

## MEMORANDUM

**TO:** Chairman Phil Mendelson  
**FROM:** Councilmember Christina Henderson  
**RE:** Request to Agendize Measures for the November 7, 2023, Legislative Meeting  
**DATE:** November 2, 2023

I request that the following measures be placed on the agenda for the November 7, 2023, Legislative Meeting:

### Emergency Legislation

- Self-Defense Spray Sale and Transfer Clarification Emergency Amendment Act of 2023
- Self-Defense Spray Sale and Transfer Clarification Temporary Amendment Act of 2023
- Self-Defense Spray Sale and Transfer Clarification Emergency Declaration Resolution of 2023

Under current law, the definition of self-defense spray (§ 7–2502.12) and the definition of a destructive device (§ 7–2501.01(7)(C)) overlap by defining such items as a lacrimator, which is a chemical that irritates the eyes and causes tear production. While the possession and use of self-defense sprays is affirmatively permitted under § 7–2502.13, the law does not address the sale of self-defense sprays. Consequently, the definition of destructive device is used when interpreting the legal ways that lacrimators may be sold and delivered in the District.

Only those with a dealer’s license can transfer, offer for sale, sell, give, or deliver a destructive device in the District, so a local or internet-based retailer that otherwise has no reason to have a dealer’s license must acquire one to sell pepper spray in the District and to deliver it to a District resident’s address. In everyday terms, this means that District residents can’t buy pepper spray on popular online marketplaces like Amazon, because few, if any, of the independent storefronts on Amazon are licensed dealers of destructive devices in the District. This gap in the law disadvantages District residents who want to easily and reliably purchase self-defense spray products for their safety. Amazon has reviewed this legislation and confirmed that it would resolve their inability to sell and deliver self-defense sprays to DC residents.

As of November 2, 2023, violent crime is 41 percent higher than it was at the same date last year. In this environment, District residents need easy and reliable access to tools that decrease their vulnerability and empower them to address threats to their personal safety. The current limitations on purchasing lacrimators hurt residents and must be addressed.

Draft copies of the measures are attached. Please contact my Legislative Director, Gabrielle Rogoff, at [grogoff@dccouncil.gov](mailto:grogoff@dccouncil.gov), with any questions.

cc: Members, Council of the District of Columbia  
Office of the Budget Director  
Office of the General Counsel

Office of the Secretary  
Mayor's Office of Policy and Legislative Affairs