CHAPTER 7502
DEPARTMENT OF PUBLIC SAFETY
INTOXICATION TESTING; TRAINING

7502.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Administer.** "Administer" means the collection of a specimen of blood, breath, or urine from a person for the purpose of analyzing the specimen to determine alcohol concentration.

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

Subp. 4. **Interpret or evaluate.** "Interpret or evaluate" means to derive an alcohol concentration reading from analysis of a sample of blood, breath, or urine. For an Intoxilyzer 5000 test, "interpret or evaluate" means reading the reported numerical value resulting from analyses of the breath samples.

Subp. 5. **Peace officer.** "Peace officer" means a person described by Minnesota Statutes, section 169A.03, subdivision 18.

Statutory Authority: *MS s 169.128; 169A.75*
History: *8 SR 2186; L 2000 c 478 art 2 s 7*

7502.0200 PURPOSE AND SCOPE.

The purpose of this chapter is to establish minimum standards for administering and interpreting a test for intoxication at the direction of a peace officer, pursuant to the provisions of Minnesota Statutes, section 169A.52.

Statutory Authority: *MS s 169.128; 169A.75*
History: *8 SR 2186; L 2000 c 478 art 2 s 7*

7502.0300 PERSONS ADMINISTERING BLOOD TESTS.

A person who has been trained as a physician, registered nurse, medical technologist, medical technician, physician's trained mobile intensive care paramedic, or laboratory assistant may administer a blood test.

Statutory Authority: *MS s 169.128; 169A.75*
History: *8 SR 2186; L 2000 c 478 art 2 s 7*

7502.0400 PERSONS ADMINISTERING OR EVALUATING BREATH TESTS.

Any person who has satisfactorily completed a course given or approved by the commissioner or acting agents in the use of an instrument specially manufactured to analyze a specimen of breath to determine the alcohol concentration may administer a breath test at the direction of a peace officer. After completion of the described course such person may be required to periodically demonstrate, to the commissioner or duly authorized and acting agents, competence to satisfactorily operate the instrument.

Statutory Authority: *MS s 169.128; 169A.75*
History: *8 SR 2186; 17 SR 1279; L 2000 c 478 art 2 s 7*

7502.0410 METHODS OF ANALYZING BREATH SAMPLES.

Breath samples must be tested for alcohol concentration using procedures approved and certified to be valid and reliable testing procedures by the director, Forensic Science Laboratory, Bureau of Criminal Apprehension, Department of Public Safety of the state of Minnesota.

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

History: *8 SR 2186; L 2000 c 478 art 2 s 7*

7502.0420 INSTRUMENTS FOR ANALYZING BREATH SAMPLES.

Subpart 1. [Repealed, 28 SR 397]

Subp. 2. **Intoxilyzer 5000.** The Intoxilyzer 5000 instrument, which uses infrared technology, is approved for use in this state for the purpose of determining the alcohol concentration of a breath sample.

Subp. 3. **Intoxilyzer 5000EN; list of approved instruments.** The following instruments are approved for use in this state for the purpose of determining the alcohol concentration of a breath sample:

Manufacturer	Model	Specifications
CMI, Inc.	Intoxilyzer 5000EN	Software Version G1408.43 and Slave 75_0037
CMI, Inc.	Intoxilyzer 5000EN	Software Version G1408.55 and Slave 75_0037
CMI, Inc.	Intoxilyzer 5000EN	Software Version G1408.56 and Slave 75_0240

Statutory Authority: *MS s 14.388; 169.128; 169A.75*

History: *8 SR 2186; L 2000 c 478 art 2 s 7; 26 SR 491; 28 SR 397; 28 SR 1641*

7502.0430 INTOXILYZER 5000.

Subpart 1. **Breath test.** In the case of a test administered using the Intoxilyzer 5000, a breath test consists of two separate, adequate breath samples, each of which is analyzed separately in the sequence: breath, standard, breath. Failure of a person to provide two separate, adequate breath samples constitutes a refusal, unless the failure is the result of physical inability to provide a sample, in which case a sample of blood or urine must be provided by the person.

Subp. 2. **Adequate sample.** In the case of a test administered using the Intoxilyzer 5000, a sample accepted as valid by the instrument is considered adequate.

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

History: *8 SR 2186; L 2000 c 478 art 2 s 7*

7502.0500 PERSONS ADMINISTERING URINE TESTS.

Any person may administer a urine test.

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

History: *8 SR 2186; L 2000 c 478 art 2 s 7*

7502.0600 PERSONS INTERPRETING BLOOD OR URINE TESTS.

A person who meets the educational and occupational standards in items A and B may interpret blood or urine tests:

A. educational qualifications: a bachelor's or higher degree in chemistry, biochemistry, biology, biological sciences, pharmacology, criminalistics, forensic science, toxicology, or medical technology;

B. occupational qualifications: employment or self-employment as a criminalist, crime laboratory analyst, forensic scientist, toxicologist, pathologist, chemist, bio-

chemist, medical technologist, medical laboratory technician, or medical laboratory assistant.

Statutory Authority: *MS s 14.06; 169.128; 169A.75; 299A.01*

History: *8 SR 2186; 15 SR 1123; L 2000 c 478 art 2 s 7*

7502.0700 METHODS OF ANALYZING BLOOD OR URINE SAMPLES.

Blood and urine samples must be tested for alcohol using only procedures approved and certified to be valid and reliable testing procedures by the director, Forensic Science Laboratory, Bureau of Criminal Apprehension, Minnesota Department of Public Safety, based upon one of the following quantitative methods:

A. gas chromatography;

B. alcohol dehydrogenase reaction;

C. microdiffusion; or

D. oxidation of distillate with potassium dichromate.

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

History: *8 SR 2186; L 2000 c 478 art 2 s 7*