

A RESOLUTION

25-344

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2023

To declare the existence of an emergency with respect to the need to amend the Firearms Control Regulations Act of 1975 to allow a person to transfer, offer for sale, sell, gift, or deliver a self-defense spray.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Self-Defense Spray Sale and Transfer Clarification Emergency Declaration Resolution of 2023”.

Sec. 2. (a)(1) District law restricts the use of firearms and destructive devices, has registration requirements, and places limitations on the sale and transferring of such weapons, 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. A lacrimator is a chemical that irritates the eyes and causes tear production. Common lacrimators include pepper spray and mace. District law generally prohibits individuals from receiving, possessing, controlling, transferring, offering for sale, selling, giving, or delivering a destructive device but authorizes the possession and use of self-defense sprays in the District.

(2) A self-defense spray is defined as a mixture of a lacrimator including chloroacetophenone, alpha-chloroacetophenone, phenylchloromethylketone, ortho-chlorobenzalmononitrile, or oleoresin capsicum.

(b) 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.

(c) 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 in the District must acquire one to sell and deliver commonly used lacrimators such as 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 leave very few options for District residents who want to purchase a product that the law affirmatively allows them to possess and disadvantages District residents who want to purchase self-defense spray products for their safety.

(d) As of November 6, 2023, violent crime is 40% higher than it was at the same time last year. The majority of the increase is due to robberies, which have increased by 69%, and

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homicides, which have risen by 33%. 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. Emergency legislation is needed to allow for the transfer, offer for sale, sale, gifting, or delivery of self-defense sprays in the District for self-defense purposes.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Self-Defense Spray Sale and Transfer Clarification Emergency Amendment Act of 2023 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.