

## state Pepper Spray Laws

The following states have restrictions/laws/regulations on pepper spray:

**Alaska**

**Arkansas**

**California**

**District of Columbia**

**Florida**

**Hawaii , Honolulu**

**Massachusetts**

**Michigan**

**Minnesota**

**Nevada**

**New Jersey**

**New York**

**North Carolina**

**Wisconsin**

### **Alaska**

#### **Sec. 11.61.200 Misconduct involving weapons in the third degree.**

(a) A person commits the crime of misconduct involving weapons in the third degree if the person

(3) manufactures, possesses, transports, sells, or transfers a prohibited weapon;

(h) As used in this section,

(1) "prohibited weapon" means any

(A) explosive, incendiary, or noxious gas

**If pepper spray is considered a noxious gas, then pepper spray is illegal**

## Arkansas

### **5-73-124. Tear gas - Pepper spray.**

(a)(2) It is lawful for a person to possess or carry, and use, a small container of tear gas or pepper spray to be used for self-defense purposes only, but the capacity of the cartridge or container shall not exceed one hundred fifty cubic centimeters.

## California

### **Chapter 4. Tear Gas Weapons, Article 1. General Provisions**

**12401.** "Tear gas" as used in this chapter shall apply to and include all liquid, gaseous, or solid substances intended to product temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air, but does not apply to, and shall not include any substance registered as an economic poison as provided in Chapter 2 (commencing with Section 12751) of Division 7 of the Agricultural Code provided that such substance is not intended to be used to produce discomfort or injury to human beings.

### **12403.7.**

(e)

(1) No person shall purchase, possess, or use any tear gas weapon that expels a projectile, or that expels the tear gas by any method other than an aerosol spray, or that contains more than 2.5 ounces net weight of aerosol spray.

(2) Every tear gas container and tear gas weapon that may be lawfully purchased, possessed, and used pursuant to this section shall have a label that states: "WARNING: The use of this substance or device for any purpose other than self defense is a crime under the law. The contents are dangerous—use with care."

(3) After January 1, 1984, every tear gas container and tear gas weapon that may be lawfully purchased, possessed, and used pursuant to this section shall have a label that discloses the date on which the useful life of the tear gas weapon expires.

(4) Every tear gas container and tear gas weapon that may be lawfully purchased pursuant to this section shall be accompanied at the time of purchased by printed instructions for use.

(f) Effective March 1, 1994, every tear gas container and tear gas weapon that may be lawfully purchased, possessed, and used pursuant to this section shall be accompanied by an insert including directions for use, first aid information, safety and storage information, and explanation of the legal ramifications of improper use of the tear gas container or tear gas product.

**12421.** Each tear gas weapon sold, transported or possessed under the authority of this chapter shall bear the name of the manufacturer and a serial number applied by him.

### District of Columbia

#### **Division I. Government of District**

#### **Title 7. Human Health Care and Safety**

#### **Subtitle J. Public Safety**

#### **Chapter 25. Firearms Control**

#### **Unit A. Firearms Control Regulations**

#### **Sub-chapter II. Firearms and Destructive Devices**

#### **§ 7-2502.13. Possession of self-defense sprays.**

(a) Notwithstanding the provisions of § 7-2501.01(7)(C), a person 18 years of age or older may possess and use a self-defense spray in the exercise of reasonable force in defense of the person or the person's property only if it is propelled from an aerosol container, labeled with or accompanied by clearly written instructions as to its use, and dated to indicate its anticipated useful life.

### Florida

**790.001(3)(b)** "tear gas gun" or "chemical weapon or device" means any weapon of such nature, except a device known as a "self-defense chemical spray." "Self-defense chemical spray" means a device carried solely for purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemical.

## Hawaii

**§134-1 Definitions.** As used in this chapter, unless the context indicates otherwise:

"Firearm" means any weapon, for which the operating force is an explosive, including but not limited to pistols, revolvers, rifles, shotguns, automatic firearms, noxious gas projectors, mortars, bombs, and cannon.

**§134-2 Permits to acquire.**(a) No person shall acquire the ownership or a firearm, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight, or otherwise, until the person has first procured from the chief of police of the county of the person's place of business nor residence, the person's place of sojourn, a permit to acquire the ownership of a firearm as prescribed in this section. When title to any firearm is acquired by inheritance or bequest, the foregoing permit shall be obtained before taking possession of a firearm; provided that upon presentation of a copy of the death certificate of the owner making the bequest, any heir or legatee may transfer the inherited or be-quested firearm directly to a dealer licensed under section 134-31 or licensed by the United States Department of the Treasury without complying with the requirements of this section.

## Honolulu

**Sec. 41-37.1 Definitions.**

"Chemical device" means any aerosol container or other device that is capable of emitting chloroacetophenone (CN), orthochlorobenzalmalonitrile (CS), or oleo resin capsicum (OC), or any combination or derivative thereof, in a vapor or liquid form.

"Pepper spray" means any aerosol container or other device designed to fit into a handbag or a pants pocket and has a trigger-guard, flip top or other mechanism to prevent the accidental release of the spray that: (1) is capable of emitting oleo-resin capsicum (OC), or any derivative thereof, in a vapor or liquid form; (2) contains only the

chemical substance oleo-resin capsicum, or any derivative thereof, without containing chloroacetophenone (CN) or orthochlorobenzalmalonitrile (CS); and (3) contains a non-flammable propellant and/or carrier.

## **Massachusetts**

### **Chapter 140. Licenses**

#### **Sale of Firearms**

#### **Chapter 140: Section 129B Firearm identification cards; conditions and restrictions**

**Section 129B.** A firearm identification card shall be issued and possessed subject to the following conditions and restrictions:

6...A firearm identification card shall be valid for the purpose of purchasing and possessing chemical mace, pepper spray or similarly propelled liquid, gas or powder design to temporarily incapacitate.

**Pepper spray can only be sold by licensed firearms dealers within the State Only. (Except Animal Repellents)**

## **Michigan**

### **750.224d Self-defense spray device.**

(1) As used in this section and section 224, "self-defense spray device" means a device to which all of the following apply:

(a) The device is capable of carrying, and ejects, releases, or emits 1 of the following:

(i) Not more than 35 grams of any combination of ortho chloro benzamalo-nitrile and inert ingredients.

(ii) A solution containing not more than 2% oleoresin capsicum.

## **Minnesota**

### **Chapter Title: Crimes, Other Provisions**

#### **Section: 624.731**

**624.731 Tear gas and tear gas compounds; electronic incapacitation devices.**

**Subdivision 1. Definitions.** For the purposes of this section:

(a) "authorized tear gas compound" means a lachrymal or any substance composed of a mixture of a lachrymal including chloroacetophenone, alpha-chloroacetophenone; phenyl chloromethyl ketone, orthochlorobenzalmalononitrile or oleo-resin capsicum, commonly know as tear gas; and

**Subd. 2. Authorized possession; use.**

(a) A person may possess and use an authorized tear gas compound in the exercise of reasonable force in defense of the person or the person's property only if it is propelled from an aerosol container, labeled with or accompanied by clearly written instructions as to its use and the dangers involved in its use, and dated to indicate its anticipated useful life.

**Nevada**

NRS 202.375 Applicability of NRS 202.370 to 202.440, inclusive, to small weapons containing "CS" tear gas to certain law enforcement, correctional and military personnel.

The provisions of NRS 202.370 to 202.440, inclusive, do not apply to the sale or purchase by any adult, or the possession or use by any person, including a minor but not including a convicted person as defined in NRS 179C.010, of any form of:

(a) Cartridge which contains not more than 2 fluid ounces in volume of "CS" tear gas that may be propelled by air or another gas, but not an explosive, in the form of an aerosol spray; or

(b) Weapon designed for the use of such a cartridge which does not exceed that size, and which is designed and intended for use as in an instrument of self-defense.

As used in this section, "CS" tear gas means a crystalline powder containing orthochlorobenzalmalononitrile.

## New Jersey

### **2C:36-6. Exemptions**

i. Nothing in N.J.S.2C:36-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a felony, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100.00.

### **2C:39-p. Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances**

d. Weapons. Any person who manufactures, causes to be manufactured, transports, ships, sells, or disposes of any weapons, including gravity knives, switchable knives, ballistic knives, daggers, dirks, stilettos, billies, blackjacks, metal knuckles, sand-clubs, slingshots, cesti or similar leather bands studded with metal filings, or in the case of firearms if he is not licensed or registered to do so as provided in chapter 58, is guilty of a crime of the fourth degree. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any weapon or other device which projects, releases or emits tear gas or other substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air, which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel or the device is for the purpose of personal self-defense, is pocket-sized and contains not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, or other than to be used by any person permitted to possess such weapon or device under the provisions of subsection d. of N.J.S.2C:39-5, which is intended for use by financial and other business institutions as part of an integrated security system, placed at fixed

locations, for the protection of money and property, by the duly authorized personnel of those institutions, is guilty of a crime of the fourth degree.

## New York

The regulations shall include a requirement that every self-defense spray device which may be lawfully purchased, possessed or used pursuant to this paragraph have a label which states: "WARNING: the use of this substance or device for any purpose other than self-defense is a criminal offense under the law. The contents are dangerous - use with care." This device shall not be sold by anyone other than a licensed authorized dealer.

Every self-defense spray device shall be accompanied by an insert or inserts which include directions for use, first aid information, safety and storage information and which shall also contain a toll free telephone number for the purpose of allowing any purchaser to call and receive additional information regarding the number for the purpose of allowing any purchaser to call and receive additional information regarding the availability of local courses in self-defense training and safety in the use of a self-defense spray device.

The NY Department of Health has promulgated regulations which define what self-defense sprays may be legally possessed. These regulations authorize:

- Sprays containing oleo-resin capsicum, and no other substance, as the active ingredient (pepper sprays)
- Self-defense sprays are further limited by the Department of Health to a maximum net weight of three quarters ounce, and a maximum strength of 0.7% by weight of total capsaicinoids
- The canister must not be disguised in a manner so as appear to be something other than a self-defense spray

**Pepper spray can only be sold by licensed firearms dealers and licensed pharmacists within the State Only. (Except Animal Repellents)**

## North Carolina

### **§ 14-401.6. Unlawful to possess, etc., tear gas except for certain purposes.**

(a) It is unlawful for any person, firm, corporation, or association to possess, use, store, sell, or transport within the State of North Carolina, any form of that type of gas generally known as "tear gas," or any container or device for holding or releasing that gas; except this section does not apply to the possession, use, storage, sale or transportation of that gas or any container or device for holding or releasing that gas:

(7) For use in the home for protection and elsewhere by individuals, who have not been convicted of a felony, for self-defense purposes only, as long as the capacity of any:

- a. Tear gas device or container does not exceed 150 cubic centimeters
- b. Tear gas cartridge or shell does not exceed 50 cubic centimeters, and
- c. Tear gas device or container does not have the capability of discharging any cartridge, shell, or container larger than 50 cubic centimeters.

(b) Violation of this section is a Class 2 misdemeanor.

(c) Tear gas for the purpose of this section shall mean any solid, liquid or gaseous substance or combinations thereof which will, upon dispersion in the atmosphere, cause tears in the eyes, burning of the skin, coughing, difficulty in breathing or any one or more of these reactions and which will not cause permanent damage to the human body, and the substance and container or device is designed, manufactured, and intended to be used as tear gas.

## Wisconsin

OC and pepper spray products sold in Wisconsin must comply with rules established by the Wisconsin Department of Justice. It is illegal to possess OC products sold in states other than Wisconsin.

OC and pepper spray products sold in Wisconsin must:

- Have an OC concentration of 10 percent or less
- Have a total weight of not less than 15 grams (approximately a half ounce) nor more than 60 grams (which is approximately two ounces).
- Have a minimum effective range of six feet and a maximum effective range of 20

feet;

- Look like a conventional aerosol canister and not be made to appear like another product (an OC spray made to look like a pen for example);
- Have a label which includes the amount of OC, its range, expiration date, ingredients, first aid information and a reminder that the product can't be used by people under 18.
- Have a tamper-proof package and a mechanism to prevent an inadvertent discharge; and consumers can use to contact the manufacturer for further information

**NOTE: Pepper Spray is legal in all 50 states, however a number of cities and states have restrictions on sizes, strengths, etc.. If you have a question, it is wise to check with you local city or state attorneys office. Defense sprays should only be purchased by those 18 years of age or older. The above list may not be totally accurate or complete and Pepper Protection accepts no responsibility for its accuracy or completeness.**

**It is Ultimately the buyers responsibility, not the seller, to ascertain and obey all applicable Local, State, and Federal laws regarding the possession and use of any item offered by Pepper Protection. If you are unsure, please contact your local and or state authorities. By placing an Order the buyer represents that all products purchased will be used in a lawful manner and that they are of legal age of 18 years or older.**