CHAPTER 7501
DEPARTMENT OF PUBLIC SAFETY
BUREAU OF CRIMINAL APPREHENSION
PRELIMINARY SCREENING BREATH TEST DEVICES

7501.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of this chapter, the following terms shall have the meanings given.

Subp. 2. **Blood-alcohol concentration.** "Blood-alcohol concentration" means the percent by weight of alcohol in the blood, as defined by the number of grams of alcohol in 100 milliliters of blood.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of public safety of the state of Minnesota.

Subp. 4. **Manufacturer.** "Manufacturer" means a manufacturer, dealer, distributor, or supplier of a screening device offered for sale to law enforcement agencies in the state of Minnesota.

Subp. 5. **Negative result.** "Negative result" means a test of an individual by means of a screening device which indicates a blood-alcohol concentration of less than 0.10 percent by weight.

Subp. 6. **Positive result.** "Positive result" means a test of an individual by means of a screening device which indicates a blood-alcohol concentration of 0.10 percent by weight or greater.

Subp. 7. **Screening device.** "Screening device" means a device that by analysis of a sample of breath will indicate whether the blood-alcohol concentration of an individual tested is greater or less than 0.10 percent by weight.

Statutory Authority: *MS s 169.121 subd 6; 169.128*

7501.0200 PURPOSE AND SCOPE.

The purpose of parts 7501.0100 to 7501.0800 is to establish standards and minimum specifications for preliminary screening breath test devices, to be used pursuant to the provisions of Minnesota Statutes, section 169.121, subdivision 6.

Statutory Authority: *MS s 169.121 subd 6; 169.128*

7501.0300 MINIMUM STANDARDS AND SPECIFICATIONS.

All screening devices used pursuant to Minnesota Statutes, section 169.121, subdivision 6, shall meet the following minimum standards and specifications:

A. Accuracy of the screening device shall remain consistent during a storage life of one year from the date of purchase, at storage temperatures ranging between minus 30 degrees Fahrenheit to 120 degrees Fahrenheit.

B. The reading of a screening device after a sample of breath is properly taken shall be ascertainable under reduced levels of illumination.

C. Operation of the screening device must be simple, so that operators can be trained to use the screening device with four hours or less of formal instruction.

D. Each individual screening device must be packaged with a complete set of instructions as to how the device is to be properly used for taking and analyzing a sample of breath.

E. When a sample of breath is properly taken from a person with an actual blood-alcohol concentration of 0.05 percent or less by weight, the screening device shall not indicate a positive result.

F. When a sample of breath is properly taken from a person with an actual blood-alcohol concentration of 0.13 percent or greater by weight, the screening device shall not indicate a negative result.

G. Other than as limited in items E and F, when a sample of breath is properly taken from a person with an actual blood-alcohol concentration of 0.06 percent to 0.12 percent by weight, the screening device shall not have a deviation greater than ± 0.02 percent blood-alcohol concentration.

H. A screening device that is disposable after a single use, and of which the accuracy will be affected by storage, must be labelled with an expiration date.

Statutory Authority: *MS s 169.121 subd 6; 169.128*

7501.0400 APPLICATION FOR APPROVAL, REQUIRED INFORMATION.

In each application submitted to the commissioner for approval of a screening device, the following information shall be included:

A. the name of the manufacturer, and the brand or trade name under which such screening device is to be marketed;

B. the maximum and minimum temperatures, at which the screening device may be used and still provide an accurate result of the blood-alcohol concentration;

C. a description of the screening device, the theory under which it operates, and instructions for its use; and

D. a certification from a nationally recognized independent testing laboratory that the screening device meets the minimum specifications and standards as set out by part 7501.0300.

Statutory Authority: *MS s 169.121 subd 6; 169.128*

7501.0500 APPLICATION FOR APPROVAL, SAMPLES REQUIRED.

Each application submitted to the commissioner for approval of a screening device shall include:

A. in the case of a screening device disposable after one use, 50 samples of such device for use by the commissioner to verify that the information contained in the application for approval is correct;

B. in the case of a screening device not disposable after one use, one such device with such disposable components or other materials sufficient to conduct 50 tests of breath, with the screening device to be returned to the manufacturer after verification by the commissioner of the information contained in the application.

Statutory Authority: *MS s 169.121 subd 6; 169.128*

7501.0600 CERTIFICATE OF APPROVAL.

When the manufacturer of a screening device has complied with the provisions of parts 7501.0400 and 7501.0500, and it appears to the satisfaction of the commissioner that the screening device submitted complies with the minimum standards and specifications set out by part 7501.0300, the commissioner may issue a certificate of approval. The commissioner shall act upon all applications within 60 days unless other arrangements are made with the manufacturer. The manufacturer shall include in all shipments of his device a

copy of or reference to the Department of Public Safety certificate of approval.

Statutory Authority: *MS s 169.121 subd 6; 169.128*

7501.0700 DURATION OF APPROVAL.

Approval of a screening device issued pursuant to part 7501.0600 shall remain in force and effect for a period of two years, except that such approval may be revoked by the commissioner when:

A. The manufacturer changes the design or components of a screening device already approved. It shall be the duty of the manufacturer to inform the commissioner of any changes in the components or design.

B. It appears to the commissioner that such screening device does not currently meet the minimum standards and specifications required by the provisions of part 7501.0300.

Statutory Authority: *MS s 169.121 subd 6; 169.128*

7501.0800 RECERTIFICATION.

If a certificate of approval issued pursuant to part 7501.0600 expires or is revoked by the commissioner, a new certificate of approval will be issued only after compliance by the manufacturer with the provisions of parts 7501.0400 and 7501.0500.

Statutory Authority: *MS s 169.121 subd 6; 169.128*