

# STATE OF NEW YORK

9215--A

## 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 -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- 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.

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

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

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

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

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

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

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

32 § 4. Section 898-b of the general business law, as added by chapter  
33 237 of the laws of 2021, is amended to read as follows:

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

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

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

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

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