

**Department of State**  
**Division of Publications**  
 312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower  
 Nashville, TN 37243  
 Phone: 615-741-2650  
 Email: [publications.information@tn.gov](mailto:publications.information@tn.gov)

**For Department of State Use Only**

Sequence Number: 06-09-23  
 Notice ID(s): 3663  
 File Date: 6/7/2023

# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Department of Safety
<b>Division:</b>	Administrative
<b>Contact Person:</b>	Elizabeth Stroecker
<b>Address:</b>	312 Rosa L. Parks Ave., Nashville, TN 37243
<b>Phone:</b>	615-712-1525
<b>Email:</b>	Elizabeth.Stroecker@tn.gov

*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	Elizabeth Stroecker
<b>Address:</b>	312 Rosa L. Parks Ave., Nashville, TN 37243
<b>Phone:</b>	615-712-1525
<b>Email:</b>	Elizabeth.Stroecker@tn.gov

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	1150 Foster Avenue		
Address 2:	McCord Hall Building Hearing Room 108		
City:	Nashville		
Zip:	37243		
Hearing Date:	08/08/2023		
Hearing Time:	2:00pm	<input checked="" type="checkbox"/> X CST/CDT <input type="checkbox"/> EST/EDT	

**Additional Hearing Information:**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NDg4NDk5N2QtMmQ1OS00ZjhlLWE0ZTUyYzU5ODNhYTUyODcx%40thread.v2/0?content=%7b%22id%22%3a%22f345bebf-0d71-4337-9281-24b941616c36%22%2c%22oid%22%3a%223e65be46-f4e6-4e59-a553-6097b28641fd%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDg4NDk5N2QtMmQ1OS00ZjhlLWE0ZTUyYzU5ODNhYTUyODcx%40thread.v2/0?content=%7b%22id%22%3a%22f345bebf-0d71-4337-9281-24b941616c36%22%2c%22oid%22%3a%223e65be46-f4e6-4e59-a553-6097b28641fd%22%7d)

**Revision Type (check all that apply):**

☐ Amendment  
☒ New  
☐ Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

<b>Chapter Number</b>	<b>Chapter Title</b>
1340-02-06	Department of Safety Approved Concealed Carry Permit Program
<b>Rule Number</b>	<b>Rule Title</b>
1340-02-06-.01	Purpose and Scope
1340-02-06-.02	Definitions
1340-02-06-.03	Electronic, video, or online school requirements
1340-02-06-.04	Certificate of completion for students
1340-02-06-.05	Suspension, Revocation, or Denial of Certification

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

These rules are being created to comply with TCA §39-17-1366. The Department is responsible for administering the concealed handgun carry permit program and approving vendors/organizations to be able to teach the concealed handgun carry permit course. These rules outline those requirements to become an approved vendor and course.

## **RULES OF DEPARTMENT OF SAFETY**

### **CHAPTER 1340-02-06 DEPARTMENT OF SAFETY APPROVED CONCEALED CARRY PERMIT PROGRAM**

#### **Table of Contents**

- 1340-02-06-.01 Purpose and Scope
- 1340-02-06-.02 Definitions
- 1340-02-06-.03 Electronic, video, or online school requirements
- 1340-02-06-.04 Certificate of completion for students
- 1340-02-06-.05 Suspension, Revocation, or Denial of Certification

#### **1340-02-06-.01 Purpose and Scope.**

To establish uniform, statewide, minimum standards for the acceptance and certification of the Concealed Carry Permit Courses and instructors for non-police residents of Tennessee, and the approval of those programs under the provisions of T.C.A. §39-17-1366.

**Authority:** T.C.A. §§4-3-2009 and 39-17-1366.

#### **1340-02-06-.02 Definitions.**

- (1) Audit – A Department inspection of the course to include all tests/quizzes, audio/visual, print, and other instructional materials presented as part of the curriculum.
- (2) Commissioner - The Commissioner of the Tennessee Department of Safety and Homeland Security.
- (3) Concealed Carry Course – A course of instruction outlined herein which provides education in the fundamentals of handgun safety and the use and operation of handguns for non-police residents of Tennessee.
- (4) Concealed Carry Online Course – A course of instruction conducted online, outlined herein which provides education in the fundamentals of handgun safety and the use and operation of handguns
- (5) Department - The Tennessee Department of Safety and Homeland Security.
- (6) Director - A person designated by the commissioner to plan, organize and administer the Handgun Carry Permit Safety Program.
- (7) Instructor - An individual, either approved by the Department to conduct a Handgun Safety Course for private entities, an individual credentialed by a private organization that specializes in firearms training and safety, or a full-time, salaried, Police Officer Standards and Training Commission (POST) certified law enforcement officer approved as a firearm instructor by the chief administrative officer of his or her agency and who conducts Handgun Safety Courses for their agency or another public Handgun Safety School.
- (8) Organization specializing in firearms training and safety – A nationally recognized club, business, or other institution who specialize in training and education related to firearms and firearms safety.

- (9) Student - Any person enrolled in a Concealed Handgun Safety School.

**Authority:** T.C.A. §§4-3-2009 and 39-17-1366.

**1340-02-06-.03 Electronic, video, or online school requirements.**

- (1) The Department shall determine that a firearms training or safety course, whether in person or online, meets the requirements of TCA § 39-17-1366 (b)(4)(A)(vii) if it contains the following:
- (a) Conveys the basic knowledge and skills necessary for safe handling and storage of firearms and ammunition, firearm safety rules, handgun uses, features, basic skills and techniques, safe cleaning, transportation, and storage methods;
    - 1. Includes the four (4) basic rules of handling a firearm;
    - 2. Covers proper storage to include inside of vehicles;
    - 3. Identifies basic features of handguns;
    - 4. Discusses basic marksmanship skills;
    - 5. Demonstrates safe cleaning techniques; and
    - 6. Covers state and federal laws related to transporting firearms;
  - (b) Conveys the current state laws on carrying handguns;
    - 1. Explains the difference between the Enhanced Carry Permit and the Concealed Carry Permit
    - 2. Explains the areas where a permit is required to carry a handgun
    - 3. Discusses self defense, in that course curriculums will not condone the use of force against law enforcement officers; and
    - 3. Discusses liabilities.
  - (c) Is at least ninety (90) minutes in length, not including the time to take the test;
  - (d) Includes a test or quiz that confirms competency of the course; and
  - (e) Provides a printable certificate of course or class completion.
- (2) Any school wishing to be a third-party vendor for electronic, video, or online school must complete and submit a Department Concealed Carry Permit application. Schools applying for certification with the Department must provide a means for a Department Inspector to audit the course annually. After the initial audit is completed, the Department assigns a registration number to each school.
- (a) Initial audits will ensure the following:
    - 1. That all required material per 1340-02-06-.03 (1) is covered;
    - 2. That material presented is not inappropriate. Inappropriate material may include:
      - (i) Material that solicits the student to purchase a product or service;
      - (ii) Material that is offensive in nature;
      - (iii) Material that is not relevant to Tennessee handgun carry laws; or,

- (iv) Material that supports using force against law enforcement officials.
- 3. That passing the test is required; and,
- 4. That after successful completion of the course and test, a certificate is able to be printed.
- (b) Annual audits will ensure:
  - 1. That all required material per 1340-02-06-.03 (1) is covered;
  - 2. That laws covered have been appropriately updated;
  - 3. That material presented is not inappropriate;
  - 4. That passing the test is required; and,
  - 5. That after successful completion of the course and test, a certificate is able to be printed.
- (c) The Director will make the final determination of whether the third-party vendor may be certified to provide the Concealed Carry Permit course, in accordance with all state laws and the rules set herein.
- (3) By completing any other firearms training that the Department deems adequate.

**Authority:** T.C.A. §§4-3-2009 and 39-17-1366.

**1340-02-06-.04 Certificate of Completion for Students.**

- (1) Students who complete any Concealed Carry Permit course shall be issued a certificate of completion.
- (2) Course certificates must include:
  - (a) Student name;
  - (b) Safety School Name and Department issued ID number, if required;
  - (c) Instructor name and Department issued ID number, if required; and
  - (d) Date of course or class.

**Authority:** T.C.A. §§4-3-2009 and 39-17-1366.

**1340-02-06-.05 Suspension, Revocation, or Denial of Certification.**

- (1) The Commissioner, or designee, may, upon receipt of satisfactory evidence, suspend, revoke, refuse to issue, or refuse to renew the certification of a Concealed Carry Safety Course or handgun instructor if:
  - (a) The holder of any certificate fails to comply with the provisions of the rules and regulations of the Department or any associated state statute;
  - (b) The holder of any certification has made a false statement or has concealed a material fact in connection with their application;
  - (c) The holder of any certification has been guilty of a fraudulent practice in attempting to obtain for themselves or another certification;
  - (d) Written notice of the cancellation of insurance or bond required by the regulation is received by the Department and the certificate holder does not present satisfactory

- evidence of financial responsibility to the Department prior to the effective date of the cancellation;
- (e) The holder of any certification engages in illegal, unsafe, or other behavior that the Director deems as unprofessional; or
  - (f) The holder of any certification fails to maintain the minimum standards established herein.
- (2) Any suspension, revocation or denial of certification issued for violation of these rules and regulations shall be governed by the contested case provisions of the T.C.A. Uniform Administrative Procedures Act.
- (a) A proposed suspension may be initiated if the Department finds any violation set forth in these rules and regulations.
    - (i) If any violations of these rules and regulations are found, the Department shall notify the certificate holder of the violation in writing. The certificate holder shall have thirty (30) days from the date of the notice to show satisfactory compliance to the Program Director or designated Department representative.
    - (ii) If, after thirty (30) days from the date of the violation notice, the certificate holder has failed to comply with the rules and regulations set forth, the Department shall issue a Notice of Proposed Suspension by mail to the certificate holder advising the holder of the reason for this action or intended action of the Department and of the opportunity for an administrative hearing before a hearing officer. The Administrative Hearing request must be submitted in writing to the Department within thirty (30) days from receipt of the Notice of Proposed Suspension.
    - (iii) The Department shall provide the certificate holder a hearing before a hearing officer on the date and time specified in the notice. The sole issue to be considered is whether the certificate holder violated any rules set forth in these rules and regulations. An Initial Order will be entered by the hearing officer within thirty (30) days of the completed hearing. If the certificate holder fails to request a hearing or fails to appear for the administrative hearing, the hearing officer will issue an Initial Order of Suspension.
    - (iv) If the hearing officer upholds the findings of the Department, an Initial Order of Suspension will be issued, and a copy will be mailed to the certificate holder.
  - (b) A summary suspension shall be initiated against the certificate holder if the Department finds that public health, safety, or welfare imperatively requires emergency action.
    - (i) Prior to the institution of the Department proceedings, the Department shall give notice by mail to the certificate holder of the fact or conduct that warrants the intended action, and it will state that the certificate holder shall be given an opportunity to show compliance with all lawful requirements for retention of the license. If the Department finds that public health, safety, or welfare imperatively requires emergency action, a summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.
    - (ii) In issuing an Order of Summary Suspension, the Department shall use one (1) of the following procedures:
      - (A) The Department shall issue a notice to the certificate holder providing an opportunity for a prompt hearing, review, or conference before the Program Director prior to the issuance of an Order of Summary Suspension; or

- (B) The Department shall proceed with the summary suspension and notify the certificate holder of the opportunity for a hearing before the Director within seven (7) business days of the issuance of the Order of Summary Suspension.
- (c) The notice provided to the certificate holder may be provided by any reasonable means. It shall inform the certificate holder of the reason for the action or intended action of the agency and of the opportunity for an informal hearing, review, or conference before the Program Director. The informal hearing, review, or conference described by this section shall not be required to be held under the contested case provisions of the Uniform Administrative Procedures Act. The hearing, review, or conference is intended to provide a reasonable opportunity for the certificate holder to present the holder's version of the situation to the Program Director. Whether the hearing, review, or conference is held before or after an Order of Summary Suspension, the sole issue to be considered is whether the public health, safety, or welfare imperatively required emergency action by the Department.

**Authority:** T.C.A. §§4-3-2009 and 39-17-1366.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: June 7, 2023

Signature: *Elizabeth R. Stroecker*

Name of Officer: Elizabeth Stroecker

Title of Officer: Director of Legislation

**Department of State Use Only**

Filed with the Department of State on: 6/7/2023



Tre Hargett  
Secretary of State

**RECEIVED**

Jun 07 2023, 12:32 pm

Secretary of State  
Division of Publications