



March 22, 2018

Mr. Stephen Stamboulieh  
Stamboulieh Law, PLLC  
P.O. Box 4008  
Madison, Mississippi 39130

RE: NY State Self-Defense Spray Laws

Dear Mr. Stamboulieh,

I am currently the Vice-President of Operations at Security Equipment Corporation. We manufacture the SABRE and SABRE Red brands of Self-Defense Sprays. We have been in this industry for 42 years. I have served as the V.P. of Operations for 17 years. I have spent a great deal of time studying the Self-Defense Spray industry, including the state laws and restrictions. The Federal Government does not have a government agency assigned to regulate Self-Defense Sprays. They are regulated by the Consumer Product Safety Act (15 U.S.C. §§ 2051–2089) and the Federal Hazardous Products Act (16 CFR 1500). State governments have created specific laws regarding the sale and usage of the products.

I will express my statement of opinion concerning the tight restrictions on the sale of Self-Defense Sprays in NY State. I have reviewed the state laws in each of the 50 states with my legal team. We review this analysis annually to stay current and make sure we are in compliance with state laws. I will use other state laws to compare to NY State Laws. I will also identify and provide the Certification for the Purchase of a Self-Defense Spray Device form required in NY State.

The New York State laws regarding Self-Defense Sprays are the most restrictive state laws in the United States. These are the sections of the NY State laws that pertain to Self-Defense Sprays:

N.Y. Penal Law §265.20(a)(14), (15)  
N.Y. Comp. Codes R. & Regs. Tit. 10 § 54.1–54.3

These laws state:

“Self-Defense Spray” is defined as a **pocket sized** spray device which contains a chemical or organic substance intended to produce temporary physical discomfort or disability vaporization or any like device containing tear gas, pepper spray or similar disabling agent.

Only licensed firearms dealers and pharmacists may sell Self-Defense Sprays. This device shall not be sold by anyone other than a licensed or authorized dealer. The dealer license can only be issued to state residents because each applicant must file an application to the licensing officer in the city or county where the applicant resides, is principally employed or has his principal place of business as merchant or storekeeper.

747 Sun Park Drive  
Fenton, MO 63026

(636) 343-0200  
(800) 325-9568  
(636) 343-1318 Fax

E-Mail: [info@sabrerred.com](mailto:info@sabrerred.com)  
[www.sabrerred.com](http://www.sabrerred.com)



A seller must require proof of age and completion of a sworn statement that the buyer has not been convicted of a felony or assault. A copy of the Certification for the Purchase of a Self-Defense Spray Device is attached.

Self-Defense Spray cannot be sold to any person under the age of 18 or convicted of a felony or any assault.

Each Self-Defense Spray shall contain oleoresin capsicum, and no other substance, as the active ingredient; **shall not contain more than 0.7% by weight total capsaicinoids; net weight shall not exceed 0.75 ounces**; shall have a safety device; sold in a sealed, tamper-proof package; and shall not be camouflaged.

No more than two Self-Defense Sprays may be sold at any one time to a single purchaser.

The NY State laws are restrictive for these reasons.

1. The law restricts the places where Self-Defense Sprays can be sold, making it more difficult for a consumer to find the products. They are not able to be purchased on-line because of the proof of age requirement and completion of the Certification for the Purchase of a Self-Defense Spray Device document.
2. The Certification document requires the purchaser to include their Social Security Number. Many consumers are not willing to include the SSN on the form. Therefore, dealers are not able to sell them the product. Consumers must take the risk of identity theft in order to purchase a Self-Defense Spray.
3. The size restriction of 0.75 ounces is a small canister. It can be kept on the person via a key chain or pocket, but it provides a limited amount of protection. This size might not contain enough spray to protect oneself from multiple subjects.
4. The strength of the formula is considered to be a mid-range strength. It is equivalent to what the NYPD Officers carry which is 0.67% major capsacinoids. However, police officers can elevate their level of force if their pepper spray is not effective on a subject. They can move to a baton, Taser or firearm. They can call for back up. They are wearing bulletproof vests. We believe that a higher level of major capsaicinoids is warranted for the consumer, because it is their only means of defense. Most consumers are not equipped or trained on how to elevate the level of force. They need a stronger pepper spray to stop a threat immediately.
5. NY State is the only state in the U.S. that limits the strength of Self-Defense Sprays. Michigan and Wisconsin used to also limit the size and strength of Self-Defense Sprays. They have changed their laws in the last 4 to 5 years to remove this limitation.



6. The restriction of only being able to purchase 2 Self-Defense sprays prevents a consumer from buying multiple devices for their family. It is really just an obstacle of inconvenience that can be easily overcome and serves no significant purpose.

Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Nance', with a long horizontal flourish extending to the right.

Robert Nance  
V.P. of Operations  
Security Equipment Corporation

**CERTIFICATION FOR THE  
PURCHASE OF A SELF-DEFENSE SPRAY DEVICE  
(Pursuant to Penal Law § 265.20(a)(15)(B))**

Name of Purchaser \_\_\_\_\_ Date of Purchase \_\_\_\_\_  
Last First MI

Date of Birth \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Social Security Number \_\_\_\_\_

Address \_\_\_\_\_  
Street City State Zip

County of Residence \_\_\_\_\_

Purchaser's Identification \_\_\_\_\_  
(Driver's License Number or other Identification which shows name, date of birth, place of residence)

Brand of Self-Defense Spray Device \_\_\_\_\_

Number of Containers Purchased  1  2 Container Net Weight \_\_\_\_\_

Name of Vendor \_\_\_\_\_ Vendor's License No. \_\_\_\_\_

Address \_\_\_\_\_  
Street City State Zip

Vendor Type  Pharmacist  Firearms Dealer

\_\_\_\_\_  
Signature of Vendor

**PURCHASER'S VERIFICATION**

I, \_\_\_\_\_ do hereby verify that I am over eighteen years of age, and that I have not been convicted of a felony or an assault in New York, or any other State.

I understand that false statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

\_\_\_\_\_  
Signature of Purchaser