

STATE OF NEW YORK

10701--A

IN ASSEMBLY

March 20, 2026

Introduced by M. of A. ROMERO -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 and paragraph (b) of subdivision 2 of
2 section 871 of the general business law, as amended by chapter 73 of the
3 laws of 2023, are 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 (b) has a barrel that is closed for a distance of not less than one-
10 half inch from the front-end of its barrel with the same material of
11 which the imitation weapon is made, unless it is a water gun, air gun,
12 air rifle, pellet gun, or "B-B" gun; and

13 § 2. Section 399-r of the general business law, as added by chapter
14 120 of the laws of 1989, is amended to read as follows:

15 § 399-r. Sale of paint pellet guns or other types of air guns. (a) No
16 person, firm, or corporation shall sell or offer to sell a paint pellet
17 gun or other types of air guns to any person under [~~sixteen~~] eighteen
18 years of age.

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

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

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

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

4 § 3. Subdivisions 2 and 4 of section 898-a of the general business
5 law, subdivision 2 as amended by chapter 429 of the laws of 2024, and
6 subdivision 4 as added by chapter 237 of the laws of 2021, are amended
7 and a new subdivision 7 is added to read as follows:

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

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

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

29 § 4. Section 898-b of the general business law, as added by chapter
30 237 of the laws of 2021, is amended to read as follows:

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

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

42 § 5. Nothing in this act shall be construed to prohibit the possession
43 or use of air rifles, pellet guns, or "B-B" guns lawfully acquired prior
44 to the effective date of this act.

45 § 6. Severability clause. If any clause, sentence, paragraph, subdivi-
46 sion, section or part of this act shall be adjudged by any court of
47 competent jurisdiction to be invalid, such judgment shall not affect,
48 impair, or invalidate the remainder thereof, but shall be confined in
49 its operation to the clause, sentence, paragraph, subdivision, section
50 or part thereof directly involved in the controversy in which such judg-
51 ment shall have been rendered. It is hereby declared to be the intent of
52 the legislature that this act would have been enacted even if such
53 invalid provisions had not been included herein.

54 § 7. This act shall take effect immediately; provided, however,
55 sections one, three, four and five of this act shall take effect on the
56 sixtieth day after such effective date.