



Councilmember Christina Henderson

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A PROPOSED RESOLUTION

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To declare the existence of an emergency with respect to the need to amend, on an emergency basis, 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) The Council passed the Firearms Control Regulations Act in 1975, which restricted the use of firearms and destructive devices, established registration requirements, and placed 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.” 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 issued by the Metropolitan Police Department.

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

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

47 (d) Only those with a dealer’s license can transfer, offer for sale, sell, give, or deliver a  
48 lacrimator in the District. Local or internet-based retailers that otherwise have no reason to hold a  
49 dealer’s license must acquire one to sell and deliver commonly used lacrimators like pepper  
50 spray in the District. Companies with an online marketplace and many independent sellers do not  
51 sell or deliver lacrimators to District residents due to these licensing requirements. These  
52 limitations leave very few options for District residents that want to purchase a product that the  
53 law affirmatively allows them to possess. It disadvantage District residents who want to purchase  
54 self-defense spray products for their safety.

55 (e) As of November 6, 2023, violent crime is 40 percent higher than it was at the same  
56 date last year. The majority of the increase is due to robberies increasing by 69 percent and

57 homicides rising by 33 percent. In this environment, District residents need easy and reliable  
58 access to tools that decrease their vulnerability and empower them to address threats to their  
59 personal safety. The current limitations on purchasing lacrimators hurt residents and must be  
60 addressed. Emergency legislation is needed to allow for the transfer, offer for sale, sale, gifting,  
61 or delivery of a self-defense spray in the District for the purposes of possessing and using the  
62 spray for defending a person's self or property.

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

67           Sec. 4. This resolution shall take effect immediately.