

Pepper Spray

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Notice

The information contained in this bulletin is considered accurate the date of publication. The information has not been updated to reflect any changes to the *Firearms Act* and related regulations.

Introduction

Some of you may have heard that on December 1, 1998 - commencement day for the *Firearms Act* - easily concealed containers of the substance commonly known as "pepper spray" were banned. This is not the case. The law on incapacitating devices **did not change** on December 1, 1998.

In a Snapshot

- **No change in effect**
- **Proposal to modify under consideration**
- **Further consultations needed**

The Law

According to the *Criminal Code* regulations, a prohibited weapon is:

"any device designed to be used for the purpose of injuring, immobilizing or otherwise incapacitating any person by the discharge therefrom of:

- tear gas, Mace, or other gas; or,*
- any liquid, spray, powder or other substance that is capable of injuring, immobilizing or otherwise incapacitating any person".*

Proposed Changes to the Law

Problems with the interpretation and enforcement of this regulation led to calls over the years for the status of pepper spray to be clarified.

Small capacity pepper spray canisters have been identified by Canadian police forces as a risk to public safety. As a result, it was proposed to identify them as prohibited devices. Large capacity pepper spray canisters (with a capacity of 225 grams or 225 millilitres or more - that is, approximately the size of an average pop can) designed exclusively for the control of wild animals, would be exempted in the law.

Further Consultations

This proposed amendment to the law was made public in June 1998 in the form of a proposed *Criminal Code* regulation. At that time, interested parties were invited to forward their comments on the amendment.

In view of the comments that have been received, it was decided to extend the consultation period concerning the proposed change. The status of pepper spray, therefore, will be confirmed only following a period of further consultation.

As a public agent, you will be informed if the status of pepper spray changes. For now, there is no change to the *Criminal Code* legislation which law enforcement officers have been applying for some time.

Provincial, territorial and municipal laws, regulations and policies may also apply.

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