



PERSONAL SAFETY CORPORATION HIAWATHA, IA 800.373.3307

PEPPER SPRAY STATE LAWS

ALABAMA: Legal.

Section 13A-7-27 involves the criminal use of a noxious substance. There does not appear to be any specific statute involving self-defense sprays.

ALASKA: Legal with restrictions.

Section 11.81.900 (a)(18) defines "defensive weapon" as "****a device to dispense Mace or a similar chemical agent, that is not designed to cause death or serious physical injury". Section 11.61.210 (a)(6) prohibits the sale of a defensive weapon to a person under 18 years of age. Such a defensive weapon cannot be possessed in a school without permission of certain school authorities, unless the person is 21 years of age or older.

ARIZONA: Legal.

Section 13-3101.7 excludes from the definition of "prohibited weapon" "***any propellant (or) propellant actuated devices ** which are manufactured, imported or distributed for their intended purposes ***". There is nothing that appears to regulate or prohibit the lawful use of self-defense sprays of any kind.

ARKANSAS: Legal with restrictions.

Section 5-73-124 makes the possession of tear gas or pepper spray illegal. However, it is legal to possess "***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 (150cc)". Although it hardly seems necessary, there is also a specific prohibition against using and spray against the law enforcement officer. There is nothing, therefore, that appears to prohibit the lawful use of self-defense sprays as the size limitation is much larger than Mace or other brands of defense sprays.

CALIFORNIA: Legal with restrictions.

Subject to certain restrictions, Section 12403.7 of the Penal Code provides "***any person may purchase, possess or use tear gas and tear gas weapons for the projection or release of tear gas if the tear gas and tear gas weapons are used solely for self-defense purposes***". The definition of tear gas also includes pepper spray. The restrictions include a prohibition against selling such a unit to a minor, and a provision limiting the size to 2.5 ounces by weight. The misuse of tear gas in California comes with state penalties of up to a \$1000 fine and/or up to three years in prison, not to mention a possible felony conviction on record. Some examples of misuse include; using tear gas on people in anger, spraying it as a joke,

possession of tear gas by prohibited persons; minors, drug addicts or persons convicted of felonies. To be legally purchased, possessed or used in California, any canister must have a label that says "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." The maximum legal net weight for a canister is 2.5 ounces, or 70 grams of OC, CS or CN. CR is not legal for civilian use.

COLORADO: Legal.

CONNECTICUT: Legal.

DELAWARE: Legal with restrictions.

Title 11, Section 222 (7) defines "disabling chemical spray" as including self-defense sprays. However, the only prohibitions concerning such sprays appear to be restricting their possession by minors, and increasing the penalty for criminal use of the sprays, i.e., use of a spray while committing another criminal offense.

DISTRICT OF COLUMBIA: Legal with restrictions.

Self-defense sprays are lawful if used or possessed by a person 18 or over "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." Section 6-2322 et seq. When purchasing such a spray, the buyer must complete a standard registration form, and the vendor must forward the form to the Metropolitan Police Department. Section 6-2324.

FLORIDA: Legal.

"Self-defense chemical sprays" are legal. They are defined as "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". Section 790.001. Although it may seem redundant, there is an express prohibition against using chemical sprays against a law enforcement officer. Section 790.054.

GEORGIA: Legal.

HAWAII: Legal with restrictions.

Only OC products are legal for use by or sale to persons 18 and over. There is a ½ ounce size restriction and there are licensing requirements.

IDAHO: Legal.

ILLINOIS: Legal with restrictions.

The use of a product containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older" is authorized by Section 720 ILCS 5/24-1.

INDIANA: Legal.

IOWA: Legal.

KANSAS: Legal.

KENTUCKY: Legal.

LOUISIANA: Legal.

MAINE: Legal.

17 M.R.S. Section 1002. The use of such a substance in defending one's person or property is authorized. Id.

MARYLAND: Legal.

Section 36 of the Criminal Code allows any person to carry "pepper mace" as "a reasonable precaution against apprehended danger". There appears to be no provision regarding any other self-defense sprays.

MASSACHUSETTS: Legal with restrictions.

CHICOPEE, Mass. (WWLP) – Governor Patrick signed an updated gun law, and one result will give people an increased opportunity to protect themselves without resorting to firearms.

The new law eases restrictions on adults who want to carry pepper spray. Massachusetts residents over the age of 18, can now purchase and carry pepper spray without first having to obtain a firearms identification card.

MICHIGAN: Legal with restrictions.

Pepper spray must not be more than 10% and can be used for self defense. "The reasonable use of a self-defense spray or foam device containing not more than 10% oleoresin capsicum no more than 35 grams (1 oz=28.35 grams) by a person in the protection of a person or property under circumstances that would justify the person's use of physical force.

MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

750.224d Self-defense spray or foam device.

Sec. 224d. (1) As used in this section and section 224, "self-defense spray or foam 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 orthochlorobenzalmalononitrile and inert ingredients.

(ii) A solution containing not more than 10% oleoresin capsicum.

MINNESOTA: Legal.

The use of a self-defense spray is permitted "in the exercise of reasonable force and 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.

"Section 624.731 also contains other provisions relating to use and possession including giving municipalities the power, if they so elect, to license the retail sellers of self-defense sprays.

MISSISSIPPI: Legal.

MISSOURI: Legal.

It is permissible to use or possess a device that ejects a "temporary incapacitating substance". Section 571.010 (8).

MONTANA: Legal.

NEBRASKA: Legal.

NEVADA: Legal with restrictions.

Nevada law prohibits possession of tear gas weapons, except for CS by adult (no minors or felons) with no more than 2 fluid ounces in the form of an aerosol spray "which is designed and intended for use as an instrument of self-defense".

NEW HAMPSHIRE: Legal.

NEW MEXICO: Legal.

NEW JERSEY: Legal with restrictions.

Any non-felon 18 or over may possess for the purpose of self-defense "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". Section 2C:39-6i.

NEW YORK: Legal with restrictions.

The possession of "self-defense sprays" by persons who are not felons or who have been convicted of an assault, 18 or over for the protection of person or property and its otherwise lawful use is legal. "Self-defense spray" is defined as "a pocket sized spray device which contains and releases a chemical or organic substance which is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air or any like device containing tear gas, pepper spray or similar disabling agent". There are certain labeling requirements. Sales require both a seller's license and the completion by a purchaser of a registration form. New York residents may only purchase defense sprays from licensed Firearms Dealers or licensed Pharmacists in that state. No more than two sprays may be sold at any one time to a single purchaser. Section 265.25 (14) and (15).

NORTH CAROLINA: Legal with restrictions.

Possession and use of self-defense sprays is lawful for non felons so long as the device does not exceed 150 cubic centimeters (150cc). Section 14-401.6.

NORTH DAKOTA: Legal.

OHIO: Legal.

OKLAHOMA: Legal.

OREGON: Legal.

PENNSYLVANIA: Legal.

"Chemical mace" is specifically excluded from the definition of weapons. There appears to be no regulation or restriction on the lawful use of self-defense sprays.

RHODE ISLAND: Legal w/restrictions.

"Any person eighteen (18) years of age or over may carry on his or her person and use, unless otherwise prohibited by law, any non-lethal noxious substance or liquid for his protection or the protection of others". Section 11-47-57.

SOUTH CAROLINA: Legal w/restrictions.

It is lawful to possess a container not exceeding fifty cubic centimeters (50cc) containing tear gas "for self-defense purposes only". Section 16-23-470.

SOUTH DAKOTA: Legal.

TENNESSEE: Legal.

TEXAS: Legal.

It is permissible to possess a "small chemical dispenser sold commercially for personal protection". 10 Texas Penal Code Section 46.01 (14).

UTAH: Legal.

VERMONT: Legal.

VIRGINIA: Legal.

WASHINGTON STATE: Legal with restrictions.

Section 9.91.160 explicitly authorizes the sale and use of "personal protection spray devices" such as "mace, pepper mace, or pepper gas". There is an age restriction to persons age 18 and older, or 14 with a parent or guardian's permission.

WEST VIRGINIA: Legal.

WISCONSIN: Legal with restrictions.

2013 Wisconsin Act 77 relates to the regulation of oleoresin of capsicum, commonly known as pepper spray, in containers sold in this state.

The Act removes the limitation that pepper spray be displayed only behind a sales counter, and eliminates the requirement for a highlighted caution statement on its packaging. The Act maintains the statutory requirement for pepper spray to be properly labeled and to be sold with written safety instructions.

The Act removes the requirements for the Department of Justice (DOJ) to promulgate specific rules governing pepper spray standards, including percentage of active ingredients, range of spray, weight, and safety packaging. The Act prohibits DOJ from promulgating or enforcing such rules.

WYOMING: Legal.

This is the most current compilation of pepper spray state laws. Please check with your local jurisdiction if unsure.