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**SENATE COMMITTEE ON EMERGENCY MANAGEMENT**  
**Senator Henry Stern**  
**Chair**  
**2025 - 2026 Regular**

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**Bill No:** SB 870 **Hearing Date:** 3/24/2026  
**Author:** Cortese  
**Version:** 3/10/2026 Amended  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Cassie Royce

**SUBJECT:** Fuel-burning portable devices

**SUMMARY:** Prohibits, on and after January 1, 2027, the sale and distribution of fuel-burning portable devices, as defined, that do not comply with standards developed by the American Society for Testing and Materials (ASTM) International, as specified, and makes a violation of this prohibition subject to specified enforcement.

**ANALYSIS:**

Existing federal law, under the Consumer Product Safety Act, establishes the Consumer Product Safety Commission (CPSC), an independent federal regulatory agency, to mandate safety standards and recall products that are considered dangerous. CPSC regulations can be found in Title 16 of the Code of Federal Regulations.

This bill:

- 1) Prohibits, beginning January 1, 2027, a person from selling, offering for sale, or distributing a fuel-burning portable device that does not comply with the ASTM F3363-25 Standard for Unvented Liquid/Gel Fuel-Burning Portable Devices, any update to that standard, or any successor ASTM standard.
- 2) Defines “fuel-burning portable device” to have the same meaning as defined in the ASTM F3363-25 standard, any update to that standard, or any successor ASTM standard.
- 3) Clarifies that the prohibition in this bill applies to any fuel-burning portable device manufactured on or after January 1, 2027.

- 4) Provides that a violation of the prohibition in this bill constitutes unfair competition subject to specified enforcement.
- 5) Makes various findings and declarations for purposes of this bill, including that it is the intent of the Legislature to protect public health and safety by prohibiting the sale in this state of high-risk fuel-burning portable devices that do not meet rigorous safety standards, and to ensure only products that meet safe design requirements are sold.

## Background

*Author statement.* According to the author, “Across California, tabletop fire pits are advertised as family-friendly, smokeless, and safe. Families often use them to roast marshmallows. Unfortunately, unregulated tabletop firepits present an inherent danger and are responsible for grave injuries across the state. Specifically, the refillable liquid fuel model used in these fire pits leaves this class of products vulnerable to unpredictable explosions and flame-jetting that can cause property damage, serious burns, and even death.

By prohibiting the sale of tabletop fire pits that do not meet safety standards, this bill demonstrates that the public health and safety of all Californians is of the utmost importance to the legislature. This bill also protects public health while maintaining market fairness by establishing uniform regulations to ensure all products on the market are tested and safe.”

*Background.* Portable fuel-burning devices are unvented, easily handheld, or movable devices that burn liquid or gel fuel, such as rubbing alcohol and ethanol, from an open reservoir or disposable container. They are commonly used for tabletop, decorative, or ambient purposes, rather than cooking or heating, and designed for both indoor and outdoor use. Examples include tabletop fire pits, fire bowls, fire pots, and personal or mini fireplaces.

*CPSC Alert.* In December 2024, the CPSC issued a warning informing consumers not to buy or use fire pits meant to burn pooled alcohol or other liquid fuels, noting that these products have been linked to two deaths and at least 60 injuries in the past five years. Several of those injuries include third- and fourth- degree burns to consumers’ bodies. According to the CPSC, these devices risk burning anyone around them through flame jetting, which occurs when a liquid-burning fire pit is refilled in the presence of an open flame causing the fuel to ignite and shoot out of the container, and pool fires, which are produced when flames that burn across the surface of pooled or spilled alcohol suddenly produce larger, hotter flames that continue to spread.

*Product Recalls.* The risks associated with these devices have generated a number of product recalls. In October 2024, the CPSC announced the nationwide recall of almost 90,000 Colsen-brand fire pits, sold at such retailers as Amazon, Walmart, and Wayfair, due to reports of flame jetting that led to 19 cases of burn injuries. More recently, in September 2025, the retailer Five Below recalled about 66,000 tabletop fire pits sold in its stores due to serious burn injury risk from flame jetting and flash fire hazards.

*ASTM International.* ASTM International is a nonprofit entity that develops and publishes technical standards for testing and classifying materials across numerous product categories, including consumer products, metals, plastics, textiles, medical supplies, and construction materials, among others. ASTM has developed over 13,000 standards to improve product quality, enhance safety and facilitate international trade, many of which are used in over 140 countries, including the United States.

*ASTM International Standard F3363-25.* This standard is a consumer safety specification that applies to portable, hand-carried devices for indoor or outdoor use that burn liquid or gel fuels. The standard requires devices to have specific fuel capacities to securely hold fuel without leakage and mandates such devices to include a mechanism that immediately extinguishes the flame, usually within ten seconds. Other mandatory safety features include specific labeling, child-resistant packaging if necessary, and testing to prevent hazardous flame behavior and injuries. It is widely used by regulatory bodies and retailers to certify the safety of fire-burning devices. Portable fuel-burning devices would be required to meet this standard to be sold or distributed in California beginning on January 1, 2027, under this bill.

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

**SUPPORT:**

Consumer Attorneys of California  
Consumer Watchdog  
Household and Commercial Products Association

**OPPOSITION:**

None on file

**ARGUMENTS IN SUPPORT:** In support of the bill, Consumer Attorneys of California writes that, “SB 870 requires firepit tabletops sold in California to meet ASTM standards to protect the public from unsafe and deadly fire features. Consumer Attorneys strongly supports ensuring consumers are safe from dangerous products and protecting Californians from unnecessary and preventable injuries.” Consumer Watchdog adds in support that, “Ensuring that products sold in California meet robust, enforceable safety requirements prevents foreseeable harm, particularly to vulnerable populations, including children and families, from inadequately regulated consumer goods.”