

SENATE THIRD READING

SB 793 (Archuleta)

As Amended September 02, 2025

Majority vote

SUMMARY

This bill prohibits the sale and distribution of lighters that do not meet American Society for Testing and Materials (ASTM) International standards, as specified, and infringe upon intellectual property rights, as specified.

Major Provisions

- 1) Prohibits a person from selling, offering for sale, or distributing a counterfeit or unsafe lighter.
- 2) Exempts, from the above prohibition, the interstate transportation of counterfeit lighters or unsafe lighters and the storage of counterfeit lighters or unsafe lighters in warehouses or distribution centers not open to the public for the purpose of retail sale or distribution.
- 3) Defines counterfeit lighter as a lighter that infringes on an intellectual property right of a citizen of the United States or a person that is protected by federal or state intellectual property law.
- 4) Defines lighter as an electrical or mechanical device that operates using any type of fuel and that is intended for use in igniting a cigar, cigarette, fireplace, grill, pipe, or utility.
- 5) Defines an unsafe lighter as either a lighter used for igniting a cigar, cigarette, or pipe that does not comply with ASTM International standard F400, a lighter used for igniting a fireplace, grill or utility that does not comply with ASTM International standard F2201, or a lightning rod or gas match that does not comply with ASTM International standard F2201.

COMMENTS

Federal Regulations on Lighters: The U.S. Consumer Product Safety Commission regulations related to lighters, found in Title 16 of the Code of Federal Regulations subsection 1210.4 for lighters and 1212.4 for multi-purpose lighters, declare the following:

Both lighters and multi-purpose lighters must utilize a child-resistant mechanism or system that:

- 1) prevents at least 85% of the children in a controlled test group from "activating" the lighter
- 2) automatically resets for each subsequent use
- 3) does not impair the safe operation of the lighter when the lighter is used in a normal and convenient manner
- 4) operates for the reasonably expected life of the lighter
- 5) cannot be easily overridden or undone

In addition to the requirements noted above, multi-purpose lighters that allow for a hands-free operation must:

- 1) require operation of an additional feature (e.g., lock or switch)
- 2) use a manual mechanism for turning off the flame
- 3) automatically reset when, or before, the user lets go of the lighter when the hands-free function is not used OR when turning off the flame after the hands-free feature is used

Lighters are also subject to labeling requirements, including the date of manufacture and identification of the manufacturer or importer. If a lighter is sold with fuel that meets the definition of a hazardous substance, the lighter must also include cautionary labeling requirements, as specified by the Federal Hazardous Substances Act.

ASTM International standard F400: This consumer safety specification covers all flame-producing consumer products commonly known as cigarette lighters, pipe lighters, and cigar lighters and such similar devices. The standard mandates that lighters must require deliberate manual action to ignite – often necessitating multiple independent motions or a minimum force – to reduce the risk of accidental ignition. It specifies limits on flame height based on lighter type and requires that lighters rapidly extinguish their flame – within two to five seconds after the user's action – and undergo stringent tests for structural integrity. These tests include drop tests, temperature tests at elevated conditions, and continuous burn tests, all designed to ensure that the lighter does not experience fuel leakage, structural damage, or unintended ignition.

The standard also addresses fuel containment by limiting the fuel volume to no more than 85% of the reservoir and ensuring that the fuel weight does not exceed 10 grams, while also requiring that the external design is free of sharp edges that could injure users.

ASTM International standard F2201: This standard applies to utility lighters – devices commonly used to ignite appliances such as grills, fireplaces, and camp stoves, often referred to as grill lighters, lighting rods, or gas matches. The standard sets forth performance and design requirements intended to minimize potential hazards during both normal use and reasonably foreseeable misuses. It mandates that utility lighters require deliberate manual action for ignition, typically involving multiple independent motions or a minimum actuating force, as specified, to prevent accidental ignition. The specification details limits on the maximum flame height.

The standard also requires that any fuel shipped with the lighter does not exceed 85% of the fuel chamber's capacity and that appropriate safety information, including clear labeling and warnings (such as "KEEP AWAY FROM CHILDREN" and "DANGER: Extremely Flammable. Contents Under Pressure"), is provided to ensure proper and safe use.

Lighter Association: The Lighter Association is a non-profit trade association formed by the U.S. lighter industry in 1986. The Association represents the industry's interests before federal and state regulatory bodies and the U.S. Congress. This association is registered in support of this bill.

To be a member of the Lighter Association, all manufacturing and distributing members must comply with ASTM F400 and ASTM F2201 standards, per Article 4 of the Associations bylaws. Members of the lighter Association include Bic Corporation and Zippo Manufacturing Co.

According to the Author

"The proliferation of unsafe, unregulated lighters has become an increasingly serious public safety hazard. Unnecessary and tragic fires can result from the use of unsafe lighters which do not have child resistant features, a flame extinguishing time of 2 seconds or less, or flame height restrictions; all of which are specified in the ASTM International standards for cigarette and utility lighters. China and other countries have imported counterfeit, unsafe pocket and utility lighters into the United States for decades. More than 300 million imported lighters entered the U.S. in just 2017 alone, with 70% of third party lighters tested failing ASTM International standards. These unregulated items have led to thousands of injuries, millions of dollars in damages, and hundreds of deaths including children. Without federal action to protect the public from these dangerous imported products, California must follow states like Wisconsin and Connecticut who have proactively banned the sale or distribution of non-ASTM compliant lighters. By requiring that lighters meet ASTM International standards, California will protect the public, and especially our children, from unsafe and counterfeit lighters that fail to ensure the safety of users."

Arguments in Support

The Lighter Association writes in support, "The Lighter Association strongly supports SB 793 prohibiting the sale of unsafe and counterfeit lighters. The bill addresses two very important, but distinct issues. The first is the proliferation of counterfeit products in this country. While a fake Gucci bag may trouble the buyer, a fake BIC or Zippo lighter may injure or kill the buyer. Lighter Association members manufacture lighters to very exacting standards and test the product repeatedly to ensure that it is safe for consumers to use. Counterfeit lighters simply mimic the style of real lighters and are poorly made and unsafe."

They continue, "In addition to counterfeit, there is a whole category of disposable and refillable lighters that are Imported into the US from lighter manufacturers in China, Vietnam and other countries that are not manufactured in accordance with ASTM F400 (for pocket lighters) and F2201 (for grill or utility lighters). These lighters leak fuel, have excessive flame height and "spit and sputter.""

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations:

- 1) Possible costs to the Department of Justice (DOJ) of an unknown amount (Unfair Competition Law Fund). Although this bill does not contain express language about enforcement, a violation of the prohibition is an unlawful business practice enforceable by DOJ under the Unfair Competition Law (UCL). DOJ reports no fiscal impact from this bill, indicating DOJ does not anticipate pursuing enforcement actions as a result of this bill. However, if conditions change and DOJ does undertake enforcement actions, DOJ will incur related staff workload costs, potentially in cumulative excess of \$150,000.

- 2) Cost pressures (General Fund (GF) or Trial Court Trust Fund (TCTF)) of an unknown amount, potentially in cumulative excess of \$150,000, to the courts in additional workload by creating a new prohibition enforceable under the UCL. A claim under the UCL may be brought by either a public prosecutor or a person who lost money or property as the result of the unlawful conduct. It is unclear how many actions may be filed statewide, but the estimated workload cost of one hour of court time is \$1,000. Although courts are not funded on the basis of workload, increased pressure on staff and the TCTF may create a demand for increased court funding from the GF to perform existing duties. The Budget Act of 2025 provides \$82 million ongoing GF to the TCTF for court operations.

VOTES

SENATE FLOOR: 36-0-4

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Hurtado, Reyes, Rubio, Valladares

ASM EMERGENCY MANAGEMENT: 7-0-0

YES: Ransom, Hadwick, Arambula, Bains, Bennett, Calderon, DeMaio

ASM JUDICIARY: 12-0-0

YES: Kalra, Dixon, Hart, Bryan, Connolly, Harabedian, Macedo, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

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