



NOTICE

Clarification regarding tear gas and other deadly weapons

What is considered a tear gas weapon?

Pursuant to Penal Code (PC) section [17240](#), tear gas is defined as any liquid, gaseous or solid substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air. A tear gas weapon includes any shell, cartridge, or bomb capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of tear gas [PC [17250](#) (a)]. This applies to any revolver, pistol, fountain pen gun, billy (defined as a stick, bat, or baton used as a weapon), or other form of device, portable or fixed, intended for the projection or release of tear gas.

Can BSIS licensees carry tear gas?

Qualified BSIS licensees are authorized to purchase, possess, and/or transport any tear gas weapon, if it is used solely for defensive purposes in the course of the person's licensed activity and as long as the person has satisfactorily completed training meeting the criteria of PC section [22835](#). These qualified licensees include private investigators, private patrol operators (PPO), and security guards employed by a PPO (PC 22835).

Individuals who do not possess a license and/or are not employed pursuant to PC 22835 may not purchase, possess, or use any tear gas weapon that expels a projectile, or any method other than an aerosol spray that contains more than 2.5 ounces net weight (PC [22810](#)).

Can BSIS licensees carry pepper ball guns?

Determining which projectile tear gas weapons are permissible is a fact specific inquiry based on the appearance and functionality of the weapon.

Projectile tear gas weapons may be assessed by some of the following components (factors):

1. Does the tear gas weapon meet the criteria as defined in PC17250?
2. Can the tear gas weapon expel other forms of projectiles that may otherwise be prohibited?

3. Is the tear gas weapon considered an “inoperable, replica, or other simulated firearm” pursuant to Business and Professions Code (BPC) section 7583.37?

BPC [7542.12](#) and [7583.37](#) prohibit licensees from carrying any inoperable, replica or simulated firearms. A replica is considered an exact copy or model of something. A simulated firearm is a device that looks like a real firearm but is not capable of firing real ammunition pursuant to PC section 16700. This includes but is not limited to a BB device, toy gun, replica of a firearm, or other device that is so substantially similar in appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm.

Can BSIS licensees carry a taser?

In order to carry a taser while on duty, BSIS licensees must possess an active PPO or security guard license.

Proprietary private security officers may **not** carry a firearm or other deadly weapon, including any electronic control device, stun gun, baton, or any chemical agent, including pepper spray (BPC [7574.39\(b\)](#)).

The Bureau highly recommends all licensees remain up to date on current training requirements as they will be held to those standards.

The Powers to Arrest and Appropriate Use of Force Training Manual can be found [here](#).

The Firearms Training Manual can be found [here](#).

For security guard employees with questions or concerns, please contact your employer.