
UNFINISHED BUSINESS

Bill No: SB 793
Author: Archuleta (D)
Amended: 9/2/25 in Assembly
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 15-0, 4/8/25

AYES: Padilla, Valladares, Archuleta, Ashby, Blakespear, Cervantes, Dahle, Hurtado, Jones, Ochoa Bogh, Richardson, Rubio, Smallwood-Cuevas, Wahab, Weber Pierson

SENATE JUDICIARY COMMITTEE: 13-0, 4/29/25

AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Valladares, Wahab, Weber Pierson, Wiener

SENATE FLOOR: 36-0, 5/8/25 (Consent)

AYES: 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

NO VOTE RECORDED: Hurtado, Reyes, Rubio, Valladares

ASSEMBLY FLOOR: 62-0, 9/9/25 – Roll call not available.

SUBJECT: Public safety: lighters: standards: prohibition

SOURCE: Author

DIGEST: This bill prohibits a person from selling, offering for sale, or distributing a lighter – or a lighting rod or gas match – that does not comply with specified American Society for Testing and Materials (ASTM) International standards, except as specified; and, prohibits a person from selling, offering for sale, or distributing a lighter that infringes on certain intellectual property rights, except as specified.

Assembly Amendments of 9/2/25 define an “unsafe lighter” to mean a lighter used for igniting cigars, cigarettes, or pipes that does not comply with ASTM International Standard 400 or a lighter used to ignite fireplaces, grills, or utilities that does not comply with ASTM International Standard F2201, and add a lighting rod or gas match that does not comply with ASTM International Standard F2201.

ANALYSIS:

Existing law:

- 1) Requires the State Fire Marshal (SFM), by January 1, 1994, to adopt regulations that specify standards for the special design of cigarette lighters, using an 80% acceptance criterion with respect to safety features that prevent operation of the lighters by children five years of age or younger.
- 2) Provides that if federal standards for the special design of cigarette lighters are adopted, the federal standards shall take precedence over a regulation adopted pursuant to above, and the regulation shall have no force or effect.
- 3) Prohibits a person from selling, offering for sale, or distributing a lighter, as defined, that does not comply with specified ASTM International standards or that infringes on certain intellectual property rights, as specified.

This bill:

- 1) Prohibits a person from selling, offering for sale, or distributing a counterfeit lighter or an unsafe lighter, as specified.
- 2) Specifies that the above prohibition does not apply to the interstate transportation of counterfeit lighters or unsafe lighters, or the storage of counterfeit lighters or unsafe lighters in a warehouse or distribution centers in this state if the warehouse or distribution center is not open to the public for the purposes of retail sale or distribution.
- 3) Defines “counterfeit lighter” to mean 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” to mean 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 “unsafe lighter” to mean either of the following:
- a) A lighter used for igniting cigars, cigarettes, or pipes that does not comply with ASTM International Standard 400.
 - b) A lighter used to ignite fireplaces, grills, or utilities that does not comply with ASTM International Standard F2201.
 - c) A lighting rod or gas match that does not comply with ASTM International Standard F2201.

Background

Author’s Statement. According to the author’s office, “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 two 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.”

Further, “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.”

Firesetting in Childhood and Adolescence. According to a 2013 report by *Frontiers in Public Health* titled, “Firesetting in Childhood and Adolescence,” in 2010, the United States fire departments “responded to 44,940 fires started by someone, usually a child, playing with fires. These fires caused 90 civilian deaths, 890 civilian injuries, and \$210 million in direct property damage. Preschoolers and kindergartners are most likely to start these fires, while playing with matches or lighters and most likely to die in these fires.”

According to the Nationwide Children's Hospital internet website, children often "link fire with celebration and fun – such as blowing out candles on a birthday cake, toasting marshmallows over bonfires, or watching fireworks displays. Many children are naturally curious about fire and find it exciting to watch a flame appear from a lighter or a match. However, young children are not able to understand the dangers of fire. Every year, children playing with fire cause hundreds of deaths and injuries."

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.

Prior/Related Legislation

AB 625 (Lieu, 2009) would have prohibited the sale, distribution, or promotion of novelty lighters, as defined. (Vetoed by Governor Schwarzenegger)

AB 757 (Roybal-Allard, Chapter 914, Statutes of 1991) required the SFM to adopt regulations, as specified, that set forth the standards for the design of cigarette lighters that result in those lighters being significantly difficult for children under five years of age to operate, as defined. This bill suspended the effectiveness of those regulations if and when federal standards for that purpose are in effect.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

According to the Assembly Appropriations Committee, 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.

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.

SUPPORT: (Verified 9/8/2025)

BIC

California Police Chiefs Association

California State Firefighters' Association
League of California Cities
U.S. Lighter Association
United Steelworker Local 134L

OPPOSITION: (Verified 9/8/2025)

None received

ARGUMENTS IN SUPPORT: In support of this bill, BIC writes that, “SB 793 prohibits the sale of counterfeit or unsafe lighters in California. Your bill also protects retailers and providers an opportunity to educate sellers of lighters on the importance of safety standards, and how US intellectual property law protects them from unknowingly selling counterfeit lighters.”

Further, “[s]imilar legislation has passed in Connecticut (2022), Wisconsin (2023), Tennessee (2024), and Virginia (2024). We believe if California, as the most populous state in the country, were to adopt SB 793, it would send a strong signal to other states and nationally that the safety of families and property are a priority.”

Prepared by: Brian Duke / G.O. / (916) 651-1530
9/9/25 14:34:41

**** **END** ****