“State Restrictions on Magazines, Chemical Sprays and Stun Guns”

Note: More Information can be found on each states page at www.handgunlaw.us on state restrictions on Magazines, Chem Sprays and Stun Guns. Handgunlaw.us recommends you check out each states page you want more information about. Last Updated 5/11/20

Magazine Restrictions  Stun Gun Restrictions  Chemical Spray Restrictions

High Capacity Magazines Banned or Restricted

If state is not listed then higher capacity magazines are legal.

California Large Capacity Magazines

Notice: 4/5/19 - A Federal Judge has stayed the ruling below and Penal Code 32310 the ban on magazines in California will go back into effect at 5PM April 5, 2019.

Note: On 3/29/19 US District Judge Roger T. Benitez of the US Dist CT Southern Dist of California Ruled that CA Penal Code § 32310 (Code at link and below) ban on the possession/importation of Magazines that could hold more than 10 rounds as Unconstitutional and Enjoining Enforcement.

PC 32310.
(a) Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, buys, or receives any large-capacity magazine is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170.

(b) For purposes of this section, “manufacturing” includes both fabricating a magazine and assembling a magazine from a combination of parts, including, but not limited to, the body, spring, follower, and floor plate or end plate, to be a fully functioning large-capacity magazine.

(c) Except as provided in Article 2 (commencing with Section 32400) of this chapter and in Chapter 1 (commencing with Section 17700) of Division 2 of Title 2, commencing July 1, 2017, any person in this state who possesses any large-capacity magazine, regardless of the date the magazine was acquired, is guilty of an infraction punishable by a fine not to exceed one hundred dollars ($100) per large-capacity magazine, or is guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars ($100) per large-capacity magazine, by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

(d) Any person who may not lawfully possess a large-capacity magazine commencing July 1, 2017 shall, prior to July 1, 2017:

(1) Remove the large-capacity magazine from the state.
(2) Prior to July 1, 2017, sell the large-capacity magazine to a licensed firearms dealer.
(3) Surrender the large-capacity magazine to a law enforcement agency for destruction.

(Amended November 8, 2016, by initiative Proposition 63, Sec. 6.1.)
San Francisco Bullet Ban

**Police Code Article 9  Prohibited Ammunition Section 618**

(a) **Definition.** For purposes of this Section, "Prohibited Ammunition" shall mean:

1. Ammunition sold under the brand name "Winchester Black Talon," or that has physical properties resulting in ballistics performance identical to ammunition presently or formerly sold under the brand name Winchester Black Talon; or,

2. Ammunition designated by its manufacturer for purchase by law enforcement or military agencies only, unless other ammunition is available to the general public that has physical properties resulting in ballistics performance identical to such ammunition.

(b) **Possession Prohibited; Exceptions.** No person, firm, corporation or other entity may possess Prohibited Ammunition within the City and County of San Francisco, except that this subsection shall not apply to the otherwise-lawful possession of Prohibited Ammunition by the following:

1. Peace officers in possession of Prohibited Ammunition issued to them by their employing agency;

2. Federal law enforcement officers or other federal employees in possession of Prohibited Ammunition issued to them by their employing agency;

3. Members of the armed forces of the United States in possession of Prohibited Ammunition issued to them by the military agency to which they belong;

4. Patrol special police officers, animal control officers or zookeepers, harbor police officers, sheriff's security officers, or police security officers in possession of Prohibited Ammunition issued to them by their employing agencies; or,

5. Businesses licensed as firearms dealers under this Article in possession of Prohibited Ammunition for sale to law enforcement and military agencies. Agencies employing persons listed in subsection (b)(4) are considered law enforcement agencies for purposes of this Section.

(c) **Sale or Transfer.** No business licensed as a firearm dealer under this Article may sell, lease or otherwise transfer Prohibited Ammunition except to law enforcement and military agencies.

(d) **Police Database.** The San Francisco Police Department shall prepare or cause to be prepared a public database of brands and product lines of ammunition meeting the definition of "Prohibited Ammunition" in subsection (a). Failure of the Police Department to create or maintain such a database, or the omission from the database of a particular brand or product line of ammunition otherwise qualifying as "Prohibited Ammunition," under subsection (a), shall not be a defense to or otherwise excuse a violation of this Section.

(e) **Penalty.** Violation of any of the provisions of this Section is a misdemeanor and upon conviction the violator may be punished by a fine not to exceed $1,000.00 or by imprisonment in the county jail not to exceed six months, or by both.

**Note:** The San Francisco PD stated to the NRA that this ban only covered “Black Talon” ammunition and no other hollow point ammunition. Black Talon has been out of production for years. Use Caution. The U.S. 9th Circuit Court ruled on 3/25/14 that SF could require firearms to be secured in the home at all times. Either on your person or locked up. The decision also stated more than once that SF only banned the “Selling” of HP ammo in SF and not the possession. The case was not about HP ammo but about securing your firearm in your home. With this ruling no one is sure if it overturned SF ban on possession of HP Ammo. You can read the decision [Here](#).
**Police Code Article 9 Sec. 619**

**(b) Definition.** “Large capacity magazine” means any detachable ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

1. A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds;
2. A .22 caliber tube ammunition feeding device; or
3. A tubular magazine that is contained in a lever-action firearm.

**(c) Prohibition on Possession of Large Capacity Magazines.**

1. No person, corporation, or other entity in the City may possess a large capacity magazine, whether assembled or disassembled.
2. Any person who, prior to the effective date of this chapter, was legally in possession of a large capacity magazine shall have 90 days from such effective date to do any of the following without being subject to prosecution:
   - (A) Remove the large capacity magazine from the city;
   - (B) Surrender the large capacity magazine to the Police Department for destruction;
   - (C) Sell or transfer the large capacity magazine lawfully in accordance with Penal Code 12020.

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**City of Sunnyvale (Magazine Ban)**

**9.44.050. Possession of large-capacity ammunition magazines prohibited.**

(a) No person may possess a large-capacity magazine in the City of Sunnyvale whether assembled or disassembled. For purposes of this section, “large-capacity magazine” means any detachable ammunition feeding device with the capacity to accept more than ten (10) rounds, but shall not be construed to include any of the following:

1. A feeding device that has been permanently altered so that it cannot accommodate more than ten (10) rounds;
2. A .22 caliber tubular ammunition feeding device; or
3. A tubular magazine that is contained in a lever-action firearm.

**Note:** Both the San Francisco and Sunnyvale have had lawsuits filed against these bans. Other cities in California may have such bans. Use Caution.

**Note:** The 9th Federal Court upheld Sunnyvale’s magazine ban. That ban is worded very similar to San Francisco’s magazine ban. (3/2015)

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**Oakland Magazine Ban**

**C. Definitions.**

"Large-capacity magazine" means any detachable ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

- a. A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds;
b. A .22 caliber tube ammunition feeding device;

c. A tubular magazine that is contained in a lever-action firearm.

D. Possession of Large-Capacity Magazines Prohibited.

1. It is unlawful for any person to possess any large-capacity magazine, except as otherwise authorized by law, whether assembled or disassembled.

2. Any person who, prior to the effective date of this article, was legally in possession of a large-capacity magazine shall have 90 days from such effective date to do any of the following without being subject to prosecution:

   a. Remove the large-capacity magazine from the City of Oakland;

   b. Surrender the large-capacity magazine to the Oakland Police Department for destruction;

   c. Sell or transfer the large-capacity magazine lawfully in accordance with Section 32410 of the California Penal Code.

Note: New Ordinance is not codified into the Oakland Ordinances as of 5/2/16. Handgunlaw.us has a full copy you can read Here.

Colorado & City of Denver/Boulder/Vail Hi Cap Ammo Magazines

18-12-301. Definitions. As Used In This Part 3, Unless the Context Otherwise Requires:

(1) "Bureau" means the Colorado Bureau of Investigation created and existing pursuant to section 24-33.5- 401, C.R.S.

(2) (a) "large-capacity magazine means:

   (I) a fixed or detachable magazine, box, drum, feed strip, or similar device capable of accepting, or that is designed to be readily converted to accept, more than fifteen rounds or ammunition;

   (II) a fixed, tubular shotgun magazine that holds more than twenty-eight inches of shotgun shells, including any extension device that is attached to the magazine and holds additional shotgun shells; or

   (III) a nontubular, detachable magazine, box, drum, feed strip, or similar device that is capable of accepting more than eight shotgun shells when combined with a fixed magazine.

(b) "large-capacity magazine" does not mean:

   (I) a feeding device that has been permanently altered so that it cannot accommodate more than fifteen rounds of ammunition;

   (II) an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition; or

   (III) a tubular magazine that is contained in a lever-action firearm.

18-12-302. Large-Capacity Magazines Prohibited - Penalties - Exceptions.

(1) (a) except as otherwise provided in this section, on and after July 1, 2013, a person who sells,
transfers, or possesses a large-capacity magazine commits a class 2 misdemeanor.

(b) any person who violates subsection (1) of this section after having been convicted of a prior violation of said subsection (1) commits a class 1 misdemeanor.

(c) any person who violates subsection (1) of this section commits a class 6 felony if the person possessed a large-capacity magazine during the commission of a felony or any crime of violence, as defined in section 18-1.3-406.

(2) (a) a person may possess a large-capacity magazine if he or she:

(I) owns the large capacity magazine on the effective date of this section; and

(II) maintains continuous possession of the large-capacity magazine.

(b) if a person who is alleged to have violated subsection (1) of this section asserts that he or she is permitted to legally possess a large-capacity magazine pursuant to paragraph (a) of this subsection (2), the prosecution has the burden of proof to refute the assertion.

The Colorado Attorney General has put out a “Guidance Letter” for the Dept. of Public Safety on implementation of the Magazine Ban as requested by the Governor. You can read that letter Here. A previous letter on Technical Guidance and more information can be viewed Here.

**Denver Colorado Ordinance**

Sec. 38-130. - Assault Weapons.

(b)(1) Assault weapon shall include all firearms with any of the following characteristics:

d. Any firearm which has been modified to be operable as an assault weapon as defined herein.

e. Any part or combination of parts designed or intended to convert a firearm into an assault weapon, including a detachable magazine with a capacity of twenty-one (21) or more rounds, or any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.

**Boulder Colorado Ordinance**

5-8-2. – Definitions

Illegal weapon means an assault weapon, large-capacity magazine, multi-burst trigger activator, blackjack, gas gun, metallic knuckles, gravity knife or switchblade knife.

Large-capacity magazine means any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

(a) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.

(b) A 22-caliber tube rim-fire ammunition feeding device.

(c) A tubular magazine that is contained in a lever-action firearm.

(d) A pistol magazine designed to fit into a pistol grip that has a capacity to hold no more than 15 rounds.

Locked container means a secure container which is enclosed on all sides and locked by a padlock, key lock, combination lock, or similar device.

Minor means a person under eighteen twenty-one years of age.

5-8-10. – Possession and Sale of Illegal Weapons.
(c) Nothing in this section shall be construed to forbid any person:

(3) From possessing a handgun magazine so long as the possession of the handgun and magazine are in compliance with state law.

(e) Nothing in this section shall be deemed to restrict a person's ability to travel with a weapon in a private automobile or other private means of conveyance for hunting or for lawful protection of a person's or another's person or property while traveling into, through, or within, the City of Boulder, regardless of the number of times the person stops in the City of Boulder.

**Note:** The Large Magazine and Assault Weapons ban do not take effect until December, 31, 2018. Possession of a any firearm by a person under 21 years of age is now a violation of Boulder Ordinances. The Ordinance does not state an effective date for the rest of the ordinance which includes the age to possess to 21. Lawsuits have already been filed on the 21 to possess and others will most likely be filed on other parts of this ordinance.

**Vail Colorado Ordinance**

**6-3H-9: Magazine Capacity:** It shall be unlawful to carry, store or otherwise possess a magazine which will hold or may be modified to hold twenty-one (21) or more rounds.

**Note:** Lawsuits have already been filed (5/2018) on the new Boulder Ordinance.

**Connecticut**

**Higher Capacity Magazine Laws:**

**Bill No. 1160  LCO No. 5428 January 2013 Session** (The listed parts of the bill below are effective Immediately. Other parts of the bill have effective dates of Immediately, 7/1/13, 10/1/13 & 1/1/14)

**Sec. 53-202w.** Large capacity magazines. Definitions. Sale, transfer or possession prohibited. Exceptions. (a) As used in this section and section 53-202x:

(1) "Large capacity magazine" means any firearm magazine, belt, drum, feed strip or similar device that has the capacity of, or can be readily restored or converted to accept, more than ten rounds of ammunition, but does not include: (A) A feeding device that has been permanently altered so that it cannot accommodate more than ten rounds of ammunition, (B) a .22 caliber tube ammunition feeding device, (C) a tubular magazine that is contained in a lever-action firearm, or (D) a magazine that is permanently inoperable;

(2) “Lawfully possesses”, with respect to a large capacity magazine, means that a person has (A) actual and lawful possession of the large capacity magazine, (B) constructive possession of the large capacity magazine pursuant to a lawful purchase of a firearm that contains a large capacity magazine that was transacted prior to or on April 4, 2013, regardless of whether the firearm was delivered to the purchaser prior to or on April 4, 2013, which lawful purchase is evidenced by a writing sufficient to indicate that (i) a contract for sale was made between the parties prior to or on April 4, 2013, for the purchase of the firearm, or (ii) full or partial payment for the firearm was made by the purchaser to the seller of the firearm prior to or on April 4, 2013, or (C) actual possession under subparagraph (A) of this subdivision, or constructive possession under subparagraph (B) of this subdivision, as evidenced by a written statement made under penalty of false statement on such form as the Commissioner of Emergency Services and Public Protection prescribes; and
(b) Except as provided in this section, on and after April 5, 2013, any person who, within this state, distributes, imports into this state, keeps for sale, offers or exposes for sale, or purchases a large capacity magazine shall be guilty of a class D felony. On and after April 5, 2013, any person who, within this state, transfers a large capacity magazine, except as provided in subsection (f) of this section, shall be guilty of a class D felony.

(c) Except as provided in this section and section 53-202x: (1) Any person who possesses a large capacity magazine on or after January 1, 2014, that was obtained prior to April 5, 2013, shall commit an infraction and be fined not more than ninety dollars for a first offense and shall be guilty of a class D felony for any subsequent offense, and (2) any person who possesses a large capacity magazine on or after January 1, 2014, that was obtained on or after April 5, 2013, shall be guilty of a class D felony.

(e) A large capacity magazine may be possessed by:

   (4) Any person who has declared possession of the magazine pursuant to section 53-202x; or

   (Means Registered it with Authorities)

Sec. 53-202d  (d) Any person who moves into the state in lawful possession of a large capacity magazine shall, within ninety days, either render the large capacity magazine permanently inoperable, sell the large capacity magazine to a licensed gun dealer or remove the large capacity magazine from this state, except that any person who is a member of the military or naval forces of this state or of the United States, is in lawful possession of a large capacity magazine and has been transferred into the state after January 1, 2014, may, within ninety days of arriving in the state, apply to the Department of Emergency Services and Public Protection to declare possession of such large capacity magazine.

(f) Any person who declared possession of a large capacity magazine under this section may possess the large capacity magazine only under the following conditions:

   (1) At that person's residence;

   (2) At that person's place of business or other property owned by that person, provided such large capacity magazine contains not more than ten bullets;

   (3) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets;

   (4) While on a target range which holds a regulatory or business license for the purpose of practicing shooting at that target range;

   (5) While on the premises of a licensed shooting club;

   (6) While transporting the large capacity magazine between any of the places set forth in this subsection, or to any licensed gun dealer, provided (A) such large capacity magazine contains not more than ten bullets, and (B) the large capacity magazine is transported in the manner required for an assault weapon under subdivision (2) of subsection (a) of section 53-202f of the general statutes, as amended by this act; or

   (7) Pursuant to a valid permit to carry a pistol or revolver, provided such large capacity magazine (A) is within a pistol or revolver that was lawfully possessed by the person prior to April 5, 2013, (B) does not extend more than one inch below the bottom of the pistol grip, and (C) contains not more than ten bullets.

Note: You need to go to the link for the bill and read it. It contains many restrictions on what firearms & magazines that can be brought into the state. CT Now has a 10 Rd Limits on Magazines that have not been registered with authorities by residents and those have to be possessed by a
certain date. Handgunlaw.us recommends that residents of CT or anyone visiting CT with a firearm read the bill and all other information available on the new law. You can also view the bill [Here](#). More information can be found at the [Connecticut Citizens Defense League Inc](#) website.

**Note:** The Connecticut Citizens Defense League is reporting that the way the law is worded that you can carry a registered Higher Capacity magazine in your firearm but it can only be loaded with 10 rounds. Connecticut’s law requiring a magazine be “within” the firearm “limits the number of declared ‘large capacity magazines’ one is able to carry, along with the number of bullets it can contain. (See (7) above) So if you carry spare magazines they have to be 10 round or less type magazines or you are in violation of the law. You can’t under the law carry a higher capacity magazine only loaded with 10 rounds unless it is “Within” the firearm. Will this matter to authorities? No one is sure but that is the way the law is worded.

### DC High Capacity Ammunition Magazines

**D.C. Official Code § 7-2506.01**

“(b) No person in the District shall possess, sell, or transfer any large capacity ammunition feeding device regardless of whether the device is attached to a firearm. For the purposes of this subsection, the term “large capacity ammunition feeding device” means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. The term “large capacity ammunition feeding device” shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.”

### Hawaii High Capacity Ammunition Magazines

“The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds which are designed for or capable of use with a pistol is prohibited.” [Haw. Rev. Stat. § 134-8(c)](#)

### Illinois Local Restrictions on Magazines

**Aurora**

[§ 29-49](#) (f)(2) bans the possession, sale, or acquisition of large capacity feeding devices (magazines with a capacity of more than 15 rounds).

**Chicago**

[8-20-010](#) Definitions - Previous ordinances on the restrictions have been deleted and this sections has all the restrictions for handguns and long guns in Chicago. The new preemption law voids all handgun restrictions in Illinois.

**Franklin Park**

[§ 3-13G-3](#) bans the transfer, acquisition, possession, manufacture or distribution of assault ammunition (any detachable ammunition magazine having a capacity of more than 16 rounds).

**Oak Park**

[§ 27-1-1, § 27-1-2](#) and [§ 27-2-1](#) bans the possession and sale of large capacity feeding devices (magazines with a capacity of more than 10 rounds).
Riverdale
§ 9.05.010, § 9.05.020 and § 9.05.030 bans the possession, transfer, acquisition or manufacture of assault ammunition (a detachable magazine box with a capacity of "more than 35 rounds centerfire.").

**Note:** The above restrictions would only apply to Long Guns. The State has preempted all local handgun laws.

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Maryland High Capacity Magazines

**Higher Capacity Magazines:**

Maryland law prohibits manufacture, sale, or transfer within the state of detached magazines of greater than 10-round capacity, but does not restrict possession of such magazines.

(These new Restrictions on Firearms and Mags becomes effect October 1, 2013. The Bill can be seen [Here](#).)

**Criminal Law § 4–301** (H)(ii) a semiautomatic centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;

(H)(iv) a semiautomatic pistol with a fixed magazine that can accept more than 10 rounds;

(I) “detachable magazine” means an ammunition feeding device that can be removed readily from a firearm without requiring disassembly of the firearm action or without the use of a tool, including a bullet or cartridge.

Article on Regulated Firearms written 9/14 by Jack Mccauley who retired as the Commander of the Maryland State Police Licensing Division in 2013 can be viewed [Here](#).

**Criminal Law § 4–305.** (a) This section does not apply to:

(1) a .22 caliber rifle with a tubular magazine;

(b) A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than 10 rounds of ammunition for a firearm.

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Massachusetts Large Capacity Feeding Devices

The sale, offering for sale, transfer or possession of large capacity feeding devices for assault weapons (as defined under Mass. Gen. Laws ch. 140, § 121), is prohibited unless such device was lawfully possessed on September 13, 1994. Ch. 140, § 131M.

Under Massachusetts law, a “large capacity feeding device” is defined as: “(i) a fixed or detachable magazine, box, drum, feed strip or similar device capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition or more than five shotgun shells; or (ii) a large capacity ammunition feeding device as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. section 921(a)(31) as appearing in such section on September 13, 1994.” Ch. 140, § 121. This does not include “an attached tubular device designed to accept, and capable of operating only with, .22 caliber ammunition.” *Id.*

Large capacity feeding devices designed for large capacity rifles and shotguns may be lawfully possessed by a holder of a Class A or B license to carry. Ch. 140, § 131(a), (b)(ii). Large capacity
feeding devices designed for handguns may be possessed only by persons holding a Class A license to carry. Ch. 140, § 131(a).

The Massachusetts Secretary of Public Safety (“Secretary”) is required to compile and publish a roster of large capacity handguns, rifles, shotguns and feeding devices for those firearms, as those weapons and devices are defined in Ch. 140, § 121. Ch. 140, § 131 3/4. The Secretary may amend the roster upon his or her own initiative, upon the initiative of the Gun Control Advisory Board under Ch. 140, § 131 1/2, or upon the petition of any person seeking to place a weapon on or remove a weapon from the roster. Ch. 140, § 131 3/4.

**New Jersey Large Capacity Feeding Devices**

New Jersey prohibits the manufacture, transport, shipment, sale or disposal of large capacity ammunition magazines, unless the magazine is intended to be used for authorized military or law enforcement purposes. N.J. Rev. Stat § 2C:39-9h. New Jersey law defines “large capacity ammunition magazine” as a box, drum, tube or other container which is capable of holding more than 15 rounds of ammunition to be fed continuously and directly into a semi-automatic firearm. Section 2C:39-1y

**2C:39-1. Definitions.** The following definitions apply to this chapter and to chapter 58:

**y. "Large capacity ammunition magazine"** means a box, drum, tube or other container which is capable of holding more than 10 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm. The term shall not include an attached tubular device which is capable of holding only .22 caliber rimfire ammunition.

**2C:39-9 Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances.**

h. Large capacity ammunition magazines. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of a large capacity ammunition magazine 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 is guilty of a crime of the fourth degree.

**From the New Jersey State Police FAQs**

13. I’m not a police officer, are hollow points legal for me to possess?

**Yes.** They are legal for purchase and possess in your home or on land owned by you. They are legal to possess and use at a gun range. They are also legal to possess while traveling to and from such places. Ammunition lacking a hollow cavity at the tip, such as those with a polymer filling, are not considered to be hollow point ammunition. An example of this can be seen with the Hornady Critical Defense / Critical Duty, Cor-Bon PowRball / Glaser Safety Slug and Nosler Inc. Defense ammunition.

**New York Large Capacity Ammunition Feeding Devices**

**Large Capacity Ammunition Feeding Device**

NY Penal Code **265.00**

23. "Large capacity ammunition feeding device” means a magazine, belt, drum, feed strip, or similar device, that

www.handgunlaw.us
(A) Has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition, OR

(C) Is obtained after the effective date of the chapter of the Laws of two thousand thirteen which amended this subdivision and has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition; provided, however, that such term does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition or a feeding device that is a curio or relic.

Northern Mariana Is. Ammo & Large Cap Ammunition Feeding Device

Notice. Parts of the Northern Mariana Islands Firearms were ruled Unconstitutional. They will be updated here when Handgunlaw.us receives more information.

Title 6, Division 10 § 207. Persons Permitted to Possess Ammunition
(a) No person shall possess ammunition in the Commonwealth unless:

(1) He or she is a licensed firearm vendor;

(2) He or she is the holder of the valid registration certificate for a firearm of the same gauge or caliber as the ammunition he possesses; except, that no such person shall possess one or more restricted bullets; or

(3) He or she temporarily possesses ammunition while participating in a firearms training and safety class conducted by a firearms instructor.

(b) No person in the Commonwealth shall possess, sell, or transfer any large capacity ammunition feeding device regardless of whether the device is attached to a firearm. For the purposes of this subsection, the term "large capacity ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. The term "large capacity ammunition feeding device" shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

(c) Penalties.

(1) Any person convicted of a violation of subsection (a) of this section for legally allowable ammunition shall be fined not more than the amount set forth in $2,500.00 or imprisoned for not more than 1 year, or both.

(2) A person convicted of possessing more than one restricted pistol bullet in violation of subsection (a)(2) of this section may be sentenced to imprisonment for a term not to exceed 10 years, and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 1 year and shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory minimum sentence, and, in addition, may be fined not more than $25,000.

(3) A person convicted of possessing a single restricted pistol bullet in violation of subsection (a)(3) of this section shall be fined not more than the amount set forth in $2,500.00 or imprisoned for not more than 1 year, or both.

(4) A person convicted of possessing a large capacity ammunition feeding device in violation of subsection (b) of this subsection may be sentenced to imprisonment for a term not to exceed 10 years, and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 1 year and shall not be released from prison or granted probation or suspension of
sentence prior to serving the mandatory-minimum sentence, and, in addition, may be fined not more than $25,000. This section shall not apply to any large capacity ammunition feeding device possessed by the owner of a properly registered firearm capable of receiving such a device until ninety days after this Act becomes law.

Pennsylvania Large Capacity Magazines

City of Pittsburgh (April 10, 2019)

§ 1104.01 Definitions (Link to Ordinance as Passed)

D. Large Capacity Magazine. A Firearm magazine, belt, drum, feed strip, or similar device that has the capacity of, or can be readily restored or converted to accept, more than 10 rounds of Ammunition. This definition shall not be construed to include the following:

1. A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of Ammunition;
2. A .22 caliber tube Ammunition feeding device;
3. A tubular magazine that is contained in a lever-action Firearm; and
4. A magazine that is permanently inoperable.

§ 1104.03 PROHIBITED USE OF LARGE CAPACITY MAGAZINE

A. It shall be unlawful to use in any public place within the City of Pittsburgh any Large Capacity Magazine.

B. For purposes of this Section, “use” of a Large Capacity Magazine does not include possession, ownership, transportation or transfer. “Use” of a Large Capacity Magazine shall include:

1. Employing it to discharge or in attempt to discharge Ammunition by means of a Firearm;
2. Loading it with Ammunition;
3. Fitting or installing it into a Firearm;
4. Brandishing it with a Firearm;
5. Displaying it with a Firearm while loaded; and
6. Employing it for any purpose prohibited by the laws of Pennsylvania or of the United States.

C. For purposes of this Section, “public place” shall include streets, parks, open spaces, public buildings, public accommodations, businesses and other locations to which the general public has a right to resort, but does not include a private home or residence or any duly established site for the sale or transfer of Firearms or for Firearm training, practice or competition.

Note: May 2019 - The City and Parties in the law suits have agreed to a stay of the implementation of the ordinances and the Judge has issued an order staying it until the court cases are settled. More info will be posted when it becomes available.

Vermont Large Capacity Magazines

13 V.S.A. § 4021 Large Capacity Ammunition Feeding Devices

(a) A person shall not manufacture, possess, transfer, offer for sale purchase, or receive, or import into this State a large capacity ammunition feeding device. As used in this section, “import” shall not include the transportation back into this State of a large capacity ammunition feeding device by the same person who transported the device out of state if the person possessed the device on or before the effective date of this section.

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(b) A person who violates this section shall be imprisoned for not more than one year or fined not more than $500.00, or both.

(c)(1) The prohibition on possession of large capacity ammunition feeding devices established by subsection (a) of this section shall not apply to a large capacity ammunition feeding device lawfully possessed on or before the effective date of this act.

(d)(1) This section shall not apply to any large capacity ammunition feeding device:

(F) (This section, § 4021(d)(1)(F) will be deleted July 1, 2019) transported by a resident of another state into this State for the exclusive purpose of use in an established shooting competition if the device is lawfully possessed under the laws of another state.

(e)(1) As used in this section, “large capacity ammunition feeding device” means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept:

(A) more than 10 rounds of ammunition for a long gun; or
(B) more than 15 rounds of ammunition for a hand gun.

(2) the term “large capacity ammunition feeding device” shall not include:

(A) an attached tubular device designed to accept, and capable of operating only with .22 caliber rimfire ammunition.

(B) a large capacity ammunition feeding device that is manufactured or sold solely for use by a lever action or bolt action long gun or by an antique firearm as defined in subdivision 4017(d)(2)(A) and (B) of this title; or

(C) a large capacity ammunition feeding device that is manufactured or sold solely for use with a firearm that is determined to be a curio or relic by the Bureau of Alcohol, Tobacco, Firearms and Explosives. As used in this subdivision, “curio or relic” means a firearm that is of special interest to collectors by reason of some quality other than its association with firearms intended for sporting use or as offensive or defensive weapons.

Vermont DPS has a FAQs page on Large Capacity Magazines

States Where Stun Devices Are Illegal:

Hawaii - §134-16
New York - § 265.01 New York City, NY - Administrative Code 10-135

Note: U.S. District Court Northern District of New York has Ruled that Stun Guns and Taser Ban in N.Y. Pen. Law 265.01 (1) is Unconstitutional. Handgunlaw.us was hearing that NY would make rules concerning the Possession and Carrying of these devices but has seen no attempt by NY to do so. NYC Administrative Rule 10-135 would be Unconstitutional also. So possession and carrying are legal until/if New York makes Administrative Rules governing their possession and carrying. Use Caution as NYC could adopt a new ordinance or the State could adopt a new Administrative Rule at any time.

Rhode Island - § 11-47-42

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Cities/Counties Where Stun Devices Are Illegal/Regulated:

Chicago, IL - Chicago Code 8-24-020
New Castle County, DE - Sec. 22.03.010.
Wilmington, DE - Ordinance 36-161
Newark, DE - Ordinance 31-5
Ruston, WA - Ordinance 9.11.015

Ocean City, MD - Sec. 58-162 Can only have in Home or Carry if you have a MD Carry Permit.

States Where Stun Devices Are Legal But With Some Restrictions:

Notice: On March 21, 2016 in an 8-0 ruling the U.S. Supreme Court sent back to the lower courts of Massachusetts a ruling on their Stun Gun Ban. All Total Stun Gun Bans will disappear in the near future but they will most likely pass Laws/Ordinances restricting them in some ways. Handgunlaw.us will strive to keep this listing as up to date as possible!

If a state is not listed it is legal to possess and carry a stun device.

Connecticut - Title 53 Chapter 943 Sec. 53-206
Legal for Home/Business use, carrying prohibited.

California - 5 CCR § 100015
Stun guns and TASERS are not permitted on the property of any state universities.

PC Part 1 Title 7 Chpt. 7 - Part 171b
Illegal to have stun guns within any state or local public building or at any meeting required to be open to the public.

DC Title 7 Subtitle J Chpt. 25 7-2502.15 Possession of stun guns.
(a) No person under 18 years of age shall possess a stun gun in the District; provided, that brief possession for self-defense in response to an immediate threat of harm shall not be a violation of this subsection.
(b) No person who possesses a stun gun shall use that weapon except in the exercise of reasonable force in defense of person or property.
(c) Unless permission specific to the individual and occasion is given, no person, except a law enforcement officer as defined in section 901, shall possess a stun gun in the following locations:
(1) A building or office occupied by the District of Columbia government, its agencies, or instrumentalities;
(2) A penal institution, secure juvenile residential facility, or halfway house;
(3) A building or portion thereof, occupied by a children’s facility, preschool, or public or private elementary or secondary school; or
(4) Any building or grounds clearly posted by the owner or occupant to prohibit the carrying of a stun gun.

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Florida - 790.01 (4)(b)
A nonlethal stun gun or dart-firing stun gun or other nonlethal electric weapon or device that is designed solely for defensive purposes. (Note: Non Lethal is the word that makes this law)

790.053 Open carrying of weapons.
(1) Except as otherwise provided by law and in subsection (2), it is unlawful for any person to openly carry on or about his or her person any firearm or electric weapon or device. It is not a violation of this section for a person licensed to carry a concealed firearm as provided in s. 790.06(1), and who is lawfully carrying a firearm in a concealed manner, to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

(2) A person may openly carry, for purposes of lawful self-defense:
   (a) A self-defense chemical spray.
   (b) A nonlethal stun gun or dart-firing stun gun or other nonlethal electric weapon or device that is designed solely for defensive purposes.

(3) Any person violating this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. History.—s. 1205, ch. 97-102; s. 3, ch. 2006-298; s. 1, ch. 2011-145.

Note: Can Carry Concealed if you have a permit to carry that Florida issues or honors otherwise must be openly carried.

Georgia - 16-11-127.1 (a)(2)
Illegal to carry within 1,000 feet of any real property owned by or leased to any public or private elementary school, secondary school, or school board and used for elementary or secondary education. Carry of a stun device on Georgia Colleges/Universities is legal for those 18 or older.

Illinois Notice: - On March 21, 2019 the Illinois Supreme Court Ruled that the Taser/Stun Gun ban as spelled out in 720 ILCS 5/24-1(a)(4) (shown below) Unconstitutional. The state stated that a License to Carry a Firearm was required to carry a Taser/Stun Gun. The Court ruled the way the law was written a License was required to have one in a persons home. This will force the state to rewrite this section and their concealed carry law so that carrying Tasers and Stun Guns outside the home requires a License to Carry Firearms.

720 ILCS 5/24-1 Unlawful use of weapons.
(a)(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a) (4) does not apply to or affect transportation of weapons that meet one of the following conditions:
   (i) are broken down in a non-functioning state; or
   (ii) are not immediately accessible; or
   (iii) are unloaded and enclosed in a case,

Iowa – Title XVI Chapter 724.4 - Hand held stun devices legal for those 18 or older as long as such a dangerous weapon does not generate a projectile so Tasers are illegal. Must be a device that you have to contact the person with to apply.
260C.14A Limitation on Authority —— Nonprojectile High-Voltage Pulse Weapons Designed to Immobilize. The board of directors of a community college shall comply with the requirements of section 724.8A regarding policies and rules relating to the carrying, transportation, or possession of a dangerous weapon that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the buildings or on the grounds of the community college, as long as such a dangerous weapon does not generate a projectile that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person, and such a dangerous weapon is not used in the commission of a public offense.

262.9D Limitation on Authority —— Nonprojectile High-Voltage Pulse Weapons Designed to Immobilize. The state board of regents shall comply with the requirements of section 724.8A regarding policies and rules relating to the carrying, transportation, or possession of a dangerous weapon that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the buildings or on the grounds of a university under the control of the state board of regents, as long as such a dangerous weapon does not generate a projectile that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person, and such a dangerous weapon is not used in the commission of a public offense.

724.8A Limitation on Authority —— Nonprojectile High-Voltage Pulse Weapons Designed to Immobilize —— Public Universities and Community Colleges.

3. This section shall not apply to any policy or rule adopted or enforced by the governing board of a university under the control of the state board of regents as provided in chapter 262 that prohibits the carrying, transportation, or possession of a dangerous weapon that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the buildings or physical structures of any stadium or hospital associated with an institution governed by the state board of regents.

Note: Tasers or stun guns that shot projectiles are still illegal on campus. Only hand held units that you must press against another person are legal. Links to above statutes may not work until Iowa updates its statutes. You can view SF188 which added the above.[Here](https://www.legis.iowa.gov/isapi/

Handgun provisions applies to an electronic stun weapon or taser.

Not allowed in schools. Same as a firearm.

1. § 4-109 Electronic control device
(a) Definitions.
(3) "Electronic control device" means a portable device designed as a weapon capable of injuring, immobilizing, or inflicting pain on an individual by the discharge of electrical current.
(b) Requirements for possession or use. -- A person may not possess or use an electronic control device unless the person:

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(1) has attained the age of 18 years; and  
(2) has never been convicted of a crime of violence or a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-613, or § 5-614 of this article.  

(c) Prohibitions. -- An electronic control device may not be sold and activated in the State unless:  
(1) an instructional manual or audio or audiovisual instructions are provided to the purchaser;  
(2) the manufacturer maintains a record of the original owner of the electronic control device; and  
(3) the manufacturer or seller has obtained a State and federal criminal history records check of the original owner to ensure compliance with subsection (b)(2) of this section.  

Massachusetts - Part I, Title 20 XX, Chapter 140: (New Statute 7/10/18 after court ruling below)  

Section 131J Sections 131¾, 131K and 131P shall not apply to stun guns. The secretary of public safety and security shall promulgate regulations restricting access or use of stun guns by non-licensed persons and establishing minimum safety and quality standards, safe storage requirements, education and safety training requirements and law enforcement training on the appropriate use of stun guns, which shall require that any stun gun purchased or used by a law enforcement or public safety official include a mechanism for tracking the number of times the stun gun has been fired.

Note – New regulations as stipulated in the law will be forthcoming. They will be added here when published. The US Supreme Court struck down the Massachusetts Ban on Stun Guns. They can be owned and kept in your home but they may not be legal to carry outside the home. See the Supreme Court Decision Here that ruled they were legal to own. (4/17/18) The Massachusetts Supreme Court has put out their "Ruling" (After the US Supreme Ct forced them with above ruling) that the Stun Gun Ban is unconstitutional. Massachusetts can just ban them as they fall under the 2nd Amendment. Massachusetts will most likely pass a law or Admin Rule to make possession outside the home/business require a license to carry and most likely other restrictions.

Section 131J The US Supreme Court struck down the Massachusetts Ban on Stun Guns. They can be owned and kept in your home but they may not be legal to carry outside the home. See the Supreme Court Decision Here that ruled they were legal to own.

Michigan – 750.224a Must have a valid firearm carry permit/license to carry a stun device. This law does not become effective until 8/8/12.

Mississippi § 45-9-101 Must be licensed to carry a stun gun.

Minnesota - 624.731 "electronic incapacitation device" means a portable device which is designed or intended by the manufacturer to be used, offensively or defensively, to temporarily immobilize or incapacitate persons by means of electric pulse or current, including devices operating by means of carbon dioxide propellant. "Electronic incapacitation device" does not include cattle prods, electric fences, or other electric devices when used in agricultural, animal husbandry, or food production activities. A person may possess and use an electronic incapacitation device in the exercise of reasonable force in defense of the person or the person's property only if the electronic incapacitation device is labeled with or accompanied by clearly written instructions as to its use and the dangers involved in its use. (State Preempts Local Regulations)

New Jersey - N.J.A.C. 13:54-5.8 - Must be 18 years of age to Possess or Buy. 2C:39-5(e)(2) — possession of a stun gun while in or upon any part of the buildings or grounds of any school,
college, university or other educational institution without the written authorization of the governing officer of the institution.

**Note:** The NJ 2nd Amendment Society filed a lawsuit and the US District Court Ruling on 4/25/17 stated Stun Devices were legal to possess in New Jersey. SCOTUS had ruled earlier that they could not be banned. On 10/24/17 the NJ AG sent a Memorandum Letter to two members of the NJ House and Senate you should read.

**North Carolina** - § 14-269.2 Not allowed to carry in schools.

**Note:** I have found references that state in NC you must carry a stun gun openly. § 14-269 states you can’t carry a dangerous weapon concealed. Open Carry of a Stun Gun May be legal. Use Caution


From the ND AG’s General Information Page

**Stun Guns and Defense Sprays**

Stun guns and defense sprays (such as pepper spray) are exempt from the definition of "dangerous weapons" and therefore you do not need a concealed weapon license to carry those items concealed (e.g., in a purse or bag, under clothing, under the vehicle seat or in the vehicle’s glove box) within North Dakota.

**Tasers**

A Taser that only delivers a single application of voltage is not considered a dangerous weapon and may be carried without a concealed weapon license. However, if the Taser is capable of delivering multiple applications of voltage, you must have a concealed weapon license.

**Ohio** - Some Ohio cities have laws concerning Stun Devices. Legal, subject to restrictions.

**Pennsylvania:** Title 18, §908.1 Use or Possession of Electric or Electronic Incapacitation Device. (b) Self defense.--A person may possess and use an electric or electronic incapacitation device in the exercise of reasonable force in defense of the person or the person's property pursuant to Chapter 5 (relating to general principles of justification) if the electric or electronic incapacitation device is labeled with or accompanied by clearly written instructions as to its use and the damages involved in its use.

**Wisconsin** - 941.295 Possession of electric weapon.

(1m) Whoever sells, transports, manufactures, possesses or goes armed with any electric weapon is guilty of a Class H felony.

(2) Subsection (1m) does not apply to any of the following:

1. A person specified in pars. (a) to (c), person specified in sub. (2g) (c), a licensee, or an out-of-state licensee.

2. A person for use in his or her dwelling or place of business or on land that he or she owns, leases, or legally occupies

(2g) The prohibition in sub. (1m) on possessing or going armed with an electric weapon does not apply to any of the following:

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(a) A licensee or an out-of-state licensee.

(b) An individual who goes armed with an electric weapon in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.

(c) An individual who has a license or permit issued under s. 440.26, who is on official duty, and who may carry a firearm under rules promulgated under s. 440.26 (3m).

2020 per Assmb. Bill 135

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<th><strong>States/Cities Where Chemical Sprays Are Restricted or Have Some Restrictions</strong></th>
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<td><strong>If state is not listed then a defensive chemical spray for self defense is legal to carry.</strong></td>
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**Airports/Airlines:** Federal Law forbids carrying any type of tear gas or pepper sprays on airplanes or in the security area of an airport.

**Alaska:** 11.81.900 (a)(18) not designed to cause death or serious physical injury .... 11.61.210 (a)(6) prohibits the sale of a defensive weapon to a person under 18 years of age. (Note: some sellers of Pepper Spray state that the container can not exceed 150cc)

**Arkansas:** 5-73-124 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)”

**California:** PC 22810 Notwithstanding any other provision of law, any person may purchase, possess, or use tear gas or any tear gas weapon for the projection or release of tear gas if the tear gas or tear gas weapon is used solely for self-defense purposes, subject to the following requirements:

(a) No person convicted of a felony or any crime involving an assault under the laws of the United States, the State of California, or any other state, government, or country, or convicted of misuse of tear gas under subdivision (g), shall purchase, possess, or use tear gas or any tear gas weapon.

(b) No person addicted to any narcotic drug shall purchase, possess, or use tear gas or any tear gas weapon.

(c) No person shall sell or furnish any tear gas or tear gas weapon to a minor.

(d) No minor shall purchase, possess, or use tear gas or any tear gas weapon.

(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."

**DC:** 7-2502.14 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.

**Florida:** 790.001 (3)(b) Definitions.

(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

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or about the person, and contains not more than two ounces of chemical. (See Florida Stun Gun Section above for more info on Carrying Chemical Weapons.)

**Hawaii:**  City Restrictions. Honolulu **Sec. 41-37.1** and **41-37.3.** 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.

**Illinois:**  **720 ILCS 5/24-1** (3) 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”

**Massachusetts:**  **Part I, Title XX, Chapter 140: Section 122D (vi)**
(vi) at the time of the application, is at least 15 years of age but less than 18 years of age unless the applicant submits with the application a certificate from the applicant's parent or guardian granting the applicant permission to apply for a card; (Those 18 and older do not need a FOID Card)

**Michigan:**  **750.224d.**
(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 18% oleoresin capsicum.
   (iii) A solution containing an ultraviolet dye and not more than 18% Oleoresin Capsicum.
(b) The device does not eject, release, or emit any gas or substance that will temporarily or permanently disable, incapacitate, injure, or harm a person with whom the gas or substance comes in contact, other than the substance described in subdivision (a)(i) or (iii).

**Minnesota:**  **624.731** any substance composed of a mixture of a lachrymator including chloroacetophenone, alpha-chloroacetophenone; phenylchloromethylketone, orthochlorobenzalmalononitrile or oleoresin capsicum, commonly known as tear gas; and 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. (State Preempts Local Laws on Possession etc)

**Nevada:**  **202.370 Thru 202.440** Nevada law prohibits possession of tear gas weapons, except for CS by adult (no 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 Jersey:**  **2C:39-6** (i) 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”.

**New York:**  **Penal Code Section 265.20 (14) and (15)** The possession of “self-defense sprays” by persons who are not felons or who have not 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

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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.

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

**South Carolina: 16-23-470** It is lawful to possess a container not exceeding fifty cubic centimeters (50cc) containing tear gas “for self-defense purposes only”.

**Texas ; Sec. 46.05.** Prohibited Weapons.

(a) A person commits an offense if he intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(8) a chemical dispensing device;

Sec. 46.01 (14) "Chemical dispensing device" means a device, other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being. (Note: A small Personal Device is Legal. Key word is Small)

**West Virginia - § 61-7-2.** Definitions

(9) “Pepper spray” means a temporarily disabling aerosol that is composed partly of *capsicum oleoresin* and causes irritation, blinding of the eyes, and inflammation of the nose, throat, and skin that is intended for self-defense use. Note: Per §61-7-2 (5/2020) Pepper Spray is no longer defined as a Deadly Weapon.

**§ 61-6-19. Willful Disruption of Governmental Processes; Offenses Occurring at State Capitol Complex; Penalties.**

(b) It is unlawful for any person to bring upon the State Capitol Complex any weapon as defined in §61-7-2 of this code: Provided, That a person who may lawfully possess a firearm may keep a firearm in his or her motor vehicle upon the State Capitol Complex if the vehicle is locked and the weapon is out of normal view. Provided, however, That a person may not carry upon the State Capitol Complex, a canister of pepper spray as defined in §61-7-2 of this code that exceeds one ounce...... Violation is a misdemeanor.

**Note:** 61-7-2 defines pepper spray as composed of capsicum oleoresin and is no longer listed as a Deadly Weapon if carried by someone 16 years of age or older for defensive purposes. No statewide restrictions on the size you can carry but only a container of no more than 1 oz is allowed at the state capitol complex per 61-6-19. State Preemption laws now apply to Pepper Spray and there can be no local Ordinances more stringent than state law.

**Wisconsin - 941.26**

(1) (b) Except as provided in sub. (4), no person may sell, possess, use or transport any tear gas bomb, hand grenade, projectile or shell or any other container of any kind or character into which tear gas or any similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property.

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(4) (a) Subsections (1) to (3) do not apply to any device or container that contains a combination of oleoresin of capsicum and inert ingredients but does not contain any other gas or substance that will cause bodily discomfort.

Wisconsin Act 77 removed the Justice Department’s ability to have rules on Self Defense Sprays.

**Laws Still in Effect**

- OC and inert ingredients only  
  Class A misdemeanor
- 18 years old to purchase  
  Class E forfeiture
- Use only in self defense  
  Class A misdemeanor
- Not for use against a peace officer Class H felony
- Not for use in a crime  
  Class H felony
- Felons cannot possess  
  Class A misdemeanor
- Seller must provide proper label and written safety instructions  
  Class A misdemeanor

**Cities**

**Mobile, Alabama**

**Sec. 62-23. - Permit to Carry Required. (City Permit from Local Police)**

No person shall carry a tear gas fountain pen, tear gas gun or similar device designed to discharge tear gas or other incapacitating gas, liquid, solid or chemical in any vehicle or on or about his person or in his place of business without a permit therefor as provided by this article.

**Wilmington, Delaware.**

**Sec. 36-161. - Stun Guns, etc.**

(a) It shall be unlawful for any person to manufacture, make, deliver, transport, trade, give, sell, or possess a converted tear gas gun, stun gun or taser gun.

(b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1. Converted tear gas gun means a tear gas gun which has been altered to fire a projectile with sufficient force to cause death or physical injury.
2. Stun gun means any battery-powered, pulsed electrical device of high voltage and low or no amperage which, when pressed against a person, can disrupt the central nervous system and cause temporary loss of voluntary muscle control of such person.
3. Taser gun means any device contained in a package which permits it to be handheld, containing an electrical supply unit, and into which an expendable plastic cassette may be inserted and which operates by shooting or projecting a ball, net, or dart carrying fine wires from the package to the target and which, upon hitting a person can send out current capable of disrupting the person's nervous system in such a manner as to render the person incapable of functioning normally.
(c) Any law enforcement officer while performing his lawful duties within the city shall be exempted from the effect of this section. For purposes of this section, the term "law enforcement officer" shall include police officers, the attorney general, the attorney general's deputies and investigators, the sheriff, and the sheriff's deputies, prison guards, constables and bailiffs.

(d) A conviction of violation of this section shall be punishable by a fine of not less than $500.00 and not more than $2,500.00 or by both such fine and imprisonment not exceeding six months. The minimum sentence of $500.00 fine shall not be subject to suspension or reduction for any reason.

State law reference—Possession, sale, etc., of martial arts throwing star, 11 Del. C. § 1453.