**A** **BILL**

TO AMEND SECTION 16-23-470 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE UNLAWFUL POSSESSION OF TEAR GAS, TO PROVIDE THAT THE PROHIBITION AGAINST THE POSSESSION OF TEAR GAS DOES NOT APPLY TO THE POSSESSION OF A PERSONAL PEPPER SPRAY DEVICE FOR THE PURPOSE OF SELF DEFENSE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16-23-470 of the 1976 Code is amended to read:

“Section 16-23-470. (A) It is unlawful for anyone except an authorized law enforcement officer to possess, use, transport, sell, or buy a tear-gas machine or gun, or its parts, or any ammunition, shells, or equipment that may be used in a tear-gas gun or machine. It is lawful for a person for self-defense purposes only to possess, use, transport, sell, or buy a tear-gas machine or gun, or its parts, or ammunition, shells, or equipment for a tear-gas machine or gun, but the capacity of a tear-gas cartridge, shell, or container shall not exceed fifty cubic centimeters nor shall a tear-gas machine or gun have the capability of shooting a cartridge, shell, or container of more than fifty cubic centimeters.

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than five thousand dollars, or both.

(C) Except as permitted above, nothing in this section prohibits the purchase, sale, transportation, or use of tear gas for the destruction of insects or rodents if tear gas is not in containers or shells suitable for use in a tear-gas gun, equipment, or machine and if the purchaser has written authority for the purchase and use of tear gas from the county agent of the county in which he resides.

(D) This section does not apply to the possession, purchase, selling, or transportation of a personal pepper spray device or aerosolizing canister for the purposes of self-defense against either animals or other persons. For this section ‘pepper spray device’ means a lachrymatory spray device that disburses a liquid or releases a aerosolized, vaporized, or foaming chemical which is intended to produce temporary physical discomfort or disability and whose primary active ingredient is oleoresin capsaicin or is derived from capsaicin, capsaicinoids, or a pepper-related organic compound.”

SECTION 2. This act takes effect upon approval by the Governor.

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