

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy J. Toomey, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to increasing accessibility to nonlethal self defense sprays.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2385 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

**AN ACT RELATIVE TO INCREASING ACCESSIBILITY TO NONLETHAL SELF DEFENSE
SPRAYS.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1. Section 121 of chapter 140 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out the definition of “ammunition” and inserting
3 in place thereof the following definition: “Ammunition” cartridges or cartridge cases, primers
4 (igniter), bullets or propellant powder designed for use in any firearm, rifle or shotgun.

5
6 SECTION 2. Section 129B of chapter 140 of the General Laws, as appearing, is hereby
7 amended by striking out in lines 140 through 142 the sentence, “A firearm identification card
8 shall be valid for the purpose of purchasing and possessing chemical mace, pepper spray or
9 other similarly propelled liquid, gas or powder designed to temporarily incapacitate.”

11 SECTION 3. Section 129B of chapter 140 of the General Laws, as appearing, is hereby
12 amended by striking out in lines 206 through 210 the sentence, "A firearm identification card
13 issued under this clause shall display, in clear and conspicuous language, that the card shall be
14 valid only for the purpose of purchasing or possessing chemical mace, pepper spray or other
15 similarly propelled liquid, gas or powder designed to temporarily incapacitate."

16

17 SECTION 4. 129B of chapter 140 of the General Laws, as appearing, is hereby amended by
18 striking out the clause "The application fee for a firearm identification card issued for the sole
19 purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled
20 liquid, gas or powder designed to temporarily incapacitate shall be \$25, which shall be payable
21 to the licensing authority and shall not be prorated or refunded in the case of revocation or
22 denial. The licensing authority shall retain 50 per cent of the fee and the remaining portion shall
23 be deposited in the General Fund. Notwithstanding any general or special law to the contrary,
24 licensing authorities shall deposit quarterly that portion of the firearm identification card
25 application fee which is to be deposited into the General Fund, not later than January 1, April 1,
26 July 1 and October 1 of each year. There shall be no application fee for the renewal of a firearm
27 identification card issued under this clause.

28 A firearm identification card issued under this clause shall display, in clear and conspicuous
29 language, that the card shall be valid only for the purpose of purchasing or possessing chemical
30 mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily
31 incapacitate."

32 SECTION 5. Section 131 of chapter 140 of the General Laws, as so appearing, is hereby
33 amended by striking out the clause, “and for purchasing and possessing chemical mace, pepper
34 spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate,”

35 SECTION 6. Section 131P of chapter 140 of the General Laws, as so appearing, is hereby
36 amended by striking out in lines 12 through 17, “;and provided further, that an applicant for a
37 firearms identification card for the sole purpose of purchasing or possessing chemical mace,
38 pepper spray or other similarly propelled liquid, gas or powder designed to temporarily
39 incapacitate shall not be required to complete a basic firearms safety course as a prerequisite for
40 receiving such card.”

41 SECTION 7. Section 3B of chapter 209A of the General Laws, as so appearing, is hereby
42 amended by inserting in line 7 after the words “and ammunition” the following words: “or
43 chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to
44 temporarily incapacitate”

45 SECTION 8. Section 3C of chapter 209A of the General Laws, as so appearing, is hereby
46 amended by inserting in line 7 after the words “and ammunition” the following words: “or
47 chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to
48 temporarily incapacitate”

49 SECTION 9. Section 121 of chapter 266 of the General Laws, as so appearing, is hereby
50 amended by inserting in line 2 after the words “with firearms” the following words: “or
51 chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to
52 temporarily incapacitate,”

53 SECTION 10. Chapter 269 of the General Laws, as so appearing, is hereby amended by inserting
54 after section 10A the following sections:

55 Section 10I. Any person who makes a sale or delivery of chemical mace, pepper spray
56 or other similarly propelled liquid, gas or powder designed to temporarily incapacitate, to any
57 person under the age of eighteen shall be punished by a fine of not more than two thousand
58 dollars or by imprisonment for not more than six months, or both. This section shall not prohibit
59 the employment of any person over the age of eighteen from handling or selling such products
60 and shall not prohibit a business from employing a person under the age or eighteen who does
61 not directly handle or sell such products.

62 Section 10I½. Any person under the age of eighteen who possesses, purchases or
63 attempts to purchase chemical mace, pepper spray or other similarly propelled liquid, gas or
64 powder designed to temporarily incapacitate, or makes arrangements with any person to
65 purchase or procure such products, or who willfully misrepresents his age, or alters, defaces or
66 falsifies his identification offered as proof of age, with the intent of purchasing such products
67 shall be punished by a fine of not more than five hundred dollars.

68 SECTION 11. Section 10C of chapter 269 of the General Laws, as so appearing, is hereby
69 amended by inserting in line 5 after the words “seven years” the following clause: “Whoever
70 except in the lawful defense of life or property, willfully discharges chemical mace, pepper spray
71 or other similarly propelled liquid, gas or powder designed to temporarily incapacitate, with the
72 intent to accost or annoy another person shall be punished by a fine of not more than five
73 hundred dollars.”