

Definition of Explosive

EXPLOSIVE means gunpowder, powders used for blasting, high explosives, blasting materials, detonating fuses, detonators and other detonating agents, smokeless powder and any chemical compound or mechanical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may and is intended to cause an explosion [but shall not include gasoline, kerosene, naphtha, turpentine, benzine, acetone, ethyl ether, benzol and all quantities of black powder not exceeding five pounds for use in firing of antique firearms or artifacts or replicas thereof].¹

¹ See Labor Law § 451. That definition has been held applicable to the Penal Law. See, *People v McCrawford*, 47 AD2d 318 (1st Dept. 1975); *People v Sullivan*, 39 AD2d 631 (4th Dept. 1972). Under that definition, those courts have also held that a “Molotov cocktail” was not an explosive.