CHAPTER 7501
DEPARTMENT OF PUBLIC SAFETY
INTOXICATION TESTING; 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. [Repealed, 21 SR 1214]

Subp. 6. [Repealed, 21 SR 1214]

Subp. 7. **Screening device.** "Screening device" means a device that by analysis of a sample of breath will indicate the alcohol concentration of the individual tested.

Statutory Authority: *MS s 169.121; 169.128; 169A.75*

History: *10 SR 2512; 21 SR 1214; L 2000 c 478 art 2 s 7*

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 169A.41.

Statutory Authority: *MS s 169.121; 169.128; 169A.41; 169A.75*

History: *10 SR 2512; L 2000 c 478 art 2 s 7*

7501.0300 MINIMUM STANDARDS AND SPECIFICATIONS.

Screening devices used pursuant to Minnesota Statutes, section 169A.41, 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.

C. Operation of the screening device must be simple enough 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 calibrated and used for taking and analyzing a sample of breath.

E. When a sample of breath is properly taken from an alcohol-free individual, the screening device must not indicate that alcohol is present.

F. When a sample of breath is properly taken from an individual with an actual alcohol concentration of 0.02 or greater, the screening device must not have a deviation greater than plus or minus 0.015 alcohol concentration.

G. A screening device intended to perform more than one test and requiring periodic calibration must, once calibrated, retain its calibration within plus or minus 0.010 alcohol concentration for a minimum of 14 days.

H. 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; 169.128; 169A.75*

History: *10 SR 2512; 21 SR 1214; L 2000 c 478 art 2 s 7*

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; 169.128; 169A.41; 169A.75*

History: *10 SR 2512; L 2000 c 478 art 2 s 7*

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, two devices 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; 169.128; 169A.75*

History: *10 SR 2512; 21 SR 1214; L 2000 c 478 art 2 s 7*

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; 169.128; 169A.41; 169A.75*

History: *10 SR 2512; L 2000 c 478 art 2 s 7*

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; 169.128; 169A.41; 169A.75*

History: *10 SR 2512; L 2000 c 478 art 2 s 7*

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; 169.128; 169A.41; 169A.75*

History: *10 SR 2512; L 2000 c 478 art 2 s 7*

7501.0900 LIST OF APPROVED SCREENING DEVICES.

The following screening devices are approved for use in this state:

Manufacturer	Model
Intoximeters, Inc.	Alco Sensor
Intoximeters, Inc.	Alco Sensor III
Intoximeters, Inc.	Alco Sensor IV
Intoximeters, Inc.	RBT IV (Alco Sensor IV with RBT printer microprocessor)
Intoximeters, Inc.	Alco Sensor FST
Lion Laboratories, Ltd.	S-L2
Lion Laboratories, Ltd.	S-L2s
CMI, Inc.	S-D2
CMI, Inc.	S-D5
Lifeloc Technologies, Inc.	FC10
Lifeloc Technologies, Inc.	FC10Plus
Lifeloc Technologies, Inc.	FC20
Draeger Safety Diagnostics, Inc.	Alcotest 6510

Statutory Authority: *MS s 169A.75*

History: *28 SR 397; 30 SR 29*