

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 870 (Cortese)
Version: March 10, 2026
Hearing Date: April 14, 2026
Fiscal: Yes
Urgency: No
AM

SUBJECT

Fuel-burning portable devices

DIGEST

This bill prohibits a person, on and after January 1, 2027, from selling, offering for sale, or distributing in commerce in this state a fuel-burning portable device that does not comply with the safety standard of the American Society for Testing Materials (ASTM) F3363-25 “Standard Specification for Unvented Liquid/Gel Fuel-Burning Portable Devices,” any update to that standard, or any successor ASTM standard. The bill provides for enforcement under the Unfair Competition Law (UCL), Business and Professions Code Section 17200 et seq.

EXECUTIVE SUMMARY

Fire pits and other similar devices that are designed to burn pooled alcohol, or other liquid fuels, have been deemed a hazard for consumers by the federal Consumer Product Safety Commission (CPSC) and were associated with over 60 injuries and two deaths. This bill bans these types of devices from being sold or offered for sale in this state, on or after January 1, 2027, unless they meet certain safety standards. Enforcement for a violation of these provisions is under the UCL. The bill is author sponsored and supported by various consumer protection organizations and fire safety organizations. There is no known opposition. The bill passed the Senate Emergency Management Committee on a vote of 8 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the UCL and defines “unfair competition” to mean and include any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising and any act prohibited by Chapter 1 (commencing

with Section 17500) of Part 3 of Division 7 of the Business and Professions Code. (Bus. & Prof. Code §§ 17200 et seq.)

- 2) Provides that any person who engages, has engaged, or proposes to engage in unfair competition may be enjoined in any court of competent jurisdiction. Any person may pursue representative claims or relief on behalf of others only if the claimant meets the standing requirements of Business and Professions Code Section 17204 and complies with Section 382 of the Code of Civil Procedure, but these limitations do not apply to claims brought under this chapter by the Attorney General, or any district attorney, county counsel, city attorney, or city prosecutor in this state. (Bus. & Prof. Code § 17203.)
- 3) Holds any person who engages, has engaged, or proposes to engage in unfair competition liable for a civil penalty not to exceed \$2,500 for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney, by any county counsel authorized by agreement with the district attorney in actions involving violation of a county ordinance, by any city attorney of a city having a population in excess of 750,000, or by a county counsel of any county within which a city has a population in excess of 750,000, by any city attorney of any city and county, or, with the consent of the district attorney, by a city prosecutor in any city having a full-time city prosecutor, in any court of competent jurisdiction. (Bus. & Prof. Code § 17206(a).)
- 4) Requires that the penalties collected pursuant to the UCL to be used for enforcement of consumer protection laws and provides for the distribution of those funds based on the entity bringing the action, as specified. (Bus. & Prof. Code § 17206(c).)

This bill:

- 1) Prohibits a person, on and after January 1, 2027, from selling, offering for sale, or distributing in commerce in this state a fuel-burning portable device that does not comply with the safety standard of the ASTM F3363-25 “Standard Specification for Unvented Liquid/Gel Fuel-Burning Portable Devices,” any update to that standard, or any successor ASTM standard.
- 2) Provides that a “fuel-burning portable device” has the same meaning as defined in the safety standard of the ASTM F3363-25 “Standard Specification for Unvented Liquid/Gel Fuel-Burning Portable Devices,” any update to that standard, or any successor ASTM standard.
- 3) Specifies that these provisions apply to any fuel-burning portable device manufactured on or after January 1, 2027.

- 4) Provides that a violation of these provisions constitutes unfair competition and is to be enforced pursuant to Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code.
- 5) Makes various legislative findings and declarations.

COMMENTS

1. Stated need for the bill

The author writes:

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, SB 870 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.

2. Consumer safety and fire pits

In 2024, the Consumer Product Safety Commission (CPSC) issued a warning to consumers that they should not use or buy fire pits that burned pooled alcohol or other liquid fuels and urged the immediate cessation of their use.¹ The warning stated that fire pits “that require consumers to pour isopropyl (rubbing) alcohol or other liquid fuel into an open container or bowl and then ignite the pooled liquid in the same location it was poured violate the requirements in voluntary safety standard ASTM F3363-19.”² These types of fire pits were associated with over 60 injuries and two deaths.³ A recall of roughly 90,000 fire pits manufactured by Colsen were recalled due to this very issue.⁴

¹ Consumer Product Saf. Comm., *Consumer Alert: Stop Using Alcohol or Other Liquid-Burning Fire Pits That Violate Voluntary Standards and Present Flame Jetting and Fire Hazards; Two Deaths and Dozens of Serious Burn Injuries Reported*, Dec. 19, 2024, available at <https://www.cpsc.gov/Warnings/2025/Consumer-Alert-Stop-Using-Alcohol-or-Other-Liquid-Burning-Fire-Pits-That-Violate-Voluntary-Standards-and-Present-Flame-Jetting-and-Fire-Hazards-Two-Deaths-and-Dozens-of-Serious-Burn-Injuries-Reported>.

² *Ibid.*

³ *Ibid.*

⁴ Consumer Product Saf. Comm., *Colsen Recalls Fire Pits Due to Risk of Serious Burn Injury from Flame Jetting and Fire Spreading Hazards*, Oct. 17, 2024, available at <https://www.cpsc.gov/Recalls/2025/Colsen-Recalls-Fire-Pits-Due-to-Risk-of-Serious-Burn-Injury-from-Flame-Jetting-and-Fire-Spreading-Hazards>.

ASTM International is a nonprofit entity that develops and publishes technical standards to guide product testing, safety, and performance for many products, including consumer products. According to the Senate Committee on Emergency Management, the ASTM F3363-25 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.⁵

3. Enforcement of the bill through the UCL

The UCL protects consumers against unlawful, unfair, or fraudulent business practices and advertising. The UCL provides remedies for “anything that can properly be called a business practice and that at the same time is forbidden by law.” (*Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co.* (1999) 20 Cal.4th 163, 180 [citations omitted].) The UCL provides for civil penalties to be assessed and recovered from violators in the name of the people of California by various governmental agencies and specifically details how the proceeds from those actions are to be distributed and used. This bill provides that its provisions are to be enforced via the UCL.

4. Statements in support

The Consumer Attorneys of California write in support stating:

Decorative tabletop fire features that burn pourable or refillable liquid fuels in open reservoirs have been involved in a significant number of catastrophic burns and fatalities. The U.S. Consumer Product Safety Commission has reported two deaths and at least sixty serious burn injuries since 2019. This past October in a three-year-old suffered second and third degree burns to 15% of his body, including his face and arms, after the family’s indoor tabletop feature exploded while making s’mores.

Roughly 152,000 firepits have been recalled in the last year after 31 flame-jetting incidents and splash and leak hazards. Many imported products fail to adhere to recommended safety standards. Isopropyl (rubbing) alcohol, ethanol/bioethanol, and similar liquid fuels burn with flame temperatures over 1,600°F and can cause third degree burns in less than one second. Igniting a pool of alcohol or other liquid

⁵ Sen. Emergency Mgmt. Comm., analysis of SB 870 (as amended Mar. 10, 2026) at p. 3.

fuel in a firepit's open container creates an uncontrollable pool fire, which can suddenly produce larger, hotter flames that can spread beyond the fire pit product.

SB 870 requires firepit tabletops sold in California to meet American Society for Testing and Materials (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.

SUPPORT

California Product Stewardship Council
Consumer Attorneys of California
Consumer Reports
Consumer Watchdog
Firefighters Burn Institute
Household and Commercial Products Association
Orange County Fire Authority

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: SB 793 (Archuleta, Ch. 235, Stats. 2025), among other things, prohibits a person from selling, offering for sale, or distributing a lighter that does not comply with specified ASTM International standards, except as specified.

PRIOR VOTES

Senate Emergency Management Committee (Ayes 8, Noes 0)
