

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

SB 793 (Archuleta)
Version: March 24, 2025
Hearing Date: April 29, 2025
Fiscal: No
Urgency: No
AM

SUBJECT

Public safety: lighters: standards: prohibition

DIGEST

This bill prohibits a person from selling, offering for sale, or distributing a counterfeit or unsafe lighter, except as specified.

EXECUTIVE SUMMARY

According to the author, unregulated and unsafe lighters pose a serious public safety hazard. This bill seeks to address this issue by prohibiting a person from selling, offering for sale, or distributing a lighter that does not comply with specified American Society for Testing and Materials (ASTM) standards, which is defined in the bill as either an unsafe lighter or a counterfeit lighter, which infringes on certain intellectual property rights. Supporters of the bill contend that low-quality, non-compliant, imported lighters are prevalent in the U.S. market and that an overwhelming majority of them fail safety standards set forth by ASTM International. This means they can lead to serious fires, damage to property, or injuries to consumers, customers, and their families. The bill is author sponsored and supported by the BIC Corporation, the California Police Chiefs Association, the Lighter Association, and United Steelworker Local 134L. The Committee received no timely opposition. The bill passed the Senate Governmental Organization Committee on a vote of 15 to 0.

PROPOSED CHANGES TO THE LAW

Existing federal law:

- 1) Requires a lighter to be resistant to successful operation by at least 85 percent of the child-test panel when tested.

- 2) Requires any lighter subject to the standard to be issued a certificate of compliance by the manufactures, as prescribed, and be tested, as required. (16 C.F.R. Part 1210.)

Existing state law:

- 1) Requires the State Fire Marshal (SFM) to adopt regulations that specify standards for the special design of cigarette lighters, using an 80 percent acceptance criterion with respect to safety features that prevent operation of the lighters by children five years of age or younger. (Health & Saf. Code § 14942(a).)
- 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. (Health & Saf. Code § 14942(a).)
- 3) Prohibits a person from selling, offering for sale, or distributing a lighter, as defined, that does not comply with the standards set by 1), above.
 - a) Any person who violates these provisions is guilty of an infraction and is to be punished by a fine of \$100 for each cigarette lighter sold in violation of these provisions. (Health & Saf. Code § 14943.)

This bill:

- 1) Prohibits a person from selling, offering for sale, or distributing a counterfeit lighter or an unsafe lighter.
 - a) Provides that this does not apply to either: the interstate transportation of counterfeit lighters or unsafe lighters; or the storage of counterfeit lighters or unsafe lighters in a warehouse or distribution center in this state if the warehouse or distribution center is not open to the public for the purposes of retail sale or distribution.
- 2) 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.
- 3) 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.
- 4) Defines “unsafe lighter” to mean either of the following:
 - a) a lighter that does not comply with ASTM International standard F400 and that is intended for use in igniting a cigar, cigarette, or pipe; or
 - b) a lighter that does not comply with ASTM International standard F2201 and that is intended for use in igniting a fireplace, grill, or utility.

COMMENTS

1. Stated need for the bill

The author writes:

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.

2. Background

a. Federal and state requirements

Existing federal law prescribes requirements for lighters and multi-purpose lighters, including that they contain a child-resistant mechanism that requires a lighter to be resistant to successful operation by at least 85 percent of the child-test panel when tested. (16 C.F.R. § 1210.4 & 1212.4.) Additionally, the child-resistant mechanism must automatically reset for each subsequent use, not impair the safe operation of the lighter when the lighter is used in a normal and convenient manner, operate for the reasonably expected life of the lighter, and not be easily overridden or undone. (*Ibid.*) Multi-purpose lighters must require the use of an additional feature to operate (such as a lock or switch), have a manual mechanism for turning the flame off, and automatically resets. (*Ibid.*)

AB 757 (Roybal-Allard, Ch. 904, Stats. 1991) required the SFM to adopt regulations that specify standards for the special design of cigarette lighters, using an 80 percent acceptance criterion with respect to safety features that prevent operation of the lighters by children five years of age or younger. AB 757 provided that if federal standards were more stringent then they would control and it would not be operative. In 1994, the federal standards above were adopted and the provisions of AB 757 ceased to be operative. AB 757 had an enforcement mechanism included in its prohibition which

provided that any person in violation is guilty of an infraction and is to be punished by a fine of \$100 for each cigarette lighter sold in violation of the standards adopted by the SFM.

b. Public safety hazard

The Senate Governmental Organization Committee analysis of this bill noted that:

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.”[...]

Nationwide Children’s Hospital notes that children playing with fire set more than 20,000 fires every year, fires started by children playing cause an average of 150 deaths and nearly 1,000 injuries every year, and children usually play with fire in a hidden place – such as a bedroom or closet. In these places, clothing, mattresses, and bedding can easily catch fire. However, it is worth noting that it is not clear these fires are the result of “counterfeit” or “unsafe” lighters.¹

c. Issue bill seeks to address

This bill prohibits a person from selling, offering for sale, or distributing a counterfeit lighter or an unsafe lighter. A “counterfeit lighter” means 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. An “unsafe lighter” means a lighter that does not comply with ASTM International standard F400 and that is intended for use in igniting a cigar, cigarette, or pipe, or a lighter that does not comply with ASTM International standard F2201 and that is intended for use in igniting a fireplace, grill or utility. The author notes that Wisconsin and Connecticut have enacted similar prohibitions.

The Senate Governmental Organization Committee analysis of this bill noted that the ASTM International standard F400 encompasses 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

¹ Sen. Gov. Org. Committee analysis of SB 793 (2025-26 reg. sess.) as amended March 24, 2025 at p. 3.

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.”²

The ASTM International standard F2201 applies to utility lighters, which are commonly used to ignite appliances and often referred to as grill lighters. “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.”³

d. Bill does not contain a specific enforcement mechanism

Unlike AB 757, this bill does not contain an enforcement provision. This means that the prohibition would need to be enforced through other existing statutory frameworks, such as the Unfair Competition Law (UCL). (Bus. & Prof. Code §§ 17200 et seq.) 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].) Additionally, the Attorney General has authority to enforce the laws of this state and bring an action to enforce the prohibition in this bill. As the bill moves through the Legislative process, the author may wish to consider including a specific enforcement mechanism in the bill.

3. Statements in support

The U.S. Lighter Association writes in support, stating:

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.

In addition to counterfeit [lighters], 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".

² *Id.* at 5-6.

³ *Id.* at 6.

SUPPORT

BIC Corporation
California Police Chiefs Association
Lighter Association
United Steelworker Local 134L

OPPOSITION

None received.

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 625 (Lieu, 2009) would have prohibited the sale, distribution, or promotion of novelty lighters, as defined. AB 625 was vetoed by then Governor Schwarzenegger, writing “[w]hile reducing the risks of accidental fires is important, there is simply no evidence that novelty lighters are any more to blame for incidents of accidental fires than other types of lighters or matches. In addition, this measure would place additional burdens on both state and local authorities at a time of severe budget reductions.”

AB 757 (Roybal-Allard, Ch. 914, Stats. 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., and provided that these regulations would become inoperative if and when more stringent federal standards for that purpose came into effect.

PRIOR VOTES:

Senate Governmental Organization Committee (Ayes 15, Noes 0)
