

CHAPTER 7502
DEPARTMENT OF PUBLIC SAFETY
INTOXICATION TESTING; TRAINING

7502.0100 DEFINITIONS.

7502.0425 INSTRUMENTS FOR ANALYZING BREATH
SAMPLES.

7502.0410 METHODS OF ANALYZING BREATH SAMPLES.

7502.0100 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

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 [Repealed, 35 SR 2014]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 [Repealed, 35 SR 2014]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 169A.75*

History: *35 SR 2014*

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 169A.75*

History: *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 [Repealed, 28 SR 397]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 [Repealed, 35 SR 2014]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 [Repealed, 35 SR 2014]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.

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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]