
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 870 (Cortese) - Fuel-burning portable devices

Version: March 10, 2026

Urgency: No

Hearing Date: April 27, 2026

Policy Vote: E.M. 8 - 0, JUD. 12 - 0

Mandate: No

Consultant: Janelle Miyashiro

Bill Summary: SB 870 prohibits a person, beginning January 1, 2027, from selling offering to sell, or distributing a fuel-burning portable device in California 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.

Fiscal Impact: Unknown, potentially significant workload cost pressures to the state funded trial court system to adjudicate any civil cases filed as a result of this bill (Trial Court Trust Fund, General Fund). The fiscal impact of this bill to the courts will depend on many unknowns, including the number of cases filed and the factors unique to each case. An eight-hour court day costs approximately \$8,000 in staff in workload. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.

Background: 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 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.

Proposed Law:

- On an after January 1, 2027, prohibits a person from selling, offering to sell, or distributing a fuel-burning portable device in California 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.

- States “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.
- Provides that the bill applies to any fuel-burning portable device manufactured after January 1, 2027.
- Provides that a violation of the bill constitutes unfair competition and is to be enforced pursuant to the Unfair Competition Law.
- Make legislative findings and declarations.

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