

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 6. DEPARTMENT OF HEALTH SERVICES COMMUNICABLE DISEASES AND INFESTATIONS

[R08-291]

PREAMBLE

- | | |
|---|--|
| <u>1. Articles and Sections Affected</u>
R9-6-102 | <u>Rulemaking Action</u>
Amend |
|---|--|
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. §§ 36-136(A)(7) and (F)
Implementing statutes: A.R.S. §§ 36-132(A)(1) and 36-136(H)(1)
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**

Notice of Rulemaking Docket Opening: 14 A.A.R. 35, January 4, 2008
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Ken Komatsu, State Epidemiologist
Address:	Department of Health Services Bureau of Epidemiology and Disease Control 150 N. 18th Ave., Suite 150 Phoenix, AZ 85007
Telephone:	(602) 364-3587
Fax:	(602) 542-2722
E-mail:	komatsk@azdhs.gov
or	
Name:	Kathleen Phillips, Esq. Administrative Counsel and Rules Administrator
Address:	Department of Health Services Office of Administrative Counsel and Rules 1740 W. Adams St., Suite 200 Phoenix, AZ 85007
Telephone:	(602) 542-1264
Fax:	(602) 364-1150
E-mail:	phillik@azdhs.gov
- 5. An explanation of the rules, including the agency's reasons for initiating the rules:**

A.R.S. § 36-136(H)(1) states that the Arizona Department of Health Services (Department) shall "define and prescribe reasonably necessary measures for detecting, reporting, preventing, and controlling communicable and preventable diseases." The current R9-6-102 addresses the release of protected health information to the Department or a

local health agency if the information is requested for the purpose of detecting, preventing, or controlling disease, injury, or disability. However, information other than protected health information is often required to enable the Department or a local health agency to investigate many types of communicable diseases. For instance, in investigating a food-borne disease, the Department or a local health agency may require information from food suppliers or retail stores. For investigating a case of Legionnaire disease in a hotel, the Department or a local health agency may require information about other individuals who were guests of the hotel. For a measles case who was a passenger on an airliner, the Department or a local health agency may require passenger lists. In all these instances, the ability of the Department or a local health agency to obtain the required information quickly is critical to enabling the Department or local health agency to detect, prevent, and control communicable diseases. Since the current rule only addresses one type of information that may be necessary when investigating a communicable disease outbreak or conducting an epidemiologic investigation of a communicable disease case, the rule is confusing. The proposed rule will make clear that the information that is required to be released to the Department or a local health agency when the Department or local health agency is investigating a communicable disease includes protected health information, as defined in 45 CFR 160.103, but is not limited to this type of information. The proposed rule will enable the Department and local health agencies to obtain information in a more timely manner, and thus contribute to the ability of the Department and local health agencies to detect, prevent, and control communicable diseases and the injury and disability that may result from communicable diseases. This rulemaking will conform to rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State.

6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review or rely on any study related to this rulemaking package.

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

As used in this summary, annual costs/revenues are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000. Costs are listed as significant when meaningful or important, but not readily subject to quantification.

The Department believes that the proposed rule will result in a minimal cost to the Department and to a local health agency associated with providing education to stakeholders about the proposed rule. Local health agencies, with the assistance of the Department, are responsible for carrying out most of the control measures for cases or suspect cases of a communicable disease within their jurisdictions. The Department anticipates that the requirement for persons to provide information needed by the Department or a local health agency when conducting an investigation of a communicable disease will provide a significant benefit to the Department, local health agencies, and the citizens of Arizona by reducing the incidence or severity of communicable diseases. Since health care institutions and health care providers derive income from diagnosing and treating individuals infected with communicable diseases and the proposed rule may reduce the spread of a disease, the new rule may cause a minimal-to-moderate decrease in revenue for a health care institution or health care provider. By reducing the number of individuals who seek diagnosis and treatment for a communicable disease and, thus, expose patients and staff of the health care institution or health care provider to the disease, the new rule may provide a minimal-to-substantial benefit to a health care institution or health care provider by reducing the cost of staff time for investigating exposures and the costs associated with excluding staff from work, providing extra vaccinations, and isolating cases from the general patient population. The Department anticipates that the owner or operator of a business may experience a minimal-to-moderate cost for collecting, copying, and submitting documents needed by the Department or local health agency when conducting an epidemiologic investigation of an infected individual associated with the business. An owner or operator of a business may also experience a minimal-to-moderate cost if an individual working for the business, who was not otherwise identified as being infected or a contact, were excluded from working under 9 A.A.C. 6, Article 3. The owner or operator of a business may receive a minimal-to-substantial benefit from the new rule by having the source of infection identified early and fewer patrons of the business being exposed to the disease. Not only may the business experience less unfavorable publicity and possibly legal action initiated by those infected while patronizing the business, but also generate good will from patrons and the public by helping to reduce the spread of the disease. Infected individuals and their contacts may experience a minimal-to-substantial benefit by being identified through an epidemiologic investigation, being evaluated for the disease, and, if appropriate, receiving prophylaxis or treatment earlier. If an infected individual or contact were not otherwise identified and were excluded from working under 9 A.A.C. 6, Article 3, the new rule may cause a minimal-to-moderate cost to the infected individual or contact.

The Department has determined that the benefits related to public health outweigh any potential costs associated with this rulemaking.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Ken Komatsu, State Epidemiologist
Address: Department of Health Services
Bureau of Epidemiology and Disease Control
150 N. 18th Ave., Suite 150
Phoenix, AZ 85007

Telephone: (602) 364-3587
Fax: (602) 542-2722
E-mail: komatsk@azdhs.gov

or

Name: Kathleen Phillips, Esq.
Administrative Counsel and Rules Administrator
Address: Department of Health Services
Office of Administrative Counsel and Rules
1740 W. Adams St., Suite 200
Phoenix, AZ 85007

Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

The Department has scheduled the following oral proceeding:

Date: October 14, 2008
Time: 9:30 a.m.
Location: 150 N. 18th Ave., Room 540A
Phoenix, AZ 85007
Close of record: 4:00 p.m., October 14, 2008

A person may submit written comments on the proposed rules no later than the close of record to either of the individuals listed in items 4 and 9.

A person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Ruthann Smejkal at (602) 364-1230 or smejkar@azdhs.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rule:

Not applicable

13. The full text of the rule follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 6. DEPARTMENT OF HEALTH SERVICES
COMMUNICABLE DISEASES AND INFESTATIONS**

ARTICLE 1. GENERAL

Section
R9-6-102. Release of Protected Health Information

ARTICLE 1. GENERAL

R9-6-102. Release of Protected Health Information

~~A person in possession of protected health information, as defined in 45 C.F.R. 160.103, shall release the protected health information to the Department or a local health agency upon request if the protected health information is requested for the purpose of detecting, preventing, or controlling disease, injury, or disability.~~

A person shall release information, including protected health information as defined in 45 CFR 160.103, to the Department or a local health agency upon request if the information is:

1. Requested by the Department or the local health agency for the purpose of:
 - a. Detecting, preventing, or controlling a communicable disease; or
 - b. Preventing injury or disability that may result from a communicable disease; and
2. In the possession of the person.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 26. COMMISSION FOR THE DEAF AND THE HARD OF HEARING

[R08-288]

PREAMBLE

1. Sections Affected

R9-26-502
R9-26-504
R9-26-505
R9-26-507
R9-26-510
R9-26-513
R9-26-514

Rulemaking Action

Amend
Amend
Amend
Amend
Amend
New Section
New Section

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 36-1946(1), (2), and (3)

Implementing statute: A.R.S. §§ 36-1971, 36-1973, 36-1974

3. List of all previous notices appearing in the Register addressing the proposed rules:

Notice of Rulemaking Docket Opening: 14 A.A.R. 3441, August 29, 2008

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Carmen Green, Deputy Director
Address: Commission for the Deaf and the Hard of Hearing
1400 W. Washington St., Suite 126
Phoenix, AZ 85007
Telephone: (602) 542-3362
Fax: (602) 542-3380
E-mail: Carmen.green@acdhh.state.az.us

5. An explanation of the rules, including the agency's reasons for initiating the rulemaking:

The Commission is adding Sections regarding a complaint procedure and the interpreter advisory committee. It is making the rules consistent with A.R.S. § 1-501 regarding evidence of lawful presence in the U.S. Other changes address issues that came to the attention of the Commission after the rules became effective in 2007.

6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The new Sections will have a positive economic impact because they clarify the complaint procedure for interpreters and consumers of interpreting services.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Carmen Green, Deputy Director
Address: Commission for the Deaf and the Hard of Hearing
1400 W. Washington St., Suite 126
Phoenix, AZ 85007
Telephone: (602) 542-3362
Fax: (602) 542-3380
E-mail: Carmen.green@acdhh.state.az.us

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

An oral proceeding regarding the proposed rules will be held as follows:

Date: Thursday, October 16, 2008
Time: 1:00 p.m.
Location: 100 N. 15th Ave., Room 304
Phoenix, AZ 85007

The rulemaking record will close at 5:00 p.m. on October 17, 2008.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 26. COMMISSION FOR THE DEAF AND THE HARD OF HEARING

ARTICLE 5. INTERPRETER LICENSURE AND REGULATION

Section
R9-26-502. License Application
R9-26-504. Application for Legal Interpreter License
R9-26-505. Application for Provisional Interpreter License
R9-26-507. License Renewal
R9-26-510. Continuing Education Requirement
R9-26-513. Complaint Procedures
R9-26-514. Interpreter Advisory Committee

ARTICLE 5. INTERPRETER LICENSURE AND REGULATION

R9-26-502. License Application

- A. No change
1. No change
2. No change
3. No change
4. No change

- 5. No change
- 6. No change
- 7. No change
- 8. No change
- 9. No change
- 10. No change
- 11. No change
- 12. No change
- 13. No change
- 14. No change

B. No change

- 1. No change
- 2. No change
 - a. No change
 - b. No change

3. Evidence of the applicant's U.S. citizenship, alien status, legal residency, or lawful presence in the U.S.:

~~3-4.~~ No change

~~4-5.~~ No change

R9-26-504. Application for Legal Interpreter License

A. No change

- 1. No change
 - a. For a Class A legal interpreter license, SC:L, NIC Advanced or Master, NAD IV or V, CI and CT, ~~or~~ CSC, or IC and TC is required;
 - b. For a Class B legal interpreter license, NIC Advanced or Master, NAD IV or V, CI, CT, ~~or~~ CSC, IC or TC is required;
 - c. For a Class C legal interpreter license, NIC Certified, Advanced, or Master, NAD III, IV, or V, CI, CT, ~~or~~ CSC, IC or TC is required; and
 - d. No change
- 2. No change
 - a. No change
 - b. No change
- 3. No change

B. No change

- 1. No change
 - a. No change
 - b. No change
- 2. No change
 - a. No change
 - b. No change
- 3. No change

R9-26-505. Application for Provisional Interpreter License

A. No change

- 1. No change
 - a. No change
 - b. No change
- 2. No change
- 3. No change
 - a. No change
 - b. No change
 - i. 150 hours for which the applicant received pay before ~~May~~ October 1, 2007; or
 - ii. No change
 - iii. No change
 - c. No change
 - d. No change

B. No change

- 1. No change
 - a. No change

- b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
- c. No change
- d. No change
- 2. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - b. No change
 - i. No change
 - ii. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
- C. No change
 - 1. Education. ~~A photocopy of certificates of completion~~ An official or unofficial transcript showing that the applicant completed hours of interpreter preparation training required under subsection (A)(1);
 - 2. Examination. A photocopy of the letter provided by NIC or RID indicating that the applicant passed the written portion of either the NIC or RID examination and is eligible to take the performance portion of the examination within five years from the date on the letter;
 - 3. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - b. No change
 - i. No change
 - ii. No change

R9-26-507. License Renewal

- A. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
 - j. No change
 - k. No change
 - l. No change
 - m. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. An affirmation of compliance with the continuing education requirement in R9-26-510 or, if subject to an audit under R9-26-511, documentation that demonstrates compliance with the continuing education requirement; ~~and~~
 - d. Evidence of the licensee's U.S. citizenship, alien status, legal residency, or lawful presence in the U.S.; and

Notices of Proposed Rulemaking

~~d-e.~~ No change

3. No change
4. No change

B. No change

1. No change
2. No change
3. No change

a. No change

b. An affirmation of compliance with the continuing education requirement in R9-26-510 or, if subject to an audit under R9-26-511, documentation that demonstrates compliance with the continuing education requirement;

c. Evidence of the provisional licensee's U.S. citizenship, alien status, legal residency, or lawful presence in the U.S.;

~~e-d.~~ No change

~~d-e.~~ No change

~~e-f.~~ No change

4. No change
5. No change
6. No change
7. No change

R9-26-510. Continuing Education Requirement

A. No change

1. No change
2. No change
3. No change
4. No change
5. No change

B. Between the time of initial licensure and ~~a licensee's first birthday~~ first renewal following initial licensure, ~~the~~ a licensee shall complete the following amount of continuing education:

1. ~~a~~ A pro-rated amount of the continuing education required under subsection (A) for the time between initial licensure and the licensee's first birthday; and
2. The number of hours required under subsection (A).

C. A licensee shall obtain from the provider of a continuing education attended by the licensee a certificate of ~~attendance~~ completion or transcript that includes:

1. Licensee's name ~~and license number,~~
2. No change
3. No change
4. No change
5. No change

D. A licensee shall maintain the certificates of ~~attendance~~ completion or transcript described in subsection (C) for three years.

E. A licensee shall submit a copy of the certificates of ~~attendance~~ completion or transcript obtained during a license year if subject to an audit by the Commission under R9-26-511.

R9-26-513. Complaint Procedures

A. Commission staff shall review a complaint to determine whether it meets the requirements under R9-26-512. If a complaint does not meet the requirements under R9-26-512, the Commission shall provide written notice to the complainant that the complaint is dismissed without further action.

B. If Commission staff determines that a complaint meets the requirements under R9-26-512, the Commission shall assess whether the complaint alleges a violation of A.R.S. Title 36, Chapter 17.1, or this Chapter and:

1. Dismiss the complaint if the Commission determines that the allegation, if true, does not amount to a violation of A.R.S. Title 36, Chapter 17.1, or this Chapter and provide written notice of the dismissal to the complainant; or
2. Serve a copy of the complaint on the individual complained against if the Commission determines that the allegation, if true, amounts to a violation of A.R.S. Title 36, Chapter 17.1, or this Chapter and provide the individual complained against with 20 days to respond and admit, deny, or further explain each allegation in the complaint.

C. When an individual complained against responds to a complaint or when the 20 days provided under subsection (B)(2) expire, the Commission's staff shall conduct an investigation and prepare a report that summarizes the complaint and results of the investigation. The Commission shall provide a copy of the investigative report to both the complainant and individual complained against.

- D. The Commission shall activate an IAC by appointing five members of the IAC pool to assist with resolution of the complaint. The Commission shall designate one of its members to chair the IAC.
 - E. The IAC shall:
 - 1. Review the complaint, response, and investigative report;
 - 2. Take the steps necessary to achieve an equitable and just resolution of the matters in the complaint; and
 - 3. Recommend a resolution to the Commission.
 - F. When the Commission considers a complaint, the Commission member who chaired the IAC that considered the complaint shall not vote regarding the complaint or its resolution.
 - G. The Commission shall accept the resolution recommended by the IAC or schedule a formal hearing regarding the complaint.
 - H. At any step in the complaint or disciplinary process, a statement, affirmation, gesture, or conduct by the individual complained against that relates to the alleged offense and expresses apology, responsibility, sympathy, or a general sense of benevolence to the complainant, the complainant's representative, or a member of the complainant's family, is inadmissible as evidence that the individual complained against violated A.R.S. Title 36, Chapter 17.1, or this Chapter.
- R9-26-514. Interpreter Advisory Committee**
- A. The Commission shall appoint eight individuals who are neither Commission members nor Commission staff to serve as members of the IAC pool. The IAC pool shall consist of:
 - 1. Six members who are licensed in Arizona under R9-26-503 or R9-26-504; and
 - 2. Two members who are consumers of interpreting services.
 - B. Individuals appointed under subsection (A) shall serve for two years and may be reappointed for one additional two-year term.
 - C. An individual shall not serve on an IAC if the individual:
 - 1. Is the complainant or individual complained against,
 - 2. Is unable to participate objectively and fairly,
 - 3. Has prior knowledge of the matters in the complaint,
 - 4. Has a relationship with the complainant or individual complained against,
 - 5. Participated in the investigation of the complaint, or
 - 6. Has a conflict of interest in the matter.
 - D. The IAC may:
 - 1. Interview the individual complained against and the complainant,
 - 2. Negotiate a proposed settlement agreement;
 - 3. Make an oral or written recommendation to the Commission about disposition of the complaint, and
 - 4. Answer questions from Commission members.
 - E. Neither the individual complained against nor the complainant is required to participate in an interview with the IAC.

NOTICE OF PROPOSED RULEMAKING

TITLE 13. PUBLIC SAFETY

CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY

~~CONCEALED WEAPONS~~ CONCEALED WEAPONS PERMITS

[R08-287]

PREAMBLE

<u>1. Sections Affected</u>	<u>Rulemaking Action</u>
R13-9-101	Amend
R13-9-102	Amend
R13-9-103	Amend
R13-9-104	Amend
Table 1	Amend
Article 2	Amend
R13-9-201	Amend
R13-9-202	Amend
R13-9-203	Amend
R13-9-204	Amend

Notices of Proposed Rulemaking

R13-9-206	Amend
R13-9-208	Amend
R13-9-302	Amend
R13-9-305	Amend
R13-9-307	Amend
R13-9-308	Amend
R13-9-309	Amend
R13-9-310	Amend
R13-9-402	Amend
R13-9-403	Amend
R13-9-404	Amend
R13-9-501	Amend
R13-9-502	Amend
R13-9-601	Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 13-3112(T)

Implementing statute: A.R.S. § 13-3112

3. List of all previous notices appearing in the Register addressing the proposed rules:

Notice of Rulemaking Docket Opening: 14 A.A.R. 3443, August 29, 2008

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Lieutenant Laurence Burns, Licensing and Regulatory Bureau Commander

Address: P. O. Box 6638
Mail drop 1170
Phoenix, AZ 85005-6638

Telephone: (602) 223-2404

Fax: (602) 223-2928

E-mail: lburns@azdps.gov

5. An explanation of the rules, including the agency's reasons for initiating the rulemaking:

The Department is amending the rules to incorporate statutory changes made during the 2008 legislative session. The legislature made the following changes to A.R.S. § 13-3112:

- Having a felony conviction no longer automatically disqualifies an individual from obtaining a Concealed Weapons Permit. An individual with a felony conviction is able to obtain a permit if the conviction was expunged, set aside, or vacated or the individual's civil rights were restored unless the individual is a prohibited possessor under state or federal law.
- Obtaining a Concealed Weapons Permit requires adequate documentation, dated no more than five years before the date of application, that an applicant completed an authorized firearms-safety training program.
- Allowing an individual to become a firearms-safety training instructor if the individual has only NRA certifications in pistol and personal protection.

The Department is making other minor, clarifying changes.

6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The rulemaking will have minimal economic impact because it simply makes the rules consistent with recent statutory changes. The statutory changes have economic impact, which the legislature considered when amending A.R.S. § 13-3112. The primary economic impact of the statutory change is on the Department, which will have to deal with applications from convicted felons who believe they are now eligible to have a Concealed Weapons Permit.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Lieutenant Laurence Burns, Licensing and Regulatory Bureau Commander
Address: P. O. Box 6638
Mail drop 1170
Phoenix, AZ 85005-6638
Telephone: (602) 223-2404
Fax: (602) 223-2928
E-mail: lburns@azdps.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

An oral proceeding regarding the proposed rules will be scheduled if a written request is submitted to the individual listed in item 4 within 30 days after this notice is published. The rulemaking record will close on October 15, 2008.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY

**CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY
~~CONCEALED WEAPONS~~ CONCEALED WEAPONS PERMITS**

ARTICLE 1. GENERAL PROVISIONS

Section

R13-9-101. Definitions
R13-9-102. Application and Processing Fees
R13-9-103. Application Forms
R13-9-104. Time-frames for Department Action on Applications
Table 1. Time-frames for Department Action on Applications (in days)

ARTICLE 2. ~~CONCEALED WEAPONS~~ CONCEALED WEAPONS PERMIT: APPLICATION; RENEWAL; RESPONSIBILITIES

Section

R13-9-201. ~~Concealed weapons~~ Concealed Weapons Permit Eligibility
R13-9-202. Application for a ~~Concealed weapons~~ Concealed Weapons Permit
R13-9-203. Issuance of a ~~Concealed weapons~~ Concealed Weapons Permit
R13-9-204. Renewal of ~~Concealed weapons~~ Concealed Weapons Permit
R13-9-206. Lost, Stolen, or Damaged ~~Concealed weapons~~ Concealed Weapons Permit
R13-9-208. Change in Name of Permit Holder

ARTICLE 3. FIREARMS-SAFETY TRAINING: ORGANIZATIONS AND INSTRUCTORS

Section

R13-9-302. Application for ~~Approval~~ Authorization of a Firearms-safety Training Organization
R13-9-305. Responsibilities of the Responsible Party of an ~~Approved~~ Authorized Firearms-safety Training Organization
R13-9-307. Eligibility for ~~Approval~~ Authorization as a Firearms-safety Instructor
R13-9-308. Application for ~~Approval~~ Authorization as a Firearms-safety Instructor
R13-9-309. Renewal of ~~Approval~~ Authorization as a Firearms-safety Instructor
R13-9-310. Firearms-safety Instructor Responsibilities

ARTICLE 4. CERTIFICATE OF FIREARMS PROFICIENCY

Section

- R13-9-402. Application for a Certificate of Firearms Proficiency
- R13-9-403. Issuance of a Certificate of Firearms Proficiency
- R13-9-404. Renewal of a Certificate of Firearms Proficiency

ARTICLE 5. LEOSA-RECOGNIZED INSTRUCTORS

Section

- R13-9-501. Application for Recognition as a LEOSA Instructor

ARTICLE 6. HEARINGS AND DISCIPLINARY PROCEEDINGS

Section

- R13-9-601. Suspension and Revocation

ARTICLE 1. GENERAL PROVISIONS

R13-9-101. Definitions

In this Chapter, unless otherwise specified:

1. "Adequate documentation" has the same meaning as prescribed in A.R.S. § 13-3112(E)(6).
- ~~1-2.~~ No change
- 2-3. "Applicant" means an individual or organization that submits an application form and the required fee to the Department for:
 - a. ~~A concealed weapons permit~~ Concealed Weapons Permit,
 - b. ~~Renewal of a concealed weapons permit~~ Concealed Weapons Permit,
 - c. ~~Firearms-safety instructor approval~~ authorization,
 - d. ~~Renewal of firearms-safety instructor approval~~ authorization,
 - e. ~~Firearms-safety training organization approval~~ authorization,
 - f. No change
 - g. No change
3. ~~"Certificate of completion" means a document showing that the holder completed an eight-hour, Department-approved, firearms-safety training program.~~
4. No change
5. No change
6. "Completion certificate" means adequate documentation that an individual completed an eight-hour, Department-authorized, firearms-safety training program.
- ~~6-7.~~ No change
- ~~7-8.~~ No change
- ~~8-9.~~ No change
- 9-10. "Firearms-safety instructor" means an individual who is ~~approved~~ authorized under this Chapter to conduct firearms-safety training.
- 10-11. "Firearms-safety training program" means a course of instruction in the safe and lawful use of a firearm that is ~~approved~~ authorized by the Department and meets the requirements of A.R.S. § 13-3112(O).
- ~~11-12.~~ No change
- ~~12-13.~~ No change
- ~~13-14.~~ No change
- ~~14-15.~~ No change
- ~~15-16.~~ No change
- 16-17. "Organization" means a person or entity legally established under all applicable federal, state, city, ~~or~~ and county ~~requirements~~ law and authorized to conduct business in Arizona that is ~~approved~~ authorized by the Department to teach a ~~Department-approved~~ Department-authorized firearms-safety training program to applicants.
- ~~17-18.~~ No change
- ~~18-19.~~ No change
- ~~19-20.~~ No change
- ~~20-21.~~ No change
- ~~21-22.~~ No change
- ~~22-23.~~ No change
- ~~23-24.~~ No change
- ~~24-25.~~ No change
- ~~25-26.~~ No change

Notices of Proposed Rulemaking

~~26-27.~~ “Responsible party” means an individual who is responsible for administration of an ~~approved~~ authorized firearms-safety training organization and who serves as the contact between the organization and the Department.

~~27-28.~~ No change

~~28-29.~~ No change

R13-9-102. Application and Processing Fees

A. Under the authority provided by A.R.S. § 13-3112, the Department establishes and shall collect the following fees:

1. New ~~concealed-weapons permit~~ Concealed Weapons Permit - \$43;
2. Renewal of a ~~concealed-weapons permit~~ Concealed Weapons Permit - \$43;
3. No change
4. No change
5. No change

B. No change

C. No change

R13-9-103. Application Forms

A. The Department shall provide and an applicant shall use an application form for:

1. An initial ~~concealed-weapons permit~~ Concealed Weapons Permit or renewal of the permit,
2. A firearms-safety instructor ~~approval~~ authorization or renewal of the ~~approval~~ authorization,
3. ~~Approval~~ Authorization of a firearms-safety training organization,
4. No change
5. No change

B. Application forms may be obtained from the ~~Concealed-Weapons~~ Concealed Weapons Permit Unit of the Department or online at www.azdps.gov/ccw. Upon request, the ~~Concealed-Weapons~~ Concealed Weapons Permit Unit shall advise an individual or organization of other locations where application forms may be obtained.

R13-9-104. Time-frames for Department Action on Applications

A. No change

1. ~~Approval~~ Authorization of a firearms-safety training organization under R13-9-302,
2. No change
3. No change

B. No change

1. R13-9-202 for a ~~concealed-weapons permit~~ Concealed Weapons Permit,
2. R13-9-204 for renewal of a ~~concealed-weapons permit~~ Concealed Weapons Permit,
3. R13-9-308 for a firearms-safety instructor ~~approval~~ authorization, or
4. R13-9-309 for renewal of a firearms-safety instructor ~~approval~~ authorization.

C. No change

1. No change
2. No change
3. No change
4. No change

D. No change

1. No change
2. No change
3. No change
4. No change

E. When the substantive review is complete, the Department shall inform the applicant in writing of its decision whether to grant or deny a permit or ~~approval~~ authorization to the applicant.

F. The Department shall deny a permit, certificate, ~~approval~~ authorization, or recognition if it determines that the applicant does not meet all criteria required by statute and rule.

1. No change
2. Under A.R.S. § 13-3112(H), an individual who is denied a ~~concealed-weapons permit~~ Concealed Weapons Permit may submit additional documentation to the Department within 20 days of receipt of the notice of denial and the Department shall reconsider its denial.
3. An applicant who is denied a permit, certificate, ~~approval~~ authorization, or recognition may appeal the Department’s decision under A.R.S. Title 41, Chapter 6, Article 10.

G. The Department shall grant a permit, certificate, ~~approval~~ authorization, or recognition if it determines that the applicant meets all criteria required by statute and rule.

Notices of Proposed Rulemaking

Table 1. Time-frames for Department Action on Applications (in days)

Application Type	Administrative Review Time-frame	Time for Response to Deficiency Notice	Substantive Review Time-frame	Time for Response to Comprehensive Request	Over-all Time-frame
Concealed weapons <u>Concealed Weapons</u> Permit R13-9-202	14	40	46	20	60
Renewal of Concealed weapons <u>Concealed Weapons</u> Permit R13-9-204	14	40	46	20	60
Approval <u>Authorization</u> of Firearms-safety Instructor R13-9-308	14	40	46	20	60
Renewal of Approval <u>Authorization</u> of Fire- arms-safety Instructor R13-9-309	14	40	46	20	60

**ARTICLE 2. ~~CONCEALED WEAPONS~~ CONCEALED WEAPONS PERMIT: APPLICATION;
RENEWAL; RESPONSIBILITIES**

R13-9-201. ~~Concealed weapons~~ Concealed Weapons Permit Eligibility

- A. Except as provided in subsection (B), an applicant for a ~~concealed weapons permit~~ Concealed Weapons Permit shall meet all requirements under A.R.S. § 13-3112(E), and not currently be a prohibited possessor under state or federal law.
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- ~~C. The Department shall not issue a concealed weapons permit to an individual who has been convicted of a felony even if the individual's civil rights have been restored or the conviction has been expunged, set aside, or vacated.~~

R13-9-202. Application for a ~~Concealed weapons~~ Concealed Weapons Permit

To obtain a ~~concealed weapons permit~~ Concealed Weapons Permit, an applicant who is eligible under R13-9-201 shall:

- 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. Social Security number (optional);
 - e. No change
 - f. No change
 - g. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. Is currently under indictment for a felony offense; ~~or has~~
 - v. Has ever been convicted of a felony offense, and if so, whether the conviction was expunged, set aside, or vacated, or whether the applicant's civil rights were restored;
 - ~~vi.~~ No change
 - ~~vii.~~ No change
 - ~~viii.~~~~viii.~~ No change
 - ~~ix.~~~~ix.~~ No change
 - ~~x.~~ No change
 - h. No change

2. No change
 - a. ~~Submit a certificate of completion~~ adequate documentation obtained within the last ~~42~~ 60 months; or
 - b. No change
 - i. No change
 - ii. No change
 - c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - d. No change
 - e. No change

R13-9-203. Issuance of a ~~Concealed weapons~~ Concealed Weapons Permit

- A. If an applicant meets the requirements of A.R.S. § 13-3112 and this Chapter and is not currently a prohibited possessor under state or federal law, the Department shall issue to the applicant a ~~concealed weapons permit~~ Concealed Weapons Permit containing:
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. The title of the permit, "State of Arizona ~~Concealed weapons~~ Concealed Weapons Permit."
- B. No change

R13-9-204. Renewal of ~~Concealed weapons~~ Concealed Weapons Permit

- A. A ~~concealed weapons permit~~ Concealed Weapons Permit expires five years after it is issued. If a ~~concealed weapons permit~~ Concealed Weapons Permit expires, the former permit holder shall not unlawfully carry a concealed weapon until the former permit holder applies for and is issued a new ~~concealed weapons permit~~ Concealed Weapons Permit.
- B. To renew a ~~concealed weapons permit~~ Concealed Weapons Permit, the permit holder shall, no more than 90 days before or 60 days after the date of expiration:
 1. No change
 2. No change
 3. No change
 4. ~~For the permit holder's first renewal only, submit two full sets of classifiable fingerprints and the fee required under R13-9-102(B).~~
- C. If a former permit holder fails to comply with subsection (B), the former permit holder may obtain a new ~~concealed weapons permit~~ Concealed Weapons Permit only by complying with all provisions of R13-9-202.
- D. If a permit holder is a member of the United States armed forces, Arizona national guard, or reserves of any military establishment of the United States and is on federal active duty and deployed overseas at the time the permit holder's ~~concealed weapons permit~~ Concealed Weapons Permit expires, the permit holder may renew the permit by complying with subsection (B) within 90 days after the end of the overseas deployment. To renew a permit under this subsection, the permit holder shall include evidence of the deployment with the renewal application.

R13-9-206. Lost, Stolen, or Damaged ~~Concealed weapons~~ Concealed Weapons Permit

- A. A permit holder whose ~~concealed weapons permit~~ Concealed Weapons Permit is lost, stolen, or damaged shall notify the Department in writing within 10 days of determining that the permit is lost, stolen, or damaged. When advised of a lost, stolen, or damaged permit, the Department shall invalidate the permit. The permit holder shall not carry a concealed weapon until the Department issues a replacement permit.
- B. No change
 1. No change
 2. No change
 3. No change
- C. No change

R13-9-208. Change in Name of Permit Holder

- A. A permit holder whose name is legally changed shall provide written notice to the Department and request a revised ~~concealed weapons permit~~ Concealed Weapons Permit within 10 days of the name change. The permit holder shall ensure that the written request for a revised ~~concealed weapons permit~~ Concealed Weapons Permit:

1. No change
 2. No change
 3. No change
- B.** No change
- C.** No change
- D.** Upon receipt of a revised permit, the permit holder shall ~~destroy the previous permit or~~ return the previous permit to the Department.

ARTICLE 3. FIREARMS-SAFETY TRAINING: ORGANIZATIONS AND INSTRUCTORS

R13-9-302. Application for ~~Approval~~ Authorization of a Firearms-safety Training Organization

- A.** To obtain ~~approval~~ authorization as a firearms-safety training organization, the responsible party of the firearms-safety organization shall submit to the Department an original application, using a form available from the Department, that provides the following information:
1. No change
 2. No change
 3. No change
- B.** In addition to the original application required under subsection (A), the responsible party shall provide documentation that the firearms-safety training organization is legally established under all applicable federal, state, city, and county law and authorized to do business in Arizona.
- ~~B-C.~~ No change
- ~~C-D.~~ The ~~approval~~ authorization of a firearms-safety training organization expires if the organization's Department-assigned number is not on a ~~certificate of completion~~ adequate documentation submitted under R13-9-202(2)(a) for three consecutive years. If the ~~approval~~ authorization of a firearms-safety training organization expires under this subsection, the organization may apply under this Section to be ~~approved~~ authorized again.

R13-9-305. Responsibilities of the Responsible Party of an ~~Approved~~ Authorized Firearms-safety Training Organization

- A.** ~~As soon as possible but no~~ No later than 90 days after a firearms-safety training organization is ~~approved~~ authorized, the responsible party shall submit to the Department a roster of the ~~approved~~ authorized firearms-safety instructors who will be teaching for the organization.
- B.** After being ~~approved~~ authorized and before any firearms-safety training is conducted by a firearms-safety organization, the responsible party shall submit to the Department a copy of the stamp or seal that the organization intends to affix to the ~~certificate of completion~~ adequate documentation provided to a successful participant under subsection (G).
- C.** The responsible party shall notify the Department in writing within 10 days of any change to the roster of the firearms-safety training organization's ~~approved~~ authorized instructors, or the business name, address, telephone number, or responsible party.
- D.** The responsible party shall ensure that all ~~approved~~ authorized firearms-safety instructors teaching for the firearms-safety training organization use an eight-hour, ~~Department-approved~~ Department-authorized, firearms-safety training program and standardized examination when conducting firearms-safety training for applicants for a ~~concealed weapons permit~~ Concealed Weapons Permit.
- E.** No change
- F.** No change
1. No change
 2. No change
 3. No change
 4. No change
 5. Department-assigned number of the ~~approved~~ authorized firearms-safety training organization;
 6. Name and Department-assigned number of each ~~approved~~ authorized firearms-safety training instructor and name of any assistant or co-instructor conducting the training; and
 7. No change
- G.** The responsible party of a firearms-safety training organization shall ensure that at the end of each firearms-safety training program, the ~~approved~~ authorized firearms-safety instructor who taught the firearms-safety training program provides each eligible applicant with a ~~certificate of completion~~ adequate documentation; ~~by completing the form that is available from the Department~~ signing the completion certificate that is on the back of the application for a Concealed Weapons Permit and affixing ~~to the form~~ the stamp or seal described in subsection (B) to the completion certificate.
- H.** The responsible party of an ~~approved~~ authorized firearms-safety training organization shall make the records required under this Section available to the Department upon request.
- I.** No change

R13-9-307. Eligibility for ~~Approval~~ Authorization as a Firearms-safety Instructor

- A. To be eligible for ~~approval~~ authorization as a firearms-safety instructor, an individual shall:
1. Meet the requirements of A.R.S. § ~~13-3112(E)~~ 13-3112(E)(1) through (5) ~~including, without exception, the requirement at A.R.S. § 13-3112(E)(6);~~
 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. Training provided by the NRA that results in ~~rating one of the following certifications as one of the following:~~
 - i. Pistol Instructor and Personal Protection inside the Home Instructor,
 - ii. No change
 - iii. No change
 - iv. No change
 - e. No change
 3. ~~Complete~~ Unless the individual holds NRA instructor certifications in pistol and personal protection, complete an eight-hour, Department-approved Department-authorized, firearms-safety training program provided by an approved authorized firearms-safety training organization or hold a valid ~~concealed weapons permit~~ Concealed Weapons Permit.
- B. The Department shall not ~~approve~~ authorize an individual as a firearms-safety instructor if the individual:
1. Has been convicted of a felony ~~even if the individual's civil rights have been restored or unless the:~~
 - a. The conviction has been expunged, set aside, or vacated or the individual's civil rights have been restored; and
 - b. The individual is not currently a prohibited possessor under state or federal law; or
 2. Has a history of behavior that the Department determines is contrary to the safe and lawful use of a firearm.

R13-9-308. Application for ~~Approval~~ Authorization as a Firearms-safety Instructor

- A. A firearms-safety instructor applicant shall submit to the Department:
1. An original application for ~~approval~~ authorization as a firearms-safety instructor, using a form available from the Department, that includes the following information:
 - a. No change
 - b. No change
 - c. No change
 - d. Social Security number (optional);
 - e. No change
 - f. No change
 - g. No change
 - i. No change
 - ii. No change
 - iii. Is currently under indictment for a felony arrest; ~~or has~~
 - iv. Has ever been convicted of a felony offense and if so, whether the conviction was expunged, set aside, or vacated or whether the applicant's civil rights have been restored;
 - ~~iv-v.~~ No change
 - ~~v-vi.~~ No change
 - ~~vi-vii.~~ No change
 - ~~vii-viii.~~ No change
 - h. No change
 2. ~~A certificate of completion obtained within the last five years from an approved firearms safety training organization or a valid concealed weapons permit; and~~
 3. ~~Documentation of completing one of the firearms-safety training instructor programs listed in R13-9-307(A)(2); and~~
 3. Unless the documentation submitted under subsection (A)(2) shows that the applicant holds NRA instructor certifications in both pistol and personal protection, adequate documentation obtained within the last five years from an authorized firearms-safety training organization or a valid Concealed Weapons Permit.
- B. No change
1. No change
 2. No change
- C. The Department shall determine whether an instructor applicant meets all the requirements of R13-9-307 and notify the instructor applicant that the instructor applicant is ~~approved~~ authorized or not ~~approved~~ authorized as a firearms-safety training instructor.

Notices of Proposed Rulemaking

R13-9-309. Renewal of ~~Approval~~ Authorization as a Firearms-safety Instructor

- A. The ~~approval authorization~~ of a firearms-safety instructor expires as follows:
1. If the firearms-safety instructor holds a valid ~~concealed weapons permit~~ Concealed Weapons Permit, the ~~approval authorization~~ as a firearms-safety instructor expires when the ~~concealed weapons permit~~ Concealed Weapons Permit expires; or
 2. If the firearms-safety instructor does not hold a valid ~~concealed weapons permit~~ Concealed Weapons Permit, the ~~approval authorization~~ as a firearms-safety instructor expires five years from the date of ~~approval authorization~~.
- B. An ~~approved authorized~~ firearms-safety instructor shall submit an original renewal application no more than 90 days before the firearms-safety instructor's ~~approval authorization~~ expires.
- C. If the ~~approval authorization~~ of a firearms-safety instructor expires, the former firearms-safety instructor shall immediately stop providing firearms-safety training. The former firearms-safety instructor may apply again for ~~approval authorization~~ under R13-9-308.
- D. No change
1. No change
 2. No change
 3. Documentation that the firearms-safety instructor instructed or co-instructed at least two firearms-safety training classes within the five years before the firearms-safety instructor's ~~approval authorization~~ expires; and
 4. If the firearms-safety instructor does not have a valid ~~concealed weapons permit~~ Concealed Weapons Permit, two sets of classifiable fingerprints and the fee required under R13-9-102(B).

R13-9-310. Firearms-safety Instructor Responsibilities

- A. To ensure timely communication from the Department, an ~~approved authorized~~ firearms-safety instructor shall provide notice to the Department within 10 days after a change of address or contact telephone number.
- B. If mail from the Department to an ~~approved authorized~~ firearms-safety instructor is returned to the Department because it is undeliverable, the Department shall administratively suspend the firearms-safety instructor's ~~approval authorization~~ until the firearms-safety instructor submits updated information.

ARTICLE 4. CERTIFICATE OF FIREARMS PROFICIENCY

R13-9-402. Application for a Certificate of Firearms Proficiency

To obtain a certificate of firearms proficiency, an applicant who is eligible under R13-9-401 shall submit:

1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. Social Security number (optional);
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
2. No change
3. No change
4. No change
 - a. No change
 - b. No change
 - c. No change
5. No change

R13-9-403. Issuance of a Certificate of Firearms Proficiency

The Department shall issue a certificate of firearms proficiency to an individual who is eligible under R13-9-401 and submits the information and documents required under R13-9-402. The Department shall ensure that the certificate of firearms proficiency contains:

1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
2. No change
3. No change

4. The date of ~~issuance~~ qualification;
5. No change
6. No change

R13-9-404. Renewal of a Certificate of Firearms Proficiency

- A. A certificate of firearms proficiency expires one year after the date of ~~issuance~~ qualification.
- B. No change
- C. No change

ARTICLE 5. LEOSA-RECOGNIZED INSTRUCTORS

R13-9-501. Application for Recognition as a LEOSA Instructor

- A. To be recognized as a LEOSA instructor, an individual shall:
 1. No change
 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. Social Security number (optional), and
 - f. No change
- B. No change

ARTICLE 6. HEARINGS AND DISCIPLINARY PROCEEDINGS

R13-9-601. Suspension and Revocation

- A. No change
- ~~B.~~ B. If an authorized firearms-safety instructor becomes a prohibited possessor under state or federal law, the Department shall immediately suspend the authorization of the firearms-safety instructor.
- ~~B-C.~~ No change
- ~~C-D.~~ C-D. After providing notice and an opportunity for hearing, the Department shall suspend or revoke a permit or Department ~~approval authorization~~ if the Department determines that the permit holder or ~~approved authorized~~ firearms-safety training organization or firearms-safety instructor:
 1. No change
 2. No change
- ~~D-E.~~ D-E. If the Department revokes a permit or ~~approval authorization~~, the affected individual or firearms-safety training organization shall not apply for another permit or ~~approval authorization~~ for at least two years from the date of revocation.
- ~~E-F.~~ E-F. If the Department determines that emergency action is required to suspend a permit or Department ~~approval authorization~~, the Department shall send a notice of summary suspension by certified mail to the last known address of the individual or firearms-safety training organization. The Department shall ensure that the notice includes all requirements under A.R.S. § 41-1092 et seq.
- ~~F-G.~~ F-G. Upon receipt of a notice of a summary suspension or final administrative decision suspending or revoking a permit or ~~approval authorization~~:
 1. No change
 2. The firearms-safety instructor shall immediately stop conducting firearms-safety training, and a firearms-safety training organization shall ensure that a suspended or revoked firearms-safety instructor teaching for the organization immediately stops conducting firearms-safety training for applicants for ~~concealed weapons permits~~ Concealed Weapons Permits; and
 3. The firearms-safety training organization shall immediately stop sponsoring firearms-safety training for applicants for ~~concealed weapons permits~~ Concealed Weapons Permits.
- ~~G-H.~~ G-H. No change