

CHAPTER 7502
DEPARTMENT OF PUBLIC SAFETY
INTOXICATION TESTING; TRAINING

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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. 2a. **Breath test instrument.** "Breath test instrument" means infrared or other approved breath-testing instrument as defined in Minnesota Statutes, section 169A.03, subdivision 11.

Subp. 2b. **Certified operator.** "Certified operator" means a person who has completed a specialized training program in the administration of a breath test using an approved breath test instrument and been issued a certification number by the commissioner.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of public safety or a designee.

Subp. 4. [Repealed, 35 SR 2014]

Subp. 5. [Repealed, 35 SR 2014]

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

History: *8 SR 2186; L 2000 c 478 art 2 s 7; 35 SR 2014*

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

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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.

Subpart 1. **Breath test procedures.** Breath samples must be tested for alcohol concentration using procedures approved by the director, Forensic Science Laboratory, Bureau of Criminal Apprehension, Department of Public Safety.

Subp. 2. **Approved software.** Breath test samples must be tested for alcohol concentration using a breath test instrument that employs software that has been approved by the director, Forensic Science Laboratory, Bureau of Criminal Apprehension, Department of Public Safety.

Subp. 3. **Operation of instrument.** Breath test instruments must be operated by a certified operator.

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

History: *8 SR 2186; L 2000 c 478 art 2 s 7; 35 SR 2014*

7502.0420 Subpart 1. [Repealed, 28 SR 397]

Subp. 2. [Repealed, 35 SR 2014]

Subp. 3. [Repealed, 35 SR 2014]

7502.0425 INSTRUMENTS FOR ANALYZING BREATH SAMPLES.

Subpart 1. **Intoxilyzer 5000EN.** The Intoxilyzer 5000EN, that employs infrared technology, is approved by the commissioner for use in this state for the purpose of determining the alcohol concentration of a breath sample.

Subp. 2. **DataMaster DMT-G with Fuel Cell Option.** The DataMaster DMT-G with Fuel Cell Option is approved by the commissioner for the purpose of determining the alcohol concentration of a breath sample, provided that the sample is analyzed using either the unit's infrared technology or the unit's infrared technology in conjunction with its fuel cell technology.

Subp. 3. **DataMaster DMT-G with Rev A Fuel Cell Option.** The DataMaster DMT-G with Rev A Fuel Cell Option is approved by the commissioner for the purpose of determining the alcohol concentration of a breath sample, provided that the sample is analyzed using either the unit's infrared technology or the unit's infrared technology in conjunction with its fuel cell technology.

Statutory Authority: *MS s 169A.75*

History: *35 SR 2014; 36 SR 1104*

7502.0430 [Repealed, 35 SR 2014]

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;

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