

CALIFORNIA DEPARTMENT OF JUSTICE

TITLE 11. LAW

DIVISION 5. FIREARMS REGULATIONS

CHAPTER 6. CERTIFIED FIREARM SAFETY DEVICE LABORATORIES, FIREARM SAFETY DEVICE STANDARDS AND TESTING AND STANDARDS FOR GUN SAFES

NOTICE OF PROPOSED RULEMAKING

Notice published July 31, 2026

The Department of Justice (Department) proposes to amend Sections 4082, 4102, and 4108 and adopt Section 4110 of Title 11, division 5, chapter 6 of the California Code of Regulation (CCR) concerning firearm safety device (FSD or device) standards and the Roster of Approved Firearm Safety Devices.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed regulatory action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on **September 15, 2026 at 5:00 p.m.** Only written comments received by that time will be considered. Please submit written comments to:

L. Baladjay-Fretland
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210-2621
bofregulations@doj.ca.gov

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Authority cited: Sections 23635, 23650, 23655 and 23658, Penal Code.

Reference: Sections 23650, 23655 and 23658, Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

With limited exceptions, any firearm sold or transferred in this state by a licensed firearms dealer, including a private transfer through a dealer, and any firearm manufactured in this state, shall include or be accompanied by a firearm safety device that is listed on the Department's Roster of Approved Firearm Safety Devices (Roster) and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm, or to the physical characteristics of the firearm that match those listed on the roster for use with the device. (Pen. Code, §§ 23630, 23635.) A FSD is a device, other than a gun safe, that locks and is designed to prevent children and unauthorized users from firing a firearm. The device may be installed on a firearm, be incorporated into the design of the firearm, or prevent access to the firearm. (Pen. Code, § 16540; Cal. Code Regs., tit. 11, § 4082, subd. (I).)

Subdivision (c) of Penal Code 23635 provides that the sale or transfer of a firearm shall be exempt from subdivision (a) if all of the following apply: (1) the purchaser or transferee purchases an approved FSD no more than 30 days prior to the day the purchaser or transferee takes possession of the firearm; (2) the purchaser or transferee presents the approved FSD to the firearms dealer when picking up the firearm; (3) the purchaser or transferee presents an original receipt to the firearms dealer, which shows the date of purchase, the name, and the model number of the FSD; (4) the firearms dealer verifies that the requirements in (1) to (3), inclusive, have been satisfied; and (5) the firearms dealer maintains a copy of the receipt along with the dealer's record of sales of firearms.

In addition to requiring FSDs at the point of sale, Penal Code section 25145 generally requires a person who possesses a firearm in a residence to ensure the firearm is securely stored using an FSD listed on the Department's Roster, or a secure gun safe, whenever the firearm is not being carried or readily controlled by a lawful authorized user. Penal Code sections 25100, 25105, and 25135 apply similar requirements to prevent minors and prohibited people from gaining unauthorized access to firearms.

The Department certifies laboratories to verify compliance with FSD standards. (Pen. Code, § 23655.) Subdivision (c) of Penal Code section 23655 requires a Certified FSD Laboratory to, at the manufacturer's or dealer's expense, test a device and submit a copy of the final test report to the Department, along with, for those devices that have passed, one prototype of the device, which the Department must retain for at least as long as the device remains listed on the Roster. After reviewing the test report and FSD, the Department determines whether the device will be placed on the Roster and may be sold in this state. (Pen. Code, § 23655; Cal. Code Regs., tit. 11, § 4108.)

Commencing on January 1, 2026, the Department may approve a FSD not tested by a certified laboratory and list that device on the Roster if a model of the device made by the same manufacturer is already listed on the Roster and the unlisted device differs from the listed device only in features that do not alter the material or functioning of any of the components of the device. (Pen. Code, § 23658.)

Subdivision (d) of Penal Code section 23658 authorizes the Department, at its discretion and at any time, to require a manufacturer to provide to the Department a prototype of any device model for which listing on the Roster is sought for a device that has not been tested by a Certified FSD Laboratory and, if the device is listed pursuant to subdivision (a), the Department must retain the prototype for at least as long as the device is listed on the Roster.

Subdivision (d)(1) of Penal Code section 23655 requires the Department to compile, publish, and maintain a Roster listing all the devices that have been tested by a Certified FSD Laboratory, have been determined to meet the Department's standards for devices, and may be sold in the state. Pursuant to subdivision (f)(2) of Penal Code section 23655, the Department may not add a device to the Roster after January 1, 2026, unless the name of the manufacturer, the model number, and the model name, as they appear (or would appear) on the Roster, are engraved or otherwise permanently affixed to the device.

Effect of the Proposed Rulemaking:

Definition of "Permanently Affixed"

The proposed regulations adopt Section 4082, subdivision (z), to define the term "permanently affixed," as used in Penal Code section 23655, subdivision (f)(2). "Permanently affixed" means the name of the manufacturer, the model number, and the model name are stamped, etched, molded, casted, silkscreened, indelibly printed, or otherwise marked in a way that cannot be removed or erased on a permanently attached part of the device or on a nameplate of metal, plastic, or other material fastened to the equipment by welding, riveting, or a permanent adhesive. The name of the manufacturer, the model number, and the model name permanently affixed to the device must be designed to last the expected lifetime of the equipment in the environments in which the equipment is reasonably expected to be operated and must not be readily detachable.

The proposed regulations also edit Section 4108 to clarify a process for manufacturers who fail to satisfy the requirements of Penal Code section 23655, subdivision (f)(2), to correct that deficiency without having to go through the testing process again.

Annual Listing Renewal Certification

The proposed regulations adopt Section 4011 to require FSD manufacturers to request to renew the listing of their FSD model on the Roster no later than the first business day of each calendar year. Manufacturers must describe any modifications to the FSD, if any have been made since the FSD was listed. If the Department does not receive the annual listing renewal certification by February 28 of the calendar year, the Department will remove the device from the Roster and may destroy any prototypes of the device in the Department's possession.

Other Proposed Amendments

The proposed regulations edit Section 4082, subdivision (j), to better align the definition of "DOJ-approved FSD" with Penal Code sections 23655 and 23658.

The proposed regulations edit Section 4102 to align with the requirements of Penal Code section 23635, subdivision (c), and to account for situations where a lock box is no longer listed on the Roster only because it was removed from the Roster for failure to timely request renewal pursuant to Section 4110.

Anticipated Benefits of the Proposed Regulations:

Explaining how a manufacturer meets the requirement of Penal Code section 23655 to engrave or otherwise permanently affix the manufacturer's name, the model name, and the model number to the device will help the Department identify devices more efficiently and will make it easier for consumers and firearm dealers to identify devices that have been approved by the Department and listed on the Roster.

The annual listing renewal certification will enable the Department to remove FSDs from the Roster, ensuring that the Roster reflects models currently on the market and provides accurate information to the public.

Explaining when a firearm may be sold or transferred by a licensed firearm dealer, including a private transfer through a dealer, without being accompanied by an FSD that is listed on the Roster will make it easier and more efficient for licensed firearm dealers to sell or transfer firearms (and for consumers to purchase or transfer firearms through a dealer) in the state while also ensuring that the purchaser or transferee possesses an FSD that meets the requirements of Penal Code section 23650 and is appropriate for the firearm.

Comparable Federal Regulations:

There are no existing federal regulations or statutes comparable to these proposed regulations.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing State regulations. After conducting a review of any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the Department's FSD program and Roster.

Forms Incorporated by Reference:

None.

Other Statutory Requirements:

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department's Initial Determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The Department will incur costs to review the annual listing renewal certifications. However, the Department expects that manufacturers will not renew the listing if their FSD is no longer on the market. This will enable the Department to remove the FSD from the Roster and destroy any prototype. The Department pays the Department of General Services (DGS) a storage fee for every prototype stored. DGS charges a storage fee of \$6.48 per cubic foot with each device averaging 16 cubic feet. The Department's annual storage cost is approximately \$104 per device ($\$6.48 \times 16 = \103.68). The Department expects its costs will be offset by the savings of no longer paying DGS to store prototypes.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other non-discretionary costs or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on representative person or business: The cost to an entity that manufactures, causes to be manufactured, or imports a device listed on the Roster to complete the annual listing renewal certification is minimal. The total cost to the entity depends on the number of devices the entity has listed on the Roster and how long the entity chooses to keep a device listed on the Roster.

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting businesses, including ability to compete: The Department has made an initial determination that that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Results of the Economic Impact Assessment (EIA):

The Department concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

The Department also concludes that:

- (1) The proposal would benefit the health and welfare of California residents by ensuring FSDs meet the Department's certification standards and that the public has access to a Roster

listing all FSDs that meet those standards. Once the annual listing renewal certification is established, the Department expects that manufacturers will not renew the listing if their FSD is no longer on the market. This will enable the Department to remove the FSD from the Roster, ensuring that the Roster reflects models currently on the market and provides accurate information to the public.

- (2) The proposal would not benefit worker safety because it does not regulate worker safety standards.
- (3) The proposal would not benefit the state's environment because it does not change any applicable environmental standards.

Business report requirement: None.

Small Business Determination: The Department has determined that this proposed action does not affect small businesses because FSD manufacturers are not small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Explaining how an FSD Manufacturer meets the requirement of Penal Code section 23655, subdivision (f)(2), to engrave or otherwise permanently affix the manufacturer's name, the model name, and the model number to the device will make it easier for FSD Manufacturers to comply with the requirement, will help the Department identify devices more efficiently, and will make it easier for consumers and firearm dealers to identify devices that have been approved by the Department and listed on the Roster.

Establishing the annual listing renewal certification will enable the Department to remove the FSD from the Roster, ensuring that the Roster reflects models currently on the market and provides accurate information to the public. Requiring manufacturers to describe any modifications to the FSD, if any have been made since the FSD was listed, will enable the Department to determine if the FSD continues to meet the Department's standards.

Explaining when a firearm may be sold or transferred by a licensed firearms dealer, including a private transfer through a dealer, without being accompanied by an FSD that is listed on the Roster will make it easier for licensed firearms dealers to ensure they comply with Penal Code sections 23635, will make it easier and more efficient for licensed firearms dealers to sell or transfer firearms (and for consumers to purchase or transfer firearms through a dealer) in the

state, and will help ensure that the purchaser or transferee possesses an FSD that meets the requirements of Penal Code section 23650 and is appropriate for the firearm.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

L. Baladjay-Fretland
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210-2621
bofregulations@doj.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

J. Walker
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210-2366
bofregulations@doj.ca.gov

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process upon request to the contact person above. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the “express terms” of the regulations), the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department’s website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information listed above to obtain copies of these documents.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any

modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons will be available on the Department's website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department's website at <https://oag.ca.gov/firearms/regs>.