

# STATE OF NEW YORK

8455--B

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 -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

3 § 265.67 Criminal sale of a flare gun in the second degree.

4 A person, firm, corporation, dealer, or other entity is guilty of  
5 criminal sale of a flare gun in the second degree when such person,  
6 firm, corporation, dealer, or other entity sells, offers for sale, or  
7 gives a flare gun to any person under the age of seventeen. This section  
8 shall not apply to sales or transfers to:

9 1. law enforcement agencies;

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

12 3. persons under seventeen years of age participating in a supervised  
13 training program approved by the commissioner of parks, recreation and  
14 historic preservation or the division of homeland security and emergency  
15 services.

16 Criminal sale of a flare gun in the second degree is a class A misde-  
17 meanor.

18 § 265.68 Criminal sale of a flare gun in the first degree.

19 Any person, firm, corporation, dealer, or other entity is guilty of  
20 criminal sale of a flare gun in the first degree when such person, firm,  
21 corporation, dealer, or other entity sells, offers for sale, or gives a

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

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1 flare gun to any person under the age of seventeen and has a previous  
2 conviction for criminal sale of a flare gun in the second degree occur-  
3 ring within the past two years.

4 Criminal sale of a flare gun in the first degree is a class E felony.

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

7 § 399-qqq. Sale of flare guns; age restriction. 1. No person, firm,  
8 corporation, or other business entity shall sell, offer for sale, or  
9 distribute any flare gun to a person under the age of seventeen years.

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

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

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

19 (a) law enforcement agencies;

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

22 (c) persons under seventeen years of age participating in a supervised  
23 training program approved by the commissioner of parks, recreation and  
24 historic preservation or the division of homeland security and emergency  
25 services.

26 5. Any person, firm, or corporation who violates the provisions of  
27 this section shall be subject to a civil penalty not to exceed one thou-  
28 sand dollars.

29 § 3. This act shall take effect immediately.