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AB-267 Fire protection: tents: nonflammable materials. (2023-2024)

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Assembly Bill No. 267

CHAPTER 798

An act to amend Section 13115 of the Health and Safety Code, relating to fire protection.

[Approved by Governor October 13, 2023. Filed with Secretary of State October 13, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 267, Bauer-Kahan. Fire protection: tents: nonflammable materials.

Existing law establishes the Office of the State Fire Marshal in the Department of Forestry and Fire Protection and requires the office to aid in the enforcement of specified laws and ordinances relating to fires or fire prevention and protection. Existing law requires the State Fire Marshal to prepare and adopt rules and regulations establishing minimum requirements for the prevention of fire and panic in connection with the use of tents, awnings, or other fabric enclosures. Existing law provides that it is unlawful for any person, firm, or corporation to establish, maintain, or operate a specified event in or under which 10 or more persons may gather for any lawful purpose in any tent, awning, or other fabric enclosure unless a tent, awning, or other fabric enclosure, and all auxiliary tents, curtains, drops, awnings, and all decorative materials, are made from a nonflammable material or are treated and maintained in a flame-retardant condition. Existing law provides specified exceptions to the above-described provision.

This bill would instead apply the above-described requirement relating to tents to a gathering of 15 or more persons. The bill would expand the exceptions to the above-described requirement by including any tent designed or manufactured for children's play, camping, backpacking, or mountaineering.

Existing law provides that it is unlawful for any person to sell or offer for sale any tent designed and intended for use for occupancy by less than 10 persons unless the tent is made from flame-retardant fabrics or materials approved by the State Fire Marshal. Existing law requires all tents manufactured for sale in this state to be flame retardant, as provided.

This bill would instead provide that it is unlawful for any person to manufacture, sell, or offer for sale any tent designed and intended for use for occupancy by less than 15 persons unless the tent is made from flame-retardant fabrics, as provided. The bill would, for purposes of this provision, provide that a tent that is constructed with fabric entirely from synthetic fibers shall be classified as being made from flame-retardant fabrics or materials. The bill would delete the requirement that all tents manufactured for sale in this state be flame retardant, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13115 of the Health and Safety Code is amended to read:

13115. (a) It is unlawful for any person, firm, or corporation to establish, maintain, or operate any circus, side show, carnival, tent show, theater, skating rink, dance hall, or a similar exhibition, production, engagement, or offering or other place of assemblage in or under which 15 or more persons may gather for any lawful purpose, in any tent, awning, or other fabric enclosure unless a tent, awning, or other fabric enclosure, and all auxiliary tents, curtains, drops, awnings, and all decorative materials, are made from a nonflammable material or are treated and maintained in a flame-retardant condition. This subdivision shall not apply to tents designed or manufactured for children's play, camping, backpacking, or mountaineering, or those used to conduct committal services on the grounds of a cemetery, nor shall this subdivision apply to tents, awnings, or other fabric enclosures erected and used within a sound stage, or other similar structural enclosure that is equipped with an overhead automatic sprinkler system.

(b) It shall be unlawful for any person to manufacture, sell, or offer for sale any tent designed and intended for use for occupancy by less than 15 persons unless the tent is made from flame-retardant fabrics or materials approved by the State Fire Marshal. A tent described in this subdivision shall be labeled in a manner specified by the State Fire Marshal. Any manufacturer of tents for sale in this state who fails to use flame-retardant fabrics or materials or who fails to label them as specified by the State Fire Marshal shall be strictly liable for any damage that occurs to any person as a result of a violation of this section.

(c) (1) "Flame retardant," as used in this section, means a fabric or material resistant to flame or fire to the extent that it will successfully withstand standard fire-resistive tests adopted and promulgated by the State Fire Marshal.

(2) Notwithstanding paragraph (1), for purposes of subdivision (b), a tent that is constructed with fabric entirely from synthetic fibers shall be classified as being made from flame-retardant fabrics or materials.