

**HOUSE . . . . . No. 2288**

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The Commonwealth of Massachusetts

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

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

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

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

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

32 SECTION 6. Section 131P of chapter 140 of the General Laws, as so appearing, is  
33 hereby amended by striking out in lines 12 through 17, “;and provided further, that an applicant  
34 for a firearms identification card for the sole purpose of purchasing or possessing chemical mace,  
35 pepper spray or other similarly propelled liquid, gas or powder designed to temporarily

36 incapacitate shall not be required to complete a basic firearms safety course as a prerequisite for  
37 receiving such card.”

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

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

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

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

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

57 and shall not prohibit a business from employing a person under the age of eighteen who does  
58 not directly handle or sell such products.

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

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