



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**THE JOHN A. WILSON BUILDING**  
**1350 PENNSYLVANIA AVENUE, NW**  
**WASHINGTON, D.C. 20004**

**CHRISTINA HENDERSON**  
Councilmember, At-Large  
Chairperson, Committee on Health

**Committee Member**  
Hospital and Health Equity  
Judiciary and Public Safety  
Transportation and the Environment

**Statement of Introduction**  
**Self-Defense Spray Sale and Transfer Clarification Amendment Act of 2023**  
**November 6, 2023**

Today, I am introducing the Self-Defense Spray Sale and Transfer Clarification Amendment Act of 2023, along with Councilmembers Matt Frumin, Zachary Parker, Anita Bonds, and Brooke Pinto.

The Firearms Control Regulations Act of 1975 codified restrictions on the use of firearms and destructive devices, established registration requirements, and limited people from selling and transferring them, among other things. The definition of “destructive device” in the law includes “Any device containing tear gas or a chemically similar lacrimator or sternutator by whatever name known.” This definition applies to Title 7, Chapter 25, Unit A of the Code. A lacrimator is a chemical that irritates the eyes and causes tear production. Common lacrimators include pepper spray and mace. District law requires that individuals who receive, possess, control, transfer, offer for sale, sell, give, or deliver any destructive device in the District hold a dealer’s license.

The Firearms Control Regulations Act was amended by the Legalization of Self-Defense Sprays Amendment Act of 1992 to authorize the possession and use of self-defense sprays in the District. The Legalization of Self-Defense Sprays Amendment Act defines a self-defense spray as “a mixture of a lacrimator including chloroacetophenone, alpha-chloroacetophenone, phenylchloromethylketone, ortho-chlorobenzalm-alononitrile or oleoresin capsicum.” The definition of self-defense spray is limited to two sections of Title 7, Chapter 25, Unit A of the Code. The Legalization of Self-Defense Sprays Amendment Act did not specifically allow for the sale, transfer, gift, or delivery of lacrimators.

The definition of self-defense spray and the definition of a destructive device overlap by defining such items as lacrimators. While the possession and use of self-defense sprays is permitted, current law does not address the sale of self-defense sprays defined as such. Consequently, the definition of destructive device is used when interpreting the legal ways that lacrimators may be sold and delivered in the District.

Only those with a dealer’s license can transfer, offer for sale, sell, give, or deliver a lacrimator in the District. Local or internet-based retailers that otherwise have no reason to hold a dealer’s license must acquire one to sell and deliver commonly used lacrimators like pepper spray in the District. Companies with an online marketplace and many independent sellers do not sell or deliver lacrimators to District residents due to these licensing requirements. These limitations



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leave very few options for District residents that want to purchase a product that the law affirmatively allows them to possess for their safety.

As of November 6, 2023, violent crime is 40 percent higher than it was at the same date last year. The bulk of the increase is due to robberies increasing by 69 percent and homicides rising by 33 percent. In this environment, District residents need easy and reliable access to tools that decrease their vulnerability and empower them to address threats to their personal safety. The current limitations on purchasing lacrimators hurt residents, and must be addressed. I look forward to working with my colleagues expeditiously to make this common-sense and necessary change to our laws.

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2 Councilmember Matt Frumin

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5 Councilmember Zachary Parker

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9 Councilmember Brooke Pinto



Councilmember Christina Henderson



Councilmember Anita Bonds

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16 A BILL

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21 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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25 To amend the Firearms Control Regulations Act of 1975 to allow a person to transfer,  
26 offer for sale, sell, gift, or deliver a self-defense spray.

27 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
28 act may be cited as the “Self-Defense Spray Sale and Transfer Clarification Amendment Act of  
29 2023”.

30 Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976  
31 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

32 (a) A new section 213a is added to read as follows:

33 “Sec. 213a. Sale of self-defense sprays.

34 “Notwithstanding any other provision of this act, a person may transfer, offer for sale,  
35 sell, give, or deliver a self-defense spray to another person in the District for the purposes set  
36 forth in section 213; provided, that the self-defense spray is propelled from an aerosol container,

37 labeled with or accompanied by clearly written instructions as to its use, and dated to indicate its  
38 anticipated useful life.”.

39           Sec. 3. Fiscal impact statement.

40           The Council adopts the fiscal impact statement in the committee report as the fiscal  
41 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
42 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

43           Sec. 4. Effective date.

44           This act shall take effect following approval by the Mayor (or in the event of veto by the  
45 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
46 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
47 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
48 Columbia Register.