



## LEGISLATIVE ALERT

Wednesday, April 4, 2018

**Regarding:** Assembly Bill 1949 (“AB 1949”)

**Position:** OPPOSED

On behalf of our members, supporters, and reasonable people everywhere, Firearms Policy Coalition respectfully submits our opposition to Assembly Bill 1949. This unnecessary and paternalistic bill would amend the Health and Safety Code to re-define “flamethrowing device,” create a new strict liability clause, and add yet more crimes to the State’s already overwhelming arsenal of life-changing prosecutorial powers. Evidently, California’s prison crisis and dealing with actual violent criminals is not enough. Instead, AB 1949 indicates that criminalizing more and more devices, and more and more non-violent conduct, is the legislative heroin that some members of this august body just can’t quit.

Indeed, under this bill’s proposed statutory terms, *any* “any nonstationary and transportable device designed or intended to emit or propel a burning stream of combustible or flammable gas or liquid a distance of at least **two feet**” (emphasis added) would be considered a regulated flamethrowing device and would be illegal to sell, use, or possess without a permit issued by the State Fire Marshal.

And if it is enacted, AB 1949 would also hold that a manufacturer of a “flamethrowing device” is strictly liable for damages caused by such a device, including “costs incurred by the local or state governments or damages sought by victims or family members of victims, in addition to any other damages available under existing law.” That strikes a blow to equity and the principles of liability and negligence, and, moreover, singles out one industry for especially dis-favorable treatment.

Indeed, AB 1949 is so broad that it could (and would) be applied to an incredible number of existing devices, including common farm implements, hand torches, welding and metal fabrication tools, roofing equipment, heaters, and just about anything larger than a cigarette lighter.

Additionally troubling to us is that AB 1949 is not a measure grounded in any evidence, studies, history, social needs, or even common sense. No, AB 1949 is little more than an Internet “flame war” turned into a cheap public relations stunt with a Legislative Counsel-assigned RN number—on the taxpayer’s dime and at the cost of significant legislative resources, we would add. Given this, we must ask: What’s next? Would the Legislature propose a ban on large containers of dihydrogen monoxide because someone on Facebook suggests one could die from consuming too much of it? This bill represents the worst kind of policymaking and a lack of legislative self-control.

The potential for abuse with AB 1949 is almost impossible to overstate. And, in fact, AB 1949 is itself a manifestation of legislative abuse. This bill should be torched.

**For these and other reasons, FPC requests your “NO” vote on AB 1949.**

Please contact us at [policy@fpchq.org](mailto:policy@fpchq.org) or (916) 378-5785 if you have any questions or would like discuss this further.

cc: The Boring Co.