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 have the meanings given them in this part.

Subp. 2. **Alcohol concentration.** "Alcohol concentration" means the number of grams of alcohol in 210 liters of breath.

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

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

Subp. 6. **Positive result.** "Positive result" means a test of an individual by means of a screening device that indicates an alcohol concentration of 0.10 or more.

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

Statutory Authority: *MS s 169 121 subd 6; 169 128*

History: *10 SR 2512*

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 Minnesota Statutes, section 169.121, subdivision 6.

Statutory Authority: *MS s 169 121 subd 6; 169 128*

History: *10 SR 2512*

7501.0300 MINIMUM STANDARDS AND SPECIFICATIONS.

Screening devices used pursuant to Minnesota Statutes, section 169.121, subdivision 6, must meet the following minimum standards and specifications:

A. Accuracy of the screening device must 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 must be ascertainable under reduced levels of illumination. The screening device must not indicate numerical results when the test result is positive.

C. Operation of the screening device must be simple enough that opera-

tors 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 alcohol concentration of 0.05 or less, the screening device must not indicate a positive result.

F. When a sample of breath is properly taken from a person with an actual alcohol concentration of 0.13 or more, the screening device must 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 alcohol concentration of 0.06 to 0.12, the screening device must not have a deviation greater than ± 0.02 alcohol concentration.

H. A screening device intended to perform more than one test and requiring periodic calibration must, once calibrated, retain its calibration within ± 0.01 alcohol concentration for a minimum of seven days when tested daily.

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

Statutory Authority: *MS s 169 121 subd 6; 169 128*

History: *10 SR 2512*

7501.0400 APPLICATION FOR APPROVAL, REQUIRED INFORMATION.

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

A. the name of the manufacturer, and the brand or trade name under which the 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 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*

History: *10 SR 2512*

7501.0500 APPLICATION FOR APPROVAL, SAMPLES REQUIRED.

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

A. in the case of a screening device disposable after one use, 50 samples of the 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 device with 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*

History: *10 SR 2512*

7501.0600 CERTIFICATE OF APPROVAL.

When the manufacturer of a screening device has complied with parts 7501.0400 and 7501.0500, and the commissioner is satisfied 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 applications within 120 days unless other arrangements are made with the manufacturer. The manufacturer shall include in shipments of a 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*

History: *10 SR 2512*

7501.0700 DURATION OF APPROVAL.

Approval of a screening device issued pursuant to part 7501.0600 remains effective until revoked. Approval may be revoked by the commissioner when.

A. The manufacturer changes the design or components of a screening device already approved. The manufacturer shall inform the commissioner of any changes in the components or design. The manufacturer shall supply supportive documentation that the changes will not affect the ability of the device to comply with part 7501.0300.

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

Statutory Authority: *MS s 169 121 subd 6, 169.128*

History: *10 SR 2512*

7501.0800 RECERTIFICATION.

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

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

History: *10 SR 2512*