

Dear Senators LAKEY, Lee, Burgoyne, and  
Representatives CHANEY, Gannon:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of  
the Idaho State Police:

IDAPA 11.03.01 - Rules Governing Alcohol Testing - Proposed Rule (Docket No. 11-0301-1901).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 12/03/2019. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 01/03/2020.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Judiciary, Rules & Administration Committee

**FROM:** Principal Legislative Drafting Attorney - Ryan Bush

**DATE:** November 13, 2019

**SUBJECT:** Idaho State Police

IDAPA 11.03.01 - Rules Governing Alcohol Testing - Proposed Rule (Docket No. 11-0301-1901)

#### Summary and Stated Reasons for the Rule

The Idaho State Police (ISP) submits notice of proposed rulemaking at IDAPA 11.03.01 - Rules Governing Alcohol Testing. This rule change clarifies definitions, removes obsolete sections and definitions, and defines the term "observation period." In addition, this rulemaking clarifies the number and types of breath alcohol samples that are required for court purposes.

#### Negotiated Rulemaking / Fiscal Impact

ISP states that negotiated rulemaking was not conducted and that there is no fiscal impact associated with this rule change.

#### Statutory Authority

The proposed rule appears to be within the statutory authority granted to ISP in Section 67-2901, Idaho Code.

cc: Idaho State Police  
Amy Jordan

#### \*\*\* PLEASE NOTE \*\*\*

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

**IDAPA 11 – IDAHO STATE POLICE  
FORENSIC SERVICES**

**11.03.01– RULES GOVERNING ALCOHOL TESTING**

**DOCKET NO. 11-0301-1901**

**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-2901, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 20, 2019.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Removes obsolete definitions and unnecessary words from the definitions. Deletes sections that are historical in nature and are no longer needed. Clarifies sections regarding the number and types of breath alcohol samples required to be considered a valid test for court purposes.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

There is no fee imposed in this rule.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

No fiscal impact is created by these changes.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rule contains information on how to conduct evidentiary blood and breath alcohol testing in Idaho. It sets out the rules for laboratory analysis, calibration of breath testing instruments, operator training requirements, performance specifications for the tests themselves, and quality control measures. These rules are used for criminal prosecution in cases involving potential alcohol impairment.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: There are no materials being incorporated by reference in this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Lab Director Matthew Gamette, phone (208) 884-7217, Fax (208) 884-7290, email [matthew.gamette@isp.idaho.gov](mailto:matthew.gamette@isp.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 27th, 2019.

Dated this 18th day of October, 2019.

Charlie Spencer  
Police Services Major, Rules Review Officer  
Phone (208) 884-7203 / Fax (208) 884-7290  
[charlie.spencer@isp.idaho.gov](mailto:charlie.spencer@isp.idaho.gov)

Idaho State Police  
700 S. Stratford Drive  
Meridian, ID 83642

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-0301-1901  
(Only Those Sections With Amendments Are Shown.)

~~002. WRITTEN INTERPRETATIONS.~~

~~There are no written interpretations of this rule.~~

~~(4-7-11)~~

~~003. ADMINISTRATIVE APPEALS.~~

~~There is no provision for administrative appeals before the Idaho State Police under this chapter.~~

~~(4-7-11)~~

~~004. INCORPORATION BY REFERENCE.~~

The following are incorporated by reference in this chapter of rules:

~~(4-7-11)~~

**01. Conforming Products List of Evidential Breath Measurement Devices (revised 11/2/2017).**

This document is available on the Internet at <https://www.gpo.gov/fdsys/pkg/FR-2017-11-02/pdf/2017-23869.pdf>.

(12-14-17)T

~~005. MAILING ADDRESS — OFFICE HOURS — WEBSITE.~~

~~The mailing address is Idaho State Police, Forensic Services, 700 S. Stratford Drive Suite 125, Meridian, ID 83642-6206. Lobby hours are Monday through Friday, 8 a.m. to 5:00 p.m. except holidays designated by the state of Idaho. Alcohol Testing information is available on the internet at <http://www.isp.idaho.gov/forensics/index.html>.~~

~~(4-7-11)~~

~~006. PUBLIC RECORDS AVAILABILITY.~~

~~This rule is subject to and in compliance with the Public Records Act.~~

~~(4-7-11)~~

~~007. -- 009. (RESERVED)~~

(BREAK IN CONTINUITY OF SECTIONS)

**010. DEFINITIONS AND ABBREVIATIONS.**

**01. Alcohol.** ~~“Alcohol” means~~ **T**he chemical compounds of ethyl alcohol, methyl alcohol, or isopropyl alcohol. ~~(4-11-15)( )~~

**02. Approved Vendor.** ~~“Approved vendor” means a~~ **A** source/provider/manufacture of an approved standard. ~~(4-11-15)( )~~

**03. Blood Alcohol Analysis.** ~~“Blood alcohol analysis” means a~~ **A**n analysis of blood to determine the concentration of alcohol present. ~~(7-1-93)( )~~

**04. Breath Alcohol Analysis.** ~~“Breath alcohol analysis” means a~~ **A**n analysis of breath to determine the concentration of alcohol present. ~~(7-1-93)( )~~

**05. Breath Alcohol Test.** ~~“Breath alcohol test” means a~~ **A** breath sample or series of separate breath samples provided during a breath testing sequence ~~(s)~~. ~~(4-11-15)( )~~

**06. Breath Alcohol Testing Sequence.** ~~“Breath alcohol testing sequence” means a~~ **A** sequence of events as determined by the Idaho State Police Forensic Services, which may be directed by the instrument, the Operator, or both, and may consist of air blanks, performance verification, internal standard checks, and breath samples. ~~(4-11-15)( )~~

~~07. Breath Testing Certification Class. “Breath testing certification class” means a department~~

~~approved training class for prospective or uncertified breath alcohol Operators/Breath Testing Specialists. (4-11-15)~~

~~087.~~ **Breath Testing Specialist (BTS).** ~~“Breath Testing Specialist” means a~~ **Δ** ~~an operator who has completed advanced training approved by the department and are certified to perform routine instrument maintenance, teach instrument operation skills, proctor proficiency tests for instrument Operators, and testifying as an expert on alcohol physiology and instrument function in court. (4-11-15)( )~~

~~098.~~ **Calibration.** ~~“Calibration” means a~~ **Δ** ~~set of laboratory operations which establish under specified conditions, the relationship between values indicated by a measuring instrument or measuring system, or values represented by a material, and the corresponding known values of a measurement. (4-11-15)( )~~

~~109.~~ **Certificate of Analysis.** ~~“Certificate of analysis” means a~~ **Δ** ~~certificate stating the standards used for performance verification have been tested and approved for use by the ISPFS or are manufactured by an ISO 17025:2005, 17025:2017, (or equivalent standard) vendor and are traceable to N.I.S.T. standards. (4-11-15)( )~~

~~110.~~ **Certificate of Instrument Calibration.** ~~“Certificate of instrument calibration” means a~~ **Δ** ~~certificate stating that an individual breath alcohol testing instrument has been evaluated by the ISPFS and found to be suitable for forensic alcohol testing. The certificate bears the signature of the calibration analyst at Idaho State Police Forensic Services, and the effective date of the instrument approval. (4-11-15)( )~~

~~12.~~ **Changeover Class.** ~~“Changeover class” means a training class for currently certified Operators during which the Operator is taught theory, operation, and proper testing procedure for a new make or model of instrument being adopted by their agency. Breath Testing Specialists complete BTS training that qualifies them to perform BTS duties related to the new make or model instrument. (4-11-15)~~

~~131.~~ **Department.** ~~“Department” means~~ **†** ~~The Idaho State Police. (7-1-93)( )~~

~~142.~~ **Deprivation Period.** ~~“Deprivation period” means a~~ **Δ** ~~minimum time period of fifteen (15) minutes immediately prior to evidentiary breath alcohol testing during which the subject/individual is not to be allowed to smoke, drink, or eat substances containing alcohol. (4-11-15)( )~~

~~153.~~ **Evidentiary Test.** ~~“Evidentiary test” means a~~ **Δ** ~~blood, breath, or urine test performed on a subject/individual for potential evidentiary or legal purposes. A distinction is made between evidentiary testing and non-quantitative screening/monitoring. (4-11-15)( )~~

~~164.~~ **Idaho State Police Forensic Services (ISPFS).** ~~“Idaho State Police Forensic Services” means a~~ **Δ** ~~division of the Idaho State Police. ISPFS is dedicated to providing forensic science services to the criminal justice system of Idaho. ISPFS is the administrative body for the alcohol testing programs in Idaho. (4-11-15)( )~~

~~175.~~ **Laboratory.** ~~“Laboratory” means~~ **†** ~~The place at which specialized devices, instruments and methods are used by trained personnel to measure the concentration of alcohol in samples of blood, vitreous humor, urine, or beverages for law enforcement purposes. (4-11-15)( )~~

~~186.~~ **MIP/MIC.** ~~“MIP/MIC” means a~~ **Δ** ~~an abbreviation used to designate minor in possession or minor in consumption of alcohol. (4-11-15)( )~~

~~197.~~ **Monitoring Period.** ~~“Monitoring Period” means a~~ **Δ** ~~minimum deprivation time period of fifteen (15) minutes immediately prior to evidentiary breath alcohol testing during which the subject/individual should be observed by the officer and any belch/burp/vomit/regurgitation should be noted by the operator. The monitoring period consists of a mandatory deprivation period and discretionary observation period. The observation period becomes mandatory if the numeric results from only a single breath sample are used. (4-11-15)( )~~

~~18.~~ **Observation Period.** ~~The time period running concurrently with the deprivation period in which the officer(s) should be observing the subject/individual, and any belch/burp/vomit/regurgitation should be noted by the operator(s). The officer(s) should be in a position, either physically or remotely, to be able to use their available senses to detect the aforementioned events. ( )~~

~~2019.~~ **Operator Certification.** ~~“Operator certification” means a~~ The condition of having satisfied the training requirements for administering breath alcohol tests as established by the department. (4-11-15)(    )

~~210.~~ **Operator.** ~~“Operator” means a~~ An individual certified by the department as qualified by training to administer breath alcohol tests. (4-11-15)(    )

~~221.~~ **Performance Verification.** ~~“Performance verification” means a~~ A verification of the accuracy of the breath testing instrument utilizing a performance verification standard. Performance verification should be reported to three decimal places. While ISPFS uses the term performance verification, manufacturers and others may use a term such as “calibration check” or “simulator check.” (4-11-15)(    )

~~232.~~ **Performance Verification Standard.** ~~“Performance verification standard” means a~~ An ethyl alcohol standard used for field performance verifications. The standard is provided or approved, or both, by the department. (4-11-15)(    )

~~243.~~ **Proficiency Testing.** ~~“Proficiency testing” means a~~ A periodic analysis of blood, urine, or other liquid specimen(s) whose alcohol content is unknown to the testing laboratory, to evaluate the capability of that laboratory to perform accurate analysis for alcohol concentration. (4-11-15)(    )

~~254.~~ **Quality Control.** ~~“Quality control” means a~~ An analysis of referenced samples whose alcohol content is known, which is performed with each batch of blood, vitreous humor, urine or beverage analysis to ensure that the laboratory’s determination of alcohol concentration is reproducible and accurate. (4-11-15)(    )

~~26.~~ **Recertification Class.** ~~“Recertification class” means a training class offered by the department for currently certified personnel, completion of which results in uninterrupted continuation of their BTO or BTS status for an additional 2 years.~~ (4-11-15)

~~275.~~ **Urine Alcohol Analysis.** ~~“Urine alcohol analysis” means a~~ An analysis of urine to determine the concentration of alcohol present. (7-1-93)(    )

**011. ~~012.~~ (RESERVED)**

**~~012. GENERAL PROVISIONS.~~**

~~Continuation of Policies. All policies, training manuals, approvals of instruments, and/or certifications of officers in effect when the alcohol program was managed by the Department of Health and Welfare shall continue to be in effect in the Idaho State Police until the policy, training manual, approval and/or certification is changed or deleted by the Idaho State Police.~~ (7-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

**014. REQUIREMENTS FOR PERFORMING BREATH ALCOHOL TESTING.**

**01. Instruments.** Each breath testing instrument model shall be approved by the department and be listed in the “Conforming Products List of Evidential Breath Measurement Devices” published in the Federal Register by the United States Department of Transportation as incorporated by reference in Section 004 of this rule. The department will maintain a list of benchtop and portable instruments approved for evidentiary testing use in Idaho. Each individual breath testing instrument must be certified by the department. The department may, for cause, remove a specific instrument by serial number from evidential testing and suspend or withdraw certification thereof. (4-11-15)

**02. Report.** Each direct breath testing instrument shall report alcohol concentration as grams of alcohol per two hundred ten (210) liters of breath. (7-1-93)

**03. Administration.** Breath tests shall be administered in conformity with standards established by the department. Standards shall be developed for each type of breath testing instrument used in Idaho, and such standards shall be issued in the form of Idaho administrative rules, ISPFS analytical methods, and ISPFS standard operating

procedures. (4-11-15)

a. The breath alcohol test must be administered by an operator (BTO or BTS) currently certified in the use of the instrument. (4-11-15)

b. Prior to administering the monitoring period, any foreign objects/materials which have the potential to enter the instrument/breath tube or may present a choking hazard (e.g. gum, chewing tobacco, food) should be removed. (4-11-15)

c. The operator shall administer a monitoring period prior to evidentiary testing. (4-11-15)

d. If mouth alcohol is suspected or indicated by the testing instrument, the operator shall begin another fifteen (15) minute monitoring period if repeating the testing sequence. If during the monitoring period the subject/individual vomits or regurgitates material from the stomach into the breath pathway, the monitoring period should start over. If there is doubt as to the events occurring during the monitoring period (e.g. silent burp, belch, vomit, regurgitation), the operator should evaluate the instrument results for any indication of mouth alcohol. (4-11-15)

e. A complete breath alcohol test includes two (2) valid breath samples taken during the testing procedure and preceded by air blanks. The ~~subsequent~~ breath samples performed with a portable breath testing instrument should be approximately two (2) minutes apart or more. If the subject/individual fails or refuses to provide ~~a subsequent~~, two (2) adequate samples as requested by the operator, the ~~single~~ test result of a single adequate sample shall be considered valid. If a single test result is used, then the ~~subject must have been observed during the fifteen (15) minute monitoring period~~ observation criteria of the monitoring period (observation period) is mandatory. For hygienic reasons, the operator should use a new mouthpiece for each subject/individual tested. (4-11-15)( )

f. The operator has the discretion to end breath testing, repeat breath testing, or request a blood draw at any point during the testing process as the circumstances require (including but not limited to lack of sample correlation, lack of subject participation or cooperation, subject is incoherent or incapable of following instructions, subject incapacitation). If a subject/individual fails or refuses to provide ~~a subsequent~~, adequate samples as requested by the operator, the results obtained are still considered valid, provided the failure to supply the requested samples was the fault of the subject/individual and not the operator. (4-11-15)( )

g. A third breath sample shall, when possible, be collected if the first two (2) results differ by more than 0.02 g/210L alcohol. Unless mouth alcohol is indicated or suspected, it is not necessary to repeat the monitoring period prior to obtaining a third breath sample. (4-11-15)

h. The results for ~~subsequent~~ breath samples should correlate within 0.02 g/210L alcohol to show consistent sample delivery, indicate the absence of RFI, and to indicate the absence of alcohol contamination in the subject/individual's breath pathway as a contributing factor to the breath results. (4-11-15)( )

i. In the event of an instrument failure, the operator should attempt to utilize another instrument or have blood drawn. (4-11-15)

**04. Training.** Each individual operator (BTO or BTS) shall demonstrate sufficient training to operate the instrument correctly. This shall be accomplished by successfully completing a training course approved by the department on each instrument model utilized by the operator. Operator certifications issued after July 1, 2013 are valid for two (2) calendar years from the course completion date. The department may revoke individual operator (BTO/BTS) certification for cause. (4-11-15)

**05. Performance Verification Checks.** Each breath testing instrument shall be checked for accuracy with a performance verification standard approved by the department. Performance verification checks shall be performed according to a procedure established by the department and be documented. The official time and date of the performance verification is the time and date recorded on the printout, or the time and date recorded in the log. (4-11-15)

a. A performance verification check shall occur within twenty-four (24) hours before or after an



evidentiary test. The benchtop instrument requires a performance verification check as part of the testing sequence. On the portable instrument, multiple breath alcohol tests may be covered by a single performance verification. (4-11-15)

**b.** A performance verification on a portable instrument consists of two (2) samples at either the 0.08 or 0.20 level. Both samples must be run with the same performance verification standard. Three (3) attempts at obtaining an acceptable performance verification are allowed. Troubleshooting measures may be employed during this process. If the third performance verification fails, the instrument shall be taken out of service. ~~The instrument shall~~ **and** not be returned to service until it has been calibrated and certified by ISPFS. (4-11-15)( )

**c.** A performance verification acquired during a breath testing sequence on an approved benchtop instrument consists of one (1) sample at either the 0.08 or 0.20 level. A performance verification acquired outside the breath testing sequence on an approved benchtop instrument consists of two (2) samples at either the 0.08 or 0.20 level. Three (3) attempts at obtaining an acceptable performance verification are allowed. Troubleshooting measures may be employed during this process. If the third performance verification fails, the instrument must be taken out of service. ~~The instrument must~~ **and** not be returned to service until it has been calibrated and certified by ISPFS. (4-11-15)( )

**d.** Performance verification checks must be within +/- 10% of the performance verification standard target value. (4-11-15)

**e.** A wet bath 0.08 performance verification standard should be replaced with fresh standard approximately every twenty-five (25) verifications or every calendar month, whichever comes first. For a closed loop, recirculating system (e.g. the Intox 5000 series), the 0.08 performance verification standard should be replaced with fresh standard approximately every one hundred (100) verifications or every calendar month, whichever comes first. (4-11-15)

**f.** A wet bath 0.20 performance verification standard should be replaced with fresh standard approximately every twenty-five (25) verifications. (4-11-15)

**g.** Dry gas performance verification standards may be used continuously without replacement until the canister is spent or the expiration date is reached. (4-11-15)

**h.** Performance verification standards should not be used beyond the expiration date. (4-11-15)

**i.** If Section 18-8004C, Idaho Code, (excessive alcohol concentration) is applicable, then a 0.20 performance verification must be run and results documented once per calendar month. Failure to perform a 0.20 performance verification will not invalidate any tests where Section 18-8004C, Idaho Code, is not applicable. A performance verification with a 0.20 standard does not need to be performed within twenty-four (24) hours of an evidentiary breath test in excess of 0.20 g/210L alcohol. (4-11-15)

**j.** Temperature of the wet bath simulator shall be between thirty-three point five degrees Celsius (33.5°C) and thirty-four point five degrees Celsius (34.5°C) in order for the performance verification results to be valid. (4-11-15)

**k.** An agency may run additional performance verification standard levels at their discretion. (4-11-15)

**06. Records.** Operators must document and retain test results (i.e. written log, printout, or electronic database). All records regarding maintenance and results shall be retained for three (3) years. ISPFS is not responsible for storage of documentation not generated by ISPFS. (4-11-15)

**07. Deficiencies.** Failure to meet any of the conditions listed in Sections 013 and 014. Any laboratory or breath testing instrument may be disapproved for failure to meet one (1) or more of the requirements listed in Sections 013 and 014, and approval may be withheld until the deficiency is corrected. (4-7-11)

**08. Standards.** Premixed alcohol simulator solutions shall be from an approved vendor and explicitly



approved in writing by the department before distribution within Idaho. Dry gas standards from ISO 17025:2005 certified providers are explicitly approved by the department for use in Idaho without evaluation by the department. (4-11-15)

**09. MIP/MIC.** The presence or absence of alcohol is the determining factor in the evidence in an MIP/MIC case. The instrumentation used in obtaining the breath sample is often the same instrumentation utilized for acquiring DUI evidence. The different standard of evidence requires different standards for the procedure. (4-11-15)

**a.** Fifteen (15) minute monitoring period: The monitoring period is not required for the MIP/MIC procedure. (4-11-15)

**b.** The breath alcohol test must be administered by an operator currently certified in the use of that instrument. (4-11-15)

**c.** The instrument used must be certified by ISPFs. The instrument only needs to be initially certified by ISPFs. Initial certification shows that the instrument responds to alcohols and not to acetone. The instrument does not need to be checked regularly or periodically with any of the 0.08 or 0.20 standard. (4-11-15)

**d.** The officer should have the individual being tested remove all loose foreign material from their mouth before testing. False teeth, partial plates, or bridges installed or prescribed by a dentist or physician do not need to be removed to obtain a valid test. The officer may allow the individual to briefly rinse their mouth out with water prior to the breath testing. Any alcohol containing material left in the mouth during the entirety of the breath test sampling could contribute to the results in the breath testing sequence. (4-11-15)

**e.** A complete breath alcohol test includes two (2) valid breath samples taken from the subject and preceded by an air blank. The *subsequent* breath samples do not need to be consecutive samples from the same subject. The individual breath samples should be approximately two (2) minutes apart or more. A deficient or insufficient sample does not automatically invalidate a test sample. The operator should use a new mouthpiece for each individual. (4-11-15) ( )

**f.** A third breath sample is required if the first two (2) results differ by more than 0.02 g/210L alcohol. In the event that all three (3) samples fall outside the 0.02 g/210L alcohol correlation, and testing indicates or the officer suspects mouth alcohol, they must administer a fifteen (15) minute monitoring period and then retest the subject. If mouth alcohol is not suspected or indicated by the test results, then the officer may retest the subject without administering a monitoring period. (4-11-15)

**g.** The operator should manually log test results and/or retain printouts for possible use in court. (4-11-15)

**h.** The instrument must not be in passive mode for the testing of subjects for evidential purposes. (4-11-15)

**i.** The passive mode of testing using the Lifeloc FC20 or ASIII should be used for testing liquids or containers of liquid for the presence or absence of alcohol. (4-11-15)