

1 Department of Public Safety

2

3 Adopted Rules Relating to Preliminary Screening Breath Test

4 Devices

5

6 Rules as Adopted

7 7501.0100 DEFINITIONS.

8 Subpart 1. **Scope.** For purposes of this chapter, the  
9 following terms have the meanings given them in this part.

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

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

14 Subp. 4. **Manufacturer.** "Manufacturer" means a  
15 manufacturer, dealer, distributor, or supplier of a screening  
16 device offered for sale to law enforcement agencies in Minnesota.

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

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

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

27 7501.0200 PURPOSE AND SCOPE.

28 The purpose of parts 7501.0100 to 7501.0800 is to establish  
29 standards and minimum specifications for preliminary screening  
30 breath test devices, to be used pursuant to Minnesota Statutes,  
31 section 169.121, subdivision 6.

32 7501.0300 MINIMUM STANDARDS AND SPECIFICATIONS.

33 Screening devices used pursuant to Minnesota Statutes,  
34 section 169.121, subdivision 6, must meet the following minimum

1 standards and specifications:

2           A. Accuracy of the screening device must remain  
3 consistent during a storage life of one year from the date of  
4 purchase, at storage temperatures ranging between minus 30  
5 degrees Fahrenheit to 120 degrees Fahrenheit.

6           B. The reading of a screening device after a sample  
7 of breath is properly taken must be ascertainable under reduced  
8 levels of illumination. The screening device must not indicate  
9 numerical results when the test result is positive.

10           C. Operation of the screening device must be simple  
11 enough that operators can be trained to use the screening device  
12 with four hours or less of formal instruction.

13           D. Each individual screening device must be packaged  
14 with a complete set of instructions as to how the device is to  
15 be properly used for taking and analyzing a sample of breath.

16           E. When a sample of breath is properly taken from a  
17 person with an actual alcohol concentration of 0.05 or less, the  
18 screening device must not indicate a positive result.

19           F. When a sample of breath is properly taken from a  
20 person with an actual alcohol concentration of 0.13 or more, the  
21 screening device must not indicate a negative result.

22           G. Other than as limited in items E and F, when a  
23 sample of breath is properly taken from a person with an actual  
24 alcohol concentration of 0.06 to 0.12, the screening device must  
25 not have a deviation greater than  $\pm 0.02$  alcohol concentration.

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

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

33 7501.0400 APPLICATION FOR APPROVAL, REQUIRED INFORMATION.

34           In each application submitted to the commissioner for  
35 approval of a screening device, the following information must

1 be included:

2           A. the name of the manufacturer, and the brand or  
3 trade name under which the screening device is to be marketed;

4           B. the maximum and minimum temperatures at which the  
5 screening device may be used and still provide an accurate  
6 result of the alcohol concentration;

7           C. a description of the screening device, the theory  
8 under which it operates, and instructions for its use; and

9           D. a certification from a nationally recognized  
10 independent testing laboratory that the screening device meets  
11 the minimum specifications and standards as set out by part  
12 7501.0300.

13 7501.0500 APPLICATION FOR APPROVAL, SAMPLES REQUIRED.

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

16           A. in the case of a screening device disposable after  
17 one use, 50 samples of the device for use by the commissioner to  
18 verify that the information contained in the application for  
19 approval is correct;

20           B. in the case of a screening device not disposable  
21 after one use, one device with disposable components or other  
22 materials sufficient to conduct 50 tests of breath, with the  
23 screening device to be returned to the manufacturer after  
24 verification by the commissioner of the information contained in  
25 the application.

26 7501.0600 CERTIFICATE OF APPROVAL.

27           When the manufacturer of a screening device has complied  
28 with parts 7501.0400 and 7501.0500, and the commissioner is  
29 satisfied that the screening device submitted complies with the  
30 minimum standards and specifications set out by part 7501.0300,  
31 the commissioner may issue a certificate of approval. The  
32 commissioner shall act upon applications within 120 days unless  
33 other arrangements are made with the manufacturer. The  
34 manufacturer shall include in shipments of a device a copy of or  
35 reference to the Department of Public Safety certificate of

1 approval.

2 7501.0700 DURATION OF APPROVAL.

3 Approval of a screening device issued pursuant to part  
4 7501.0600 remains effective until revoked. Approval may be  
5 revoked by the commissioner when:

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

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

15 7501.0800 RECERTIFICATION.

16 If a certificate of approval issued pursuant to part  
17 7501.0600 is revoked by the commissioner, a new certificate of  
18 approval will be issued only after compliance by the  
19 manufacturer with parts 7501.0400 and 7501.0500.