

State Laws Regarding Chemical Aerosol Deterrents

Many of our dealers sell chemical deterrent sprays in States other than where their principal place of business is located. We get questions every day as to which States are legal and which States have restrictive laws regarding sale, possession and use of tear gas and/or pepper based deterrent sprays. In an attempt to ascertain what each State laws are in regards to the use and sales of these products, letters were mailed to each of the State Attorney Generals. The letters asked for copies of the current State laws covering chemical aerosol sprays used for self-defense.

The following summary of our research reflects what the various laws are on the sale and use of non-lethal spray weapons as of March, 1992. In no way should this be regarded as the final word on the legal status of said laws. This report is not intended to take the place of legal council nor should it be looked at as being any form of legal advice. Please check with your local authorities to obtain the latest information, as our politicians and bureaurcrats have a tendency to change laws from one day to the next.

Remember that Federal law prohibits the carrying of any type of chemical weapon on commercial aircraft, in federal buildings, prisons and courts.

- Alabama - No state law prohibiting or regulating a defensive aerosol spray product.
- Alaska - No laws regarding the sale, purchase and legal use of non-lethal spray weapons.
- Arizona - No laws regarding the sale, purchase and legal use of non-lethal spray weapons.
- Arkansas - No laws regarding the sale, purchase and legal use of non-lethal spray weapons.
- California - It is legal to sell, purchase, and legally use tear gas or pepper spray containing up to 2.5 ounces of product. Certificates of training are no longer required. Products are not permitted for sale to felons or minors. Product packaging must meet standard Dept. of Justice requirements.
- Colorado - No laws regarding the sale, purchase and legal use of non-lethal spray weapons.
- Conneticut - State law is not specific about the classification and sale of any defensive aerosol. Anyone can purchase and carry a chemical spray product at the present time.
- Delaware - No laws regarding the sale, purchase and legal use of any non-lethal spray weapon.
- Florida - It is legal to sell, purchase and legally use any chemical non-lethal spray weapon containing up to one-half ounce of product. It is illegal to sell a person under the age of 18.
- Georgia - No laws regulating the sale, purchase and legal use of non-lethal spray weapons.
- Hawaii - There is no state law regarding the sale or possession of non-lethal spray weapons, but the City and County of Honolulu and the county of Hawaii have possession law except for those people who obtain a permit from that County's chief of police.
- Idaho - Does not restrict or regulate the sale of non-lethal spray products but certain uses are prohibited.
- Illinois - No laws regulating the sale, purchase and legal use of non-lethal sprays.
- Iowa - No laws regarding the sale, purchase and legal use of non-lethal sprays.
- Kansas - No laws regarding the sale, purchase and legal use of non-lethal spray products.

Oregon - No state laws regarding the sale, purchase or use of non-lethal spray weapons. However, Portland has a city ordinance which prohibits the possession and use of a tear gas dispensing device.

Pennsylvania - No specific laws or regulations concerning the sale, purchase or legal use of non-lethal sprays.

Rhode Island - No laws regarding the sale, purchase and legal use of non-lethal spray weapons.

South Carolina - Lawful for a person for self-defense purposes only to possess, use, transport, sell or buy, but with a limitation of 50 cubic centimeters capacity.

South Dakota - No statutes or regulations concerning the sale, purchase and legal use of chemical sprays.

Tennessee - No laws regarding the sale, purchase and legal use of aerosols, gases, etc.

Texas - A small chemical dispenser sold for personal protection is exempt from their weapons laws.

Utah - No prohibition against the use of chemical aerosol sprays as long as the product does not cause death or serious bodily injury.

Vermont - Statutes do not regulate or prohibit the sale of any aerosol spray used as a defensive weapon.

Virginia - No laws regarding the sale, purchase and legal use of non-lethal spray weapons.

Washington - No laws regarding the sale, purchase and legal use of non-lethal spray weapons.

West Virginia - No laws regarding the sale, purchase and legal use of non-lethal spray weapons.

Wisconsin - Sale, possession and use of a chemical aerosol spray by other than law enforcement officers and members of the military in the line of duty is a felony.

Wyoming - No laws regarding the sale, purchase and legal use of non-lethal spray weapons.

Kentucky - No laws regarding the sale, purchase and legal use of non-lethal sprays.

Louisiana - No laws regarding the sale, purchase and legal use of non-lethal sprays.

Maine - No laws regulating the sale, purchase and legal use for defending person and premises.

Maryland - No state laws against the sale of tear gas or OC products but it is prohibited to carry tear gas openly with the intent or purpose of injuring a person.

Massachusetts - Any person wishing to sell or carry a tear gas prodduct over 1 oz. must obtain a license and a full weapons permit from a chief of police or commissioner of public safety.

Michigan - Maximum allowable strength for OC or CS product is 2%. No CN products or sales to minors allowed.

Minnesota - A person may sell, possess and use CN, CS and OC products only if they are propelled from an aerosol container that is labeled with clearly written instructions on use. They can not be sold where intoxicating liquor is sold. Some counties may elect to impose licensing requirements.

Mississippi - No laws regarding the sale, purchase or sale of sprays for self-protection.

Missouri - No laws in effect forbidding possession or sale of non-lethal spray products.

Montana - No laws regarding the sale, purchase and legal use of non-lethal spray weapons.

Nebraska - No laws prohibiting or regulating tear gas type products.

Nevada - Permissible to possess aerosol spray irritants with active ingredient levels of 2% or less. Washoe County and City of Las Vegas require training and permits.

New Hampshire - No laws regarding sale, purchase and legal use of non-lethal spray weapons.

New Jersey - Permissible to sell, possess and legally use 3/4 oz. or less by anyone for personal protection.

New Mexico - No laws regarding sale, purchase and legal use of non-lethal spray weapons.

New York - Maximum allowable strength for OC or CS product is 7%. Authorized retail sales of a self defense spray are Dealers in firearms and licensed Pharmacists. This does not apply to wholesale distribution between a manufacturer and a retail vendor.

North Carolina - Any individual who has not been convicted of a felony can purchase for use for protection a tear gas product not exceeding 50 cubic centimeters in volume.

North Dakota - Any spray or aerosol containing CN, CS or other irritating agent can be carried without a concealed weapons permit except in gaming and alcoholic beverage establishments.

Ohio - No laws regarding the sale or purchase of non-lethal spray weapons. The only law on use is that it is criminal mischief if used to interfere with the use or enjoyment of property of another.

Oklahoma - No laws regarding the sale, purchase and legal use of non-lethal spray weapons.