

Jeremy Thiesfeldt

STATE REPRESENTATIVE • 52nd ASSEMBLY DISTRICT

Changes Resulting from Assembly Bill 119/Senate Bill 109

Laws Still in Effect

- OC and inert ingredients only
Class A misdemeanor
- 18 years old to purchase
Class E forfeiture
- Use only in self defense
Class A misdemeanor
- Not for use against a peace officer
Class H felony
- Not for use in a crime
Class H felony
- Felons cannot possess
Class A misdemeanor
- Seller must provide proper label and written safety instructions
Class A misdemeanor

Provisions that Are Eliminated

- Minors cannot possess
- Ingredient ratio limits
Only Michigan (11%) and Wisconsin (10%) have a limit
- Minimum and maximum spray range
No other states have both range requirements
- No camouflage (disguised) canisters
- No direct or ready access provided by the seller
- Additional highlighted message to read safety instructions
- Weight restrictions

Serving the communities of Fond du Lac, Oakfield, Byron, Empire, Taycheedah, and the western half of Calumet township

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
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Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
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June 21, 2012

Attorney General J.B. Van Hollen
Wisconsin Department of Justice
PO Box 7857
Madison, WI 53707-7857

Subject: Jus 14 Wis. Admin. Code

Dear Attorney General:

It has come to the attention of several of our Conservation Wardens that Jus 14 Wis. Admin. Code prohibits the distribution and sale of oleoresin of capsicum (OC) spray that contains greater than 10% OC and/or is larger than 60 grams and/or sprays greater than 20 feet. The administrative code prohibiting the sale of OC products that are larger than 60 grams has caused a conflict for hikers and outdoors people in bear country. It is common for bear sprays to contain up to 10% OC; is packaged in containers of 200 to 260 grams; and will spray up to 35 feet.

Currently, several large sporting goods chain stores in Wisconsin have expressed concern that selling bear spray places them in violation of Wisconsin law. Those stores have removed the product from their stocks and one national vendor has chosen to cease distribute of their products in WI. Several other stores have chosen to continue to sell bear spray. Bear spray is also sold without restriction on the internet.

We are respectfully asking that the WI Department of Justice review Jus 14 Wis. Admin. Code to determine if it can be amended to address the bear spray vs. OC spray issues and level the playing field for Wisconsin sporting goods dealers while providing for the safety concerns of Wisconsin outdoorspersons.

Respectfully,



Cathy Stepp
Secretary

State by State Comparison on Pepper Spray Regulations

State	Regulations	Age	Felon	Size	%	Use	Purchase	License	Labeling	Packaging	Range
1 Idaho	pro-actively allows	18				self-defense					
2 Missouri	pro-actively allows	18				self-defense					
3 New Hampshire	pro-actively allows	18				self-defense					
4 Virginia	pro-actively allows	18									
5 Alabama	no mention in statutes	18									
6 Arizona	no mention in statutes	18									
7 Colorado	no mention in statutes	18									
8 Connecticut	no mention in statutes	18									
9 Georgia	no mention in statutes	18									
10 Indiana	no mention in statutes	18									
11 Iowa	no mention in statutes	18									
12 Kentucky	no mention in statutes	18									
13 Louisiana	no mention in statutes	18									
14 Mississippi	no mention in statutes	18									
15 Montana	no mention in statutes	18									
16 Nebraska	no mention in statutes	18									
17 New Mexico	no mention in statutes	18									
18 North Dakota	no mention in statutes	18									
19 Ohio	no mention in statutes	18									
20 Oklahoma	no mention in statutes	18									
21 Pennsylvania	no mention in statutes	18									
22 South Dakota	no mention in statutes	18									
23 Tennessee	no mention in statutes	18									
24 Utah	no mention in statutes	18									
25 Vermont	no mention in statutes	18									
26 West Virginia	no mention in statutes	18									
27 Wyoming	no mention in statutes	18									
28 South Carolina	minimal	18		<50cc		self-defense					
29 Alaska	minimal	18									
30 Arkansas	minimal	18		<150cc							
31 California	minimal	18	no	< 2.5 oz		used in anger, \$1,000 fine and/or 3 years prison					
32 Delaware	minimal	18				not in commission of a crime, carries penalty enhancer					
33 Florida	minimal	18		< 2.0 oz		not to be used on peace officers					
34 Hawaii	minimal	18				self-defense					
35 Illinois	minimal	18				self-defense					
36 Kansas	minimal	18				not in commission of a crime					
37 Maine	minimal	18				not in commission of a crime					
38 Maryland	minimal	18				precaution against danger					
39 Minnesota	minimal	18				self-defense					
40 Nevada	minimal	18		< 2.0 oz							
41 North Carolina	minimal	18	no > 150 cc								
42 Oregon	minimal	18				no reckless use					
43 Rhode Island	minimal	18				self-defense					
44 Texas	minimal	18		small							
45 Washington	minimal	18; 14 w/parent	permission			self-defense					
46 Michigan	moderate	18		< 35 g	<11%	self-defense					
47 New Jersey	moderate	18	no	< 3/4 oz.		self-defense					
48 Massachusetts	restrictive	18					firearms dealers	firearm id card required			
49 New York	restrictive	18	no	pocket-sized; < 20 grams		self-defense	firearms dealer or pharmacist	firearm id card required	required		
50 WISCONSIN	MOST restrictive	18	no	>15g, <60g	<10%	self-defense	not accessible to customers	not accessible to customers	required	safety instructions (tamper-proof and highlighted caution to follow safety instructions)	>6', <20'