

1. In Michigan, can I carry a self-defense spray in my car or on my person for protection?

[MCL 750.224d](#) Yes, but only if it is either:

- Not more than 35 grams of any combination of orthochlorobenzalmalononitrile and inert ingredients (CS gas); or
- A solution containing not more than 10% oleoresin capsicum (pepper spray) and is used in the protection of your person or property which would justify the use of physical force. It cannot be sold to a minor.

• **THE MICHIGAN PENAL CODE (EXCERPT)** **Act 328 of 1931**

- **750.224d Self-defense spray or foam device.**
- Sec. 224d.
- (1) As used in this section and section 224, "self-defense spray or foam device" means a device to which all of the following apply:
- (a) The device is capable of carrying, and ejects, releases, or emits 1 of the following:
- (i) Not more than 35 grams of any combination of orthochlorobenzalmalononitrile and inert ingredients.
- (ii) A solution containing not more than 10% oleoresin capsicum.
- (b) The device does not eject, release, or emit any gas or substance that will temporarily or permanently disable, incapacitate, injure, or harm a person with whom the gas or substance comes in contact, other than the substance described in subdivision (a)(i) or (ii).
- (2) Except as otherwise provided in this section, a person who uses a self-defense spray or foam device to eject, release, or emit orthochlorobenzalmalononitrile or oleoresin capsicum at another person is guilty of a misdemeanor, punishable by imprisonment for not more than 2 years, or a fine of not more than \$2,000.00, or both.
- (3) If a person uses a self-defense spray or foam device during the commission of a crime to eject, release, or emit orthochlorobenzalmalononitrile or oleoresin capsicum or threatens to use a self-defense spray or foam device during the commission of a crime to temporarily or permanently disable another person, the judge who imposes sentence upon a conviction for that crime shall consider the defendant's use or threatened use of the self-defense spray or foam device as a reason for enhancing the sentence.
- (4) A person shall not sell a self-defense spray or foam device to a minor. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.
- (5) Subsection (2) does not prohibit either of the following:
- (a) The reasonable use of a self-defense spray or foam device containing not more than 10% oleoresin capsicum by a person who is employed by a county sheriff or a chief of police and who is authorized in writing by the county sheriff or chief of police to carry and use a self-defense spray or foam device and has been trained in the use, effects, and risks of the device, while in performance of his or her official duties.
- (b) The reasonable use of a self-defense spray or foam device containing not more than 10% oleoresin capsicum by a person in the protection of a person or property under circumstances that would justify the person's use of physical force.