STATE OF NEW YORK

9215

IN SENATE

February 17, 2026

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

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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