



University at Buffalo
The State University of New York

School of Pharmacy and Pharmaceutical Sciences

Pharmacy Law PHM 530
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Self Defense Sprays
(Subject to Penal Law 265.20(a))

Effective Date: 05/21/97

Title: Section 54.1 - Purpose.

The purpose of this rule is to protect public health, safety and welfare by specifying the type of self-defense spray device that may lawfully be purchased, possessed or used in New York State.

Effective Date: 05/21/97

Title: Section 54.2 - Definitions.

- (a) Camouflaged means designed to have the appearance of an object other than a self-defense spray device.
- (b) Net weight means the weight of the contents of a self- defense spray device.
- (c) Oleoresin capsicum means the oleoresin extracted from fruits of plants of the genus Capsicum. The oleoresin contains the active ingredient capsaicin and related compounds classified as capsaicinoids.
- (d) Safety device means a self-defense spray device feature that is designed to prevent unintentional discharges.
- (e) Self-defense spray device means 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 or similar disabling agent.

Effective Date: 05/21/97

Title: Section 54.3 - Requirements.

Every self-defense spray device, which is purchased, possessed or used in New York State, shall satisfy all of the following requirements:

- (a) Every self-defense spray device shall contain oleoresin capsicum, and no other substance, as the active ingredient.
- (b) The contents of every self-defense spray device shall not contain more than 0.7% by weight total capsaicinoids.
- (c) The net weight of every self-defense spray device shall not exceed 0.75 ounces.
- (d) Every self-defense spray device shall have a safety device.
- (e) Every self-defense spray device shall be sold in a sealed, tamper-proof package.
- (f) Every self-defense spray device shall not be camouflaged.
- (g) Every self-defense spray device shall be accompanied by an insert or inserts, which include directions for, use, first aid information, and 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 availability of local courses in self-defense training and safety in the use of a self-defense spray device.
- (h) Every self-defense spray device shall bear the following label: "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 or authorized dealer. Possession of this device by a person under the age of eighteen or by anyone who has been convicted of a felony or assault is illegal. Violators may be prosecuted under the law." This label shall appear on the self-defense spray device if the self-defense spray device does not bear the labels required by the California Penal Code pursuant to Section 12403.7(a)(5)(B) and by the United States Consumer Product Safety Commission pursuant to 16 Code of Federal Regulations Section 1500. This label shall appear on self-defense spray device packaging materials or the self-defense spray device if the self-defense spray device bears the labels required by California Penal Code pursuant to Section 12403.7(a)(5)(B) and by the United States Consumer Product Safety Commission pursuant to 16 Code of Federal Regulations Section 1500.