STATE OF NEW YORK

8455

2025-2026 Regular Sessions

IN SENATE

July 11, 2025

Introduced by Sen. FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law and the general business law, in relation to placing restrictions on the sale of flare guns

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

Section 1. The penal law is amended by adding two new sections 265.67 and 265.68 to read as follows:

§ 265.67 Criminal sale of a flare gun in the second degree.

Any person, firm, corporation, dealer, or other entity who sells, offers for sale, or gives a flare gun to any person under the age of twenty-one shall be guilty of a violation punishable by a fine of not more than five hundred dollars. This section shall not apply to sales or transfers to:

1. law enforcement agencies;

2. members of the armed forces or other governmental personnel acting within the scope of their official duties; or

3. persons under twenty-one years of age participating in a supervised training program approved by the commissioner of parks, recreation and historic preservation or the division of homeland security and emergency services.

§ 265.68 Criminal sale of a flare gun in the first degree.

Any person, firm, corporation, dealer, or other entity is guilty of criminal sale of a flare gun in the first degree when such person, firm, corporation, dealer, or other entity sells, offers for sale, or gives a flare gun to any person under the age of twenty-one and has a previous conviction for criminal sale of a flare gun in the second degree.

Criminal sale of a flare gun in the first degree is a class A misdemeanor.

§ 2. The general business law is amended by adding a new section 399-qqq to read as follows:

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

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§ 399-qqq. Sale of flare guns; age restriction. 1. No person, firm, corporation, or other business entity shall sell, offer for sale, or distribute any flare gun to a person under the age of twenty-one years.

2. Prior to the completion of any sale or transfer of a flare gun, the seller shall require the purchaser to present a valid government-issued photo identification verifying that the purchaser is twenty-one years of age or older.

3. For the purposes of this section, "flare gun" means any handheld signaling device, Very pistol, or signal pistol designed and purposed to fire a pyrotechnic flare, whether single-shot or multi-shot, and whether marketed for maritime, emergency, or recreational use.

4. This section shall not apply to sales or transfers to:

(a) law enforcement agencies;

(b) members of the armed forces or other governmental personnel acting within the scope of their official duties; or

(c) persons under twenty-one years of age participating in a supervised training program approved by the commissioner of parks, recreation and historic preservation or the division of homeland security and emergency services.

5. Any person, firm, or corporation who violates the provisions of this section shall be subject to a civil penalty not to exceed one thousand dollars.

§ 3. This act shall take effect immediately.