonable steps to
14 prevent the replication of a qualified product in the manufacturing of
15 an imitation weapon, as defined in subdivision two of section eight
16 hundred seventy-one of this chapter.

17 4. "Gun industry member" shall mean a person, firm, corporation,
18 company, partnership, society, joint stock company or any other entity
19 or association engaged in the sale, manufacturing, distribution, import-
20 ing or marketing of firearms, ammunition, ammunition magazines, [~~and~~]
21 firearms accessories, and imitation weapons.

22 7. "Imitation weapon" shall have the same meaning as set forth in
23 subdivision two of section eight hundred seventy-one of this chapter.

24 § 4. Section 898-b of the general business law, as added by chapter
25 237 of the laws of 2021, is amended to read as follows:

26 § 898-b. Prohibited activities. 1. No gun industry member, by conduct
27 either unlawful in itself or unreasonable under all the circumstances
28 shall knowingly or recklessly create, maintain or contribute to a condi-
29 tion in New York state that endangers the safety or health of the public
30 through the sale, manufacturing, importing or marketing of a qualified
31 product or imitation weapon.

32 2. All gun industry members who manufacture, market, import or offer
33 for wholesale or retail sale any qualified product or imitation weapon
34 in New York state shall establish and utilize reasonable controls and
35 procedures to prevent its qualified products or imitation weapons from
36 being possessed, used, marketed or sold unlawfully in New York state.

37 § 5. Severability clause. If any clause, sentence, paragraph, subdivi-
38 sion, section or part of this act shall be adjudged by any court of
39 competent jurisdiction to be invalid, such judgment shall not affect,
40 impair, or invalidate the remainder thereof, but shall be confined in
41 its operation to the clause, sentence, paragraph, subdivision, section
42 or part thereof directly involved in the controversy in which such judg-
43 ment shall have been rendered. It is hereby declared to be the intent of
44 the legislature that this act would have been enacted even if such
45 invalid provisions had not been included herein.

46 § 6. This act shall take effect on the thirtieth day after it shall
47 have become a law.