



**Rules of
Department of Health and
Senior Services**

**Division 25—Missouri State Public Health Laboratory
Chapter 30—Determination of Blood Alcohol by Blood,
Breath, Saliva, and Urine Analysis; and Determination for
the Presence of Drugs in Blood, Saliva, and Urine**

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**Title 19—DEPARTMENT OF
HEALTH AND SENIOR SERVICES
Division 25—Missouri State Public
Health Laboratory
Chapter 30—Determination of Blood
Alcohol by Blood, Breath, Saliva, and
Urine Analysis; and Determination for
the Presence of Drugs in Blood, Saliva,
and Urine**

**19 CSR 25-30.011 General Provisions for
the Determination of Blood, Breath,
Saliva, or Urine Analysis and Drug Testing**

PURPOSE: This rule provides general information regarding the applicability of the rules in this chapter, definitions of terms, permits, and operation of breath analyzers.

(1) Only those laboratories or persons performing analysis of blood, breath, saliva, or urine for the determination of blood alcohol content, or of blood, saliva, or urine for the presence of drugs—at the direction of a law enforcement officer acting under the provisions of sections 577.001–577.041, RSMo—are subject to the rules in this chapter.

(2) The following definitions shall be used in the interpretation and enforcement of the rules in this chapter:

(A) Blood alcohol content is the alcohol content of blood expressed as a percentage based on grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath;

(B) Breath analyzer is an instrument which measures and expresses the blood alcohol content from a sample of expired air;

(C) Department is the Missouri Department of Health and Senior Services;

(D) Drugs are illegal or controlled chemical substances, other than alcohol, that are capable of impairing an individual's ability to operate a motor vehicle;

(E) Field service and repairs are the service and repairs on breath analyzers at locations other than at a manufacturer's facility;

(F) Maintenance checks are the standardized and prescribed procedures used to determine that a breath analyzer is functioning properly and is operating in accordance with the operational procedures established by the Department of Health and Senior Services;

(G) Permit is the written authorization from the Department of Health and Senior Services for an individual to perform analyses of blood, breath, saliva, or urine for blood alcohol content; to perform analyses of blood, saliva, or urine for drugs; to operate breath analyzers; to supervise operators of breath analyzers; to serve as instructors of

training courses; and to perform field service and repairs and maintenance checks on breath analyzers;

(H) Observation period is the minimum fifteen- (15-) minute continuous period that ends when a breath sample has been provided into the approved breath analyzer, during which time the operator shall remain close enough to a subject to reasonably ensure, using the senses of sight, hearing, or smell, that a test subject does not smoke, vomit, or have any oral intake during the fifteen- (15-) minute observation period. Direct observation is not necessary to ensure the validity or accuracy of the test result;

(I) Oral intake is the act of placing a substance from outside the body into the mouth during the observation period. The mouthpiece used to provide a breath sample shall not constitute oral intake;

(J) Vomiting is the act of ejecting the solid and/or liquid contents of the stomach through the mouth, and does not include belching or burping;

(K) Examination is a limited visual examination of a test subject's mouth and/or denial by a subject that he or she has any substance in his or her mouth; and

(L) Substance is any foreign matter, solid or liquid, not to include dentures, dental work, studs, piercing, or tongue jewelry.

(3) The chemical analysis of a person's blood, breath, saliva, or urine conducted under the provisions of sections 577.001–577.041, RSMo, shall be performed by licensed medical personnel or by personnel possessing a valid permit issued by the department.

(A) Permits are valid for two (2) years from the date of issuance.

(B) A permittee is authorized to perform only those tests for analysis, or to operate or maintain those breath analyzers that are specified on the permit.

(C) A permit may not be used as an endorsement from the department for promotional or commercial purposes.

(4) Applications for permits and renewals of permits shall be made on forms available from the Breath Alcohol Program, Missouri State Public Health Laboratory. Forms are also available at <http://health.mo.gov/lab/breathalcohol/>. Requests for approval of instruments, methods, or training courses shall be made to the director, Missouri State Public Health Laboratory, c/o Breath Alcohol Program. Requests for copies of permits, submitted maintenance records, submitted permit applications, and simulator certifications shall also be made to the director, Missouri State Public

Health Laboratory, c/o Breath Alcohol Program. Criteria and standards used for certification and approval purposes shall be provided upon request by the Missouri State Public Health Laboratory.

(5) Breath analyzers shall be operated strictly in accordance with the procedures set forth in 19 CSR 25-30.060.

(A) An operational checklist, including the certification section, shall be completed with each breath test at the time of the test, by the individual performing the test.

(B) An individual permitted to operate a breath analyzer shall—

1. Immediately suspend use of a breath analyzer that is not functioning properly; and

2. Submit to periodic reviews, examinations or surveys conducted by the department.

(6) The department may initiate proceedings to deny, suspend, or revoke a permit when there is evidence of false or misrepresented information given on an application or renewal for a permit; when there is evidence that the permittee has falsified reports, negligently performed analyses or reported results, used an instrument or method not approved by the department, performed analyses not authorized by the permit, or has used the permit for promotional or commercial purposes; or when the permittee has demonstrated an inability to accurately and properly perform analyses or satisfactorily meet the qualifications and competence standards required of the permit.

(A) The department shall provide written notice of the disciplinary action to the permittee and the employee of the permittee.

(B) The notice shall contain a summary of the evidence supporting the disciplinary action.

AUTHORITY: sections 192.006, 577.020, and 577.037, RSMo 2016. This rule previously filed as 19 CSR 20-30.011. Original rule filed July 15, 1988, effective Sept. 29, 1988. Changed to 19 CSR 25-30.011 Jan. 1, 1995. Emergency amendment filed May 10, 2001, effective May 22, 2001, expired Nov. 17, 2001. Amended: Filed May 10, 2001, effective Oct. 30, 2001. Amended: Filed May 31, 2012, effective Dec. 30, 2012. Amended: Filed Oct. 1, 2019, effective March 30, 2020.*

**Original authority: 192.006, RSMo 1993, amended 1995; 577.020, RSMo 1977, amended 1982, 1983, 1996, 1998, 2001, 2006, 2014; and 577.037, RSMo 1982, amended 1983, 1988, 1993, 1996, 2001, 2014, 2016.*

Collins v. Director of Revenue, 691 S.W.2d 246 (Mo. banc. 1985); Jannett v. King, 687



S.W.2d 252 (Mo. App. 1985); Stuart v. Director of Revenue, 761 S.W.2d 234 (Mo. App. 1988). Prima facie case for admission of breath analysis test results is made if the test is administered by a certified operator in accordance with promulgated operating procedures.

Collins v. Director of Revenue, 691 S.W.2d 246 (Mo. banc 1985); Stuart v. Director of Revenue, 761 S.W.2d 234 (Mo. App. 1988). A contention that a breath analysis instrument was not functioning properly can only be made if supported by some evidence which suggests that a malfunction occurred despite adherence to correct test methods.

Williams v. Director of Revenue, 721 S.W.2d 797 (Mo. App. 1986). The results of approved breath analysis tests are measured by weight.

Daniels v. Director of Revenue, 48 S.W.3d 42 (Mo. App. 2001), overruled on other grounds by Verdoorn v. Director of Revenue, 119 S.W.3d 543 (Mo. 2003). "Belching" does not constitute "vomiting" because stomach contents are not disgorged through the mouth.

Misener v. Director of Revenue, 134 S.W.3d 761 (Mo. App. 2004). Subject waived any defense based upon the breath test result being contaminated by an antacid tablet in his mouth because he did not respond truthfully when asked whether he was taking any medication.

19 CSR 25-30.021 Type I Permit

PURPOSE: This rule establishes the qualifications, duties, and responsibilities of a Type I permittee and the standards for laboratories in which Type I permittees perform testing.

(1) A Type I permit, included herein, authorizes an individual to perform analyses of blood, saliva, or urine for blood alcohol content and to perform analyses of blood, saliva, or urine for the presence of drugs.

(2) An applicant for a Type I permit shall not be less than twenty-one (21) years of age and shall possess a baccalaureate degree in chemical, physical, or biological science from an accredited college or university. The applicant shall also complete an application for a Type I permit, included herein.

(A) To perform analyses of blood, saliva, or urine for drugs or blood alcohol content, the applicant shall have performed a biennial forensic proficiency test provided by an out-

side company for each type of substance, alcohol, or drugs, for which a permit is requested. A copy of the proficiency test results achieved shall accompany the permit application.

(B) If the applicant does not perform proficiency tests, the applicant may qualify for a permit to perform analysis of blood, saliva, or urine for blood alcohol content by satisfactorily analyzing three (3) check specimens provided from the department. The results reported on the three (3) samples shall be within five percent (5%) of the true value. A second set of three (3) check samples shall be sent to the applicant if the results from the first set were unsatisfactory. If the results from the second set of check samples are unsatisfactory, the department shall return the application. Any further efforts to meet this condition for completion of the application shall be made at the discretion of the department based on the nature of the problem; the ability of the applicant; and the facility, equipment, and methods that were employed. A copy of the check specimen results achieved shall accompany the permit application.

(3) Laboratories wherein analyses are performed by Type I permit holders shall maintain complete records of testing, quality assurance data, logbooks, and other documentation related to the performance of tests as established under general standards of laboratory practice and chain-of-custody procedures.

(A) Laboratories wherein analyses are performed by Type I permit holders shall be subject to audits by the department regarding any and all records referenced herein.

(B) Laboratories that perform analyses of blood, saliva, or urine for the presence of drugs shall hold an accreditation through the American Board of Forensic Toxicologists (ABFT) or through an accreditation body that is a signatory of the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement (ILAC MRA). This accreditation shall include an annual forensic proficiency test on each biological matrix (blood, saliva, or urine) tested. A copy of the certification for each laboratory shall be supplied to the Missouri State Public Health Laboratory upon request.

(4) Type I permits issued prior to the effective date of this rule shall be considered valid under the conditions of this rule.

(5) Type I permit applications completed prior to the effective date of this rule shall be considered valid under the conditions of this



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
BREATH ALCOHOL PROGRAM
APPLICATION FOR TYPE I PERMIT



THIS APPLICATION IS FOR
 NEW PERMIT RENEWAL CURRENT PERMIT NUMBER AND EXPIRATION DATE: _____

PRINT FULL NAME _____ AGE _____ TELEPHONE NUMBER _____
 SOCIAL SECURITY NUMBER _____
 ORGANIZATION _____ EMAIL ADDRESS _____
 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP CODE) _____
 DIRECTOR'S NAME _____ TELEPHONE NUMBER _____

ALCOHOL ANALYSIS: BLOOD URINE SALIVA
 DRUG ANALYSIS: BLOOD URINE SALIVA
FOR DRUG TESTING ONLY
 PROVIDE NAME OF PROFICIENCY TESTING PROGRAM(S) YOUR FACILITY SUBSCRIBES TO _____

A disclosure concerning your SSN number is available at:
<http://www.health.mo.gov/lab/breathalcohol/>

EDUCATION

COLLEGE OR UNIVERSITY	YEARS ATTENDED	HOURS QTRS/SFM.	MAJOR	MINOR	DEGREE	GRADUATED

OTHER RELEVANT TRAINING

COURSE OR PROGRAM TITLE	AGENCY OR INSTITUTION	DATES

ANALYTICAL EXPERIENCE

ORGANIZATION	DATES EMPLOYED

RESULTS OF SAMPLES FOR ANALYSIS:

METHODS OF ANALYSIS USED

DRUGS
 Enzyme Immunoassay (EIA) Gas Chromatography/Mass Spectrometry (GC/MS)
 Radioimmunoassay (RIA) Fluorescence Polarization Immunoassay (FPIA)
 Thin Layer Chromatography (TLC) Gas Chromatography (GC)
 High Performance Liquid Chromatography (HPLC) Enzyme-Linked Immunosorbent Assay (ELISA)
 Liquid Chromatography/Mass Spectrometry (LC/MS) Other _____
 Cloned Enzyme Donor Immunoassay (CEDIA)
 Ultra-Violet/Visible Spectrophotometry (UV/Vis)

ALCOHOL
 Gas or Liquid Chromatography
 Other _____

SIGNATURE OF APPLICANT _____ DATE _____

RETURN COMPLETED APPLICATION TO THE: Breath Alcohol Program, Missouri Department of Health and Senior Services,
1903 Northwood Drive, Suite #4, Poplar Bluff, MO 63901



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
BREATH ALCOHOL PROGRAM



**PERMIT
TYPE 1**

_____ is hereby authorized to determine the content of _____
(TYPE IN "ALCOHOL" OR "DRUGS" OR BOTH)

from a sample of _____ utilizing approved standard chemical methods.
(TYPE IN "BLOOD," "SALIVA" OR "URINE")

Permit issued under the provisions of sections 577.001 through 577.041, RSMo.

DATE _____ DIRECTOR OF STATE PUBLIC HEALTH LABORATORY

NUMBER _____

EXPIRES _____ DIRECTOR OF DEPARTMENT OF HEALTH AND SENIOR SERVICES

MO 580-1242 (5-19)

LAB 215-19



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
BREATH ALCOHOL PROGRAM



**PERMIT
TYPE 1**

_____ is hereby authorized to determine the content of _____
(TYPE IN "ALCOHOL" OR "DRUGS" OR BOTH)

from a sample of _____ utilizing approved standard chemical methods.
(TYPE IN "BLOOD," "SALIVA" OR "URINE")

Permit issued under the provisions of sections 577.001 through 577.041, RSMo.

DATE _____ DIRECTOR OF STATE PUBLIC HEALTH LABORATORY

NUMBER _____

EXPIRES _____ DIRECTOR OF DEPARTMENT OF HEALTH AND SENIOR SERVICES

MO 580-1242 (5-19)

LAB 215-19



AUTHORITY: sections 192.006, 577.020, and 577.037, RSMo 2016. This rule previously filed as 19 CSR 20-30.021. Original rule filed July 15, 1988, effective Sept. 29, 1988. Changed to 19 CSR 25-30.021 Jan. 1, 1995. Amended: Filed May 31, 2012, effective Dec. 30, 2012. Amended: Filed Oct. 1, 2019, effective March 30, 2020.*

**Original authority: 192.006, RSMo 1993, amended 1995; 577.020, RSMo 1977, amended 1982, 1983, 1996, 1998, 2001, 2006, 2014; and 577.037, RSMo 1982, amended 1983, 1988, 1993, 1996, 2001, 2014, 2016.*

Stuart v. Director of Revenue, 761 S.W.2d 234 (Mo. App. 1988). A Type II permittee is qualified to testify as an expert on technical matters and permissible temperature tolerances.

Miller v. Director of Revenue, 719 S.W.2d 787 (Mo. banc 1986); Elkins v. Director of Revenue, 728 S.W.2d 567 (Mo. App. 1987). Possession of a permit is a matter within the personal knowledge of the permittee. Testimony by a permittee is sufficient to prove the permittee's qualifications to administer the tests.

19 CSR 25-30.031 Type II Permit

PURPOSE: This rule establishes the qualifications, duties, and responsibilities of a Type II permittee and establishes a maintenance report to be used for each of the approved breath analyzers in 19 CSR 25-30.050.

(1) A Type II permit, included herein, authorizes an individual to operate a breath analyzer and to perform any of the following duties: to conduct training courses for the operation of breath analyzers that are approved by the department, to conduct training courses approved by the department to qualify for a Type II permit, to perform field service and repairs on breath analyzers as indicated on the permit, to perform maintenance checks on breath analyzers as required by the department, and to supervise operators of breath analyzers.

(2) An applicant for a Type II permit shall not be less than twenty-one (21) years of age. In addition, the applicant successfully shall complete a training course approved by the department for obtaining a Type II permit and complete an application for a Type II permit, included herein.

(3) A Type II permittee shall perform maintenance checks on breath analyzers under his/her supervision at intervals not to exceed

thirty-five (35) days. The permittee shall retain the original report of the maintenance check and submit a copy of the report so that it shall be received by the department within fifteen (15) days from the date the maintenance check was performed. In addition, maintenance checks shall be completed when—

(A) A new instrument is placed into service; or

(B) The instrument has been serviced, repaired, or recalibrated.

(4) Type II permittees shall maintain complete records as required in 19 CSR 25-30.021(3) and in 19 CSR 25-30.011(5)(A). Type II permittees shall provide oversight and assistance to assure the competency of the operators under their supervision. They shall conduct training courses as approved by the department.

(5) To renew a Type II permit, the applicant shall have completed at least two (2) maintenance checks and at least ten (10) tests on drinking subjects, following the operational checklists, within the past year on each breath analyzer for which renewal is requested. If these conditions are not met or if the permit has expired for more than thirty (30) days, the applicant shall perform two (2) maintenance checks and five (5) self-administered tests for each breath analyzer for which renewal is requested. Copies of the maintenance checks and the operational checklists and printouts for the five (5) self-administered tests shall accompany the application for renewal.

(6) Type II permits issued prior to the effective date of this rule shall be considered valid under the conditions of this rule.

(7) For the maintenance checks referred to in sections (3)–(5) of this rule, the appropriate maintenance report form for the specific instrument being checked shall be used—

(A) When performing a maintenance check on the Intox DMT, the report incorporated in the instrument software shall be used (see Report No. 1 included herein for example);

(B) When performing a maintenance check on the CMI Intoxilyzer 8000, the report incorporated in the instrument software shall be used (see Report No. 2 included herein for example);

(C) When performing a maintenance check on the Intox EC/IR II, the report incorporated in the instrument software shall be used (see Report No. 3 included herein for example); and

(D) When performing a maintenance check

on the Alco-Sensor IV with printer, Report No. 7 included herein shall be used.

(8) Maintenance report forms required in section (7) of this rule prior to the effective date of this rule and completed on maintenance checks before that date shall be considered valid under this rule. Maintenance report forms completed on maintenance checks within ninety (90) days after the effective date of this rule shall be considered valid if the maintenance checks and maintenance report forms were completed in compliance with the rules in effect at the time the checks and forms were completed or the rules in effect immediately prior to the effective date of this rule.

(9) Type II permit applications completed prior to the effective date of this rule shall be considered valid under the conditions of this rule.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
BREATH ALCOHOL PROGRAM

2

APPLICATION FOR TYPE II PERMIT FOR OPERATION OF BREATH ALCOHOL ANALYZERS

THIS APPLICATION IS FOR <input type="checkbox"/> NEW PERMIT <input type="checkbox"/> RENEWAL		CURRENT PERMIT NUMBER AND EXPIRATION DATE	
PRINT FULL NAME		TITLE	
SOCIAL SECURITY NUMBER		A disclosure concerning your SSN number is available at: http://www.health.mo.gov/lab/breathalcohol/	
DEPARTMENT OR TROOP#		TELEPHONE ()	
BUSINESS ADDRESS (STREET, CITY, STATE, ZIP CODE)			
HOME ADDRESS			

LIST ALL ORIGINAL TRAINING COURSES FOR OPERATION OF BREATH ANALYZERS
(Also, please place a checkmark beside ALL breath analyzer(s) for which you are requesting a permit.)

DATE(S) OF COURSE	LOCATION OF COURSE	COURSE LENGTH (HRS.)	NAME & MODEL OF BREATH ANALYZER	PLEASE CHECK THESE BOXES IF YOU ARE REQUESTING A PERMIT FOR THIS COURSE	NAME OF INSTRUCTOR
				<input type="checkbox"/>	
				<input type="checkbox"/>	
				<input type="checkbox"/>	
				<input type="checkbox"/>	

List the manufacturer and name of instruments for which you are currently performing maintenance reports on and the number of maintenance reports performed on EACH type in the last year.

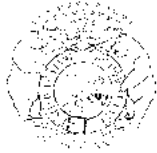
MANUFACTURER AND NAME OF INSTRUMENT	NUMBER OF MAINTENANCE REPORTS	NUMBER OF SUBJECT TESTS
1.		
2.		
3.		

When adding a new instrument, you receive a new two (2) year permit. Therefore, normal renewal procedures apply for the instrument(s) on your current permit that you wish to transfer to the new permit. Disregarding these renewal procedures will result in a new permit for the new instrument only.

To renew a Type II Permit, the applicant shall have completed two (2) Maintenance Reports and shall have performed at least ten (10) tests on drinking subjects in the past year on each instrument for which renewal is requested. If these conditions are not met, or the permit has expired for more than thirty (30) days, the applicant shall perform two (2) Maintenance Reports and five (5) self-administered tests for each breath analyzer for which renewal is requested. Copies of the Maintenance Reports along with the Operational checklists and printouts for the five (5) self-administered tests shall accompany the application for renewal.

SIGNATURE OF APPLICANT	DATE

RETURN COMPLETED APPLICATION TO THE: Breath Alcohol Program, Missouri Department of Health and Senior Services
1903 Northwood Drive, Suite #4
Poplar Bluff, MO 63901



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
BREATH ALCOHOL PROGRAM



**PERMIT
TYPE II**

.....
is hereby authorized to instruct and supervise operators, train instructors, inspect, calibrate, perform field service and repairs,
and operate the following breath analyzer(s):
.....

.....
for the determination of the alcoholic content of blood from a sample of expired air. Permit issued under the provisions of sections
577.001 through 577.041, RSMo.

DATE

.....
DIRECTOR OF STATE PUBLIC HEALTH LABORATORY

NUMBER

EXPIRES

.....
DIRECTOR OF DEPARTMENT OF HEALTH AND SENIOR SERVICES

MO 580-0771 (5-18)

LAB 4 (5-18)



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
BREATH ALCOHOL PROGRAM



**PERMIT
TYPE II**

.....
is hereby authorized to instruct and supervise operators, train instructors, inspect, calibrate, perform field service and repairs,
and operate the following breath analyzer(s):
.....

.....
for the determination of the alcoholic content of blood from a sample of expired air. Permit issued under the provisions of sections
577.001 through 577.041, RSMo.

DATE

.....
DIRECTOR OF STATE PUBLIC HEALTH LABORATORY

NUMBER

EXPIRES

.....
DIRECTOR OF DEPARTMENT OF HEALTH AND SENIOR SERVICES

MO 580-0771 (5-18)

LAB 4 (5-18)



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
BREATH ALCOHOL PROGRAM
INTOX DMT MAINTENANCE REPORT

REPORT #1

Complete this report at the time of the regular monthly preventive maintenance check (not to exceed 35 days).
Complete this report whenever the instrument is serviced or repaired and whenever it is placed into service.
Retain the original and send a copy within 15 days to the Breath Alcohol Program, DHSS.

INTOX DMT SN	NAME OF AGENCY	DATE OF INSPECTION
LOCATION OF INSTRUMENT (STREET AND CITY)		TIME OF INSPECTION

CHECKLIST: Place a mark on the line by each item if found to be satisfactory or is operating within established limits. (Write in observed values where determined). Unmarked items must be corrected before using instrument.

<input type="checkbox"/> DIAGNOSTIC RECORD	
DATE AND TIME _____	<input type="checkbox"/> DETECTOR
<input type="checkbox"/> PROGRAM	<input type="checkbox"/> FILTER 1
<input type="checkbox"/> SAMPLE CHAMBER _____	<input type="checkbox"/> FILTER 2
<input type="checkbox"/> BREATH TUBE _____	<input type="checkbox"/> FILTER 3
<input type="checkbox"/> PUMP	<input type="checkbox"/> INTERNAL STANDARD

BREATH ANALYZER ACCURACY STANDARDS

<input type="checkbox"/> SIMULATOR SOLUTION	<input type="checkbox"/> COMPRESSED ETHANOL-GAS MIXTURE
<input type="checkbox"/> STANDARD SUPPLIER _____	LOT # _____ EXP. DATE _____
<input type="checkbox"/> SIMULATOR TEMP (34°C ± 0.2°C) _____	SIM. SN _____ SIM. NIST EXP DATE _____
<input type="checkbox"/> CALIBRATION CHECK - (ONLY ONE STANDARD IS TO BE USED PER MAINTENANCE REPORT) Run three tests using a standard solution. All three tests must be within ±5% of the standard value and must have a spread of .005 or less. Mark the box corresponding to the standard solution being used.	
<input type="checkbox"/> 0.10% STANDARD - MUST READ BETWEEN 0.095% AND 0.105% INCLUSIVE	
<input type="checkbox"/> 0.08% STANDARD - MUST READ BETWEEN 0.076% AND 0.084% INCLUSIVE	
<input type="checkbox"/> 0.04% STANDARD - MUST READ BETWEEN 0.038% AND 0.042% INCLUSIVE	

TEST 1: _____	TEST 2: _____	TEST 3: _____
<input type="checkbox"/> PERFORM R.F.I. TEST		

INDICATE THE NUMBER OF BREATH TEST IN THE FOLLOWING RANGES SINCE THE LAST MAINTENANCE REPORT:

REFUSALS	0-04	05-09	10-14	15-19	OVER 19
----------	------	-------	-------	-------	---------

LIST ANY NEW PARTS AND DESCRIBE ANY ALTERATION OR MODIFICATION THAT WAS MADE TO RESTORE THE INSTRUMENT TO OPERATE SATISFACTORILY AND WITHIN ESTABLISHED LIMITS (USE OTHER SIDE IF NECESSARY)

INSPECTING OFFICER

SIGNATURE _____	PRINT FULL NAME _____
TYPE II PERMIT NUMBER _____	EXPIRATION DATE _____
TELEPHONE NUMBER _____	

RETURN COMPLETED REPORT TO THE Breath Alcohol Program, Missouri Department of Health and Senior Services by mail, fax, or email



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
CMI INTOXILYZER 8000 MAINTENANCE REPORT

REPORT #2

Complete this report in duplicate at the time of the regular monthly preventive maintenance check, and whenever instrument is repaired. Send one copy to Department of Health and Senior Services, and retain one copy in department file.

INSTRUMENT SERIAL NUMBER	LOCATION OF INSTRUMENT	DATE OF INSPECTION	TIME OF INSPECTION
--------------------------	------------------------	--------------------	--------------------

CALIBRATION CHECK RESULTS			CALIBRATION CHECK SUMMARY		
TEST	g/210L	TIME	STANDARD TYPE	STANDARD LOT NO.	STANDARD EXPIRATION DATE
			SIM TEMPERATURE	SIM SERIAL NUMBER	SIM CERTIFICATE EXPIRATION
			STANDARD VALUE	STANDARD SUPPLIER	
			CALIBRATION CHECK RESULT 1		
			CALIBRATION CHECK RESULT 2		
			CALIBRATION CHECK RESULT 3		
			MAXIMUM DEVIATION (MUST BE WITHIN 5%)		SPREAD (MUST BE .005 OR LESS)

DIAGNOSTIC TEST RESULTS	RFI TEST RESULTS		
	TEST	g/210L	TIME
Voltage/Current Test			
RAM Test			
EEPROM Checksum Test			
Real Time Clock Test			
DSP Test			
Analytical Stability Test			
Modem Test			
Temperature Regulation Test			

NUMBER OF REFUSALS AND SUBJECT BREATH TESTS IN EACH RANGE SINCE LAST MAINTENANCE REPORT					
REFUSALS	.00-.04	.05-.09	.10-.14	.15-.19	OVER .19

List any new parts and describe any alteration or modification that was made to restore the instrument to operate satisfactorily and within established limits (use other side if necessary).

INSPECTING OFFICER			
SIGNATURE		PRINT NAME	
TYPE II PERMIT NUMBER	EXPIRATION DATE	TELEPHONE NUMBER	



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
BREATH ALCOHOL PROGRAM

INTOX EC/IR II MAINTENANCE REPORT

REPORT #3

Complete this report at the time of the regular monthly preventive maintenance check (not to exceed 35 days).
Complete this report whenever the instrument is serviced or repaired and whenever it is placed into service.
Retain the original and send a copy within 15 days to the Breath Alcohol Program, DHSS.

INTOX EC/IR II SN	NAME OF AGENCY	DATE OF INSPECTION
LOCATION OF INSTRUMENT (STREET AND CITY)		TIME OF INSPECTION

CHECKLIST: Place a mark in the box by each item if found to be satisfactory or is operating within established limits. (Write in coserved values where determined). Unmarked items must be corrected before using instrument.

DIAGNOSTIC RECORD

<input type="checkbox"/> BLANK CHECK	<input type="checkbox"/> CO2 CHECK
<input type="checkbox"/> FC 1 TEMP	<input type="checkbox"/> FLOW CHECK
<input type="checkbox"/> SRC TEMP	<input type="checkbox"/> FCB CHECK
<input type="checkbox"/> DET TEMP	<input type="checkbox"/> CRC COMP CHECK
<input type="checkbox"/> BT TEMP	<input type="checkbox"/> CRC CAL CHECK
<input type="checkbox"/> STD 2 TEMP	<input type="checkbox"/> PRINT TEST
<input type="checkbox"/> ETH CHECK	DATE AND TIME

BREATH ANALYZER ACCURACY STANDARDS

<input type="checkbox"/> SIMULATOR SOLUTION	<input type="checkbox"/> COMPRESSED ETHANOL-GAS MIXTURE	
<input type="checkbox"/> STANDARD SUPPLIER	LOT #	EXP. DATE
<input type="checkbox"/> SIMULATOR TEMP (34°C ± 0.2°C)	SIM. SN	SIM. NIST EXP DATE

CALIBRATION CHECK - (ONLY ONE STANDARD IS TO BE USED PER MAINTENANCE REPORT)
Run three tests using a standard solution. All three tests must be within ±5% of the standard value and must have a spread of .005 or less. Mark the box corresponding to the standard solution being used.

0.10% STANDARD - MUST READ BETWEEN 0.095% AND 0.105% INCLUSIVE

0.08% STANDARD - MUST READ BETWEEN 0.076% AND 0.084% INCLUSIVE

0.04% STANDARD - MUST READ BETWEEN 0.038% AND 0.042% INCLUSIVE

TEST 1	TEST 2	TEST 3
--------	--------	--------

INDICATE THE NUMBER OF BREATH TEST IN THE FOLLOWING RANGES SINCE THE LAST MAINTENANCE REPORT:

REFUSALS	0-.04	.05-.09	.10-.14	.15-.19	OVER .19
----------	-------	---------	---------	---------	----------

LIST ANY NEW PARTS AND DESCRIBE ANY ALTERATION OR MODIFICATION THAT WAS MADE TO RESTORE THE INSTRUMENT TO OPERATE SATISFACTORILY AND WITHIN ESTABLISHED LIMITS (USE OTHERS IF NECESSARY)

INSPECTING OFFICER

SIGNATURE	PRINTED NAME
TYPE II PERMIT NUMBER	EXPIRATION DATE
	TELEPHONE NUMBER ()

RETURN COMPLETED REPORT TO THE: Breath Alcohol Program, Missouri Department of Health and Senior Services
by mail, fax, or email.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
ALCO-SENSOR IV WITH PRINTER MAINTENANCE REPORT

REPORT #7

Complete this report in duplicate at the time of the regular monthly preventative maintenance check, and whenever instrument is repaired. Send copy to Department of Health and Senior Services; retain original in department file.

ALCO SENSOR IV SN _____	NAME OF AGENCY _____	DATE OF INSPECTION _____
LOCATION OF INSTRUMENT (STREET AND CITY) _____		TIME OF INSPECTION _____

CHECKLIST: Place a mark in the box by each item if found to be satisfactory or if operating within established limits. (Write in observed values where determined.) Unmarked items must be corrected before using instrument.

- DIGITAL READOUT (ALL ELEMENTS OPERATIONAL)
- TEMPERATURE OF ALCO SENSOR (10°C - 40°C)
- PRINTER WORKING PROPERLY
- TIME AND DATE DISPLAYING PROPERLY

BREATH ALCOHOL ACCURACY STANDARDS

- SIMULATOR SOLUTION COMPRESSED ETHANOL-GAS MIXTURE
- STANDARD SUPPLIER _____ LOT # _____ EXP. DATE _____
- SIMULATOR TEMPERATURE (34°C ± 0.2°C) _____ SIM. SN _____ SIM. NIST EXP DATE _____
- CALIBRATION CHECK – (ONLY ONE STANDARD IS TO BE USED PER MAINTENANCE REPORT)
Run three tests using a standard solution. All three tests must be within ±5% of the standard value and must have a spread of .005 or less. Check the box corresponding to the standard solution being used. (PRINTOUT ATTACHED)
 - 0.100% STANDARD - MUST READ BETWEEN 0.095% and 0.105% INCLUSIVE
 - 0.080% STANDARD - MUST READ BETWEEN 0.076% and 0.084% INCLUSIVE
 - 0.040% STANDARD - MUST READ BETWEEN 0.038% and 0.042% INCLUSIVE

TEST 1 <input type="checkbox"/>	TEST 2 <input type="checkbox"/>	TEST 3 <input type="checkbox"/>
---------------------------------	---------------------------------	---------------------------------

- RFI DETECTOR OPERATING

INDICATE THE NUMBER OF BREATH TESTS IN THE FOLLOWING RANGES SINCE THE LAST MAINTENANCE REPORT:
(DO NOT INCLUDE SELF-ADMINISTERED TESTS)

REFUSALS	(0-.04)	(.05-.09)	(.10-.14)	(.15-.19)	(OVER .19)
----------	---------	-----------	-----------	-----------	------------

List any new parts and describe any alteration or modification that was made to restore the instrument to operate satisfactorily and within established limits (use other side if necessary).

INSPECTING OFFICER

SIGNATURE _____	PRINT NAME _____
TYPE II PERMIT NUMBER/EXPIRATION DATE _____	TELEPHONE NUMBER _____

Return completed report to the: Breath Alcohol Program, MO Department of Health and Senior Services, Southeast District Office by mail, fax, or email.



AUTHORITY: sections 192.006, 577.020, and 577.037, RSMo 2016.* This rule previously filed as 19 CSR 20-30.031. Original rule filed July 15, 1988, effective Sept. 29, 1988. Emergency amendment filed Dec. 2, 1992, effective Dec. 12, 1992, expired April 10, 1993. Emergency amendment filed April 1, 1993, effective April 11, 1993, expired June 6, 1993. Amended: Filed Dec. 2, 1992, effective June 7, 1993. Emergency amendment filed Nov. 9, 1993, effective Nov. 19, 1993, expired March 18, 1994. Emergency amendment filed March 1, 1994, effective March 11, 1994, expired July 8, 1994. Emergency amendment filed July 12, 1994, effective July 22, 1994, expired Nov. 18, 1994. Emergency amendment filed Oct. 28, 1994, effective Nov. 7, 1994, expired March 6, 1995. Amended: Filed July 22, 1994, effective Dec. 30, 1994. Changed to 19 CSR 25-30.031 Jan. 1, 1995. Emergency amendment filed March 3, 1995, effective March 13, 1995, expired July 1, 1995. Emergency amendment filed June 21, 1995, effective July 1, 1995, expired Oct. 28, 1995. Amended: Filed March 3, 1995, effective July 30, 1995. Emergency amendment filed March 15, 1996, effective March 25, 1996, expired Sept. 20, 1996. Amended: Filed March 15, 1996, effective Aug. 30, 1996. Amended: Filed Aug. 25, 1997, effective Feb. 28, 1998. Amended: Filed May 31, 2012, effective Dec. 30, 2012. Emergency amendment filed Sept. 4, 2013, effective Sept. 15, 2013, expired March 13, 2014. Amended: Filed Sept. 4, 2013, effective Feb. 28, 2014. Amended: Filed Oct. 1, 2019, effective March 30, 2020.

*Original authority: 192.006, RSMo 1993, amended 1995; 577.020, RSMo 1977, amended 1982, 1983, 1996, 1998, 2001, 2006, 2014; and 577.037, RSMo 1982, amended 1983, 1988, 1993, 1996, 2001, 2014, 2016.

Stuart v. Director of Revenue, 761 S.W.2d 234 (Mo. App. 1988). A Type II permittee is qualified to testify as an expert on technical matters and permissible temperature tolerances.

Miller v. Director of Revenue, 719 S.W.2d 787 (Mo. banc 1986); *Elkins v. Director of Revenue*, 728 S.W.2d 567 (Mo. App. 1987). Possession of a permit is a matter within the personal knowledge of the permittee. Testimony by a permittee is sufficient to prove the permittee's qualifications to administer the tests.

19 CSR 25-30.041 Type III Permit

PURPOSE: This rule establishes the qualifications, duties, and responsibilities of a Type III permittee.

(1) A Type III permit, included herein, authorizes an individual to operate breath analyzers.

(2) An applicant for a Type III permit shall not be less than twenty-one (21) years of age. The applicant shall have successfully completed a training course approved by the department for operation of breath analyzers or shall offer proof of equivalent qualifications to the satisfaction of the department. The applicant must also complete an application for a Type III permit, included herein.

(3) To renew a Type III permit, the applicant shall have performed at least ten (10) tests on drinking subjects in the past year on each instrument for which renewal is requested. If this condition is not met or the permit has expired for more than thirty (30) days, the applicant shall complete a two- (2-) hour refresher training course under the supervision of an individual with a valid Type II permit. The refresher training course shall include the performance of the five (5) self-administered tests for each breath analyzer for which renewal is requested. Copies of the completed operational checklists and printout for the self-administered tests shall accompany the renewal application.

(4) Type III permits issued prior to the effective date of this rule shall be considered valid under the conditions of this rule.

(5) Type III permit applications completed prior to the effective date of this rule shall be considered valid under the conditions of this rule.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
STATE PUBLIC HEALTH LABORATORY
BREATH ALCOHOL PROGRAM

APPLICATION FOR TYPE III PERMIT FOR OPERATION OF BREATH ALCOHOL ANALYZERS

THIS APPLICATION IS FOR: NEW PERMIT RENEWAL

CURRENT PERMIT NUMBER AND EXPIRATION DATE: _____ EMAIL ADDRESS FOR COMPLETED PERMIT: _____

PRINT FULL NAME: _____ TITLE: _____ AGE: _____

DEPARTMENT OR TROOP: _____ TELEPHONE: () _____

BUSINESS ADDRESS (STREET, CITY, STATE, ZIP CODE): _____

LIST ALL ORIGINAL TRAINING COURSES FOR OPERATION OF BREATH ANALYZERS.
(Also, please be sure an is placed beside ALL breath analyzer(s) for which you are requesting a permit.)

DATES OF COURSE	LOCATION OF COURSE	COURSE LENGTH (HRS.)	NAME & MODEL OF BREATH ANALYZER	APPLICANT REQUESTS RENEWAL FOR THIS INSTRUMENT	NAME OF INSTRUCTOR
				<input type="checkbox"/>	
				<input type="checkbox"/>	
				<input type="checkbox"/>	

IF THIS IS AN APPLICATION FOR A NEW PERMIT, INCLUDE A COPY OF APPLICANT'S EXAM

IF THIS IS A RENEWAL APPLICATION, AND/OR YOU ARE ADDING A NEW INSTRUMENT TO YOUR CURRENT PERMIT, READ THE FOLLOWING INSTRUCTIONS AND PROVIDE THE FOLLOWING ADDITIONAL INFORMATION:

When adding a new instrument, you receive a new two (2) year permit. Therefore, normal renewal procedures apply for the instrument(s) on your current permit that you wish to transfer to the new permit. Disregarding these renewal procedures will result in a new permit for the new instrument only.

To renew a Type III Permit, the applicant shall have performed at least ten (10) tests on drinking subjects in the past year on each instrument for which renewal is requested. If this condition is not met or the permit has expired for more than thirty (30) days, the applicant shall complete a two (2) hour refresher-training course under the supervision of an individual with a valid Type II Permit. The refresher-training course shall include the performance of five (5) self-administered tests for each breath analyzer for which renewal is requested. Copies of the completed operational checklists and printouts for the self-administered tests shall accompany the renewal application.

NAME OF INSTRUMENT	NUMBER OF SUBJECT TESTS	NUMBER OF SELF-TESTS	REFRESHER TRAINING COMPLETE
1. _____			<input type="checkbox"/>
2. _____			<input type="checkbox"/>
3. _____			<input type="checkbox"/>

SIGNATURE OF APPLICANT: _____ DATE: _____

RECOMMENDATION OF SUPERVISOR TYPE II

I certify that _____ is qualified to operate the breath analyzer instrument(s) as requested in this application.

PRINT TYPE II APPLICANT FULL NAME: _____ BUSINESS PHONE: () _____

SIGNATURE OF TYPE II PERMITTEE: _____ PERMIT NUMBER/EXPIRATION DATE: _____

RETURN COMPLETED APPLICATION TO THE: Breath Alcohol Program, MO Department of Health and Senior Services, Southeast District Office
1903 Northwood Drive, Suite #4, Poplar Bluff, MO 63901



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
BREATH ALCOHOL PROGRAM



**PERMIT
TYPE III**

_____ is hereby authorized to operate the following breath analyzer(s):

For the determination of the alcoholic content of blood from a sample of expired air. Permit issued under the provisions of sections 577.001 through 577.041, RSMo.

DATE _____

DIRECTOR OF STATE PUBLIC HEALTH LABORATORY

NUMBER _____

EXPIRES _____

DIRECTOR OF DEPARTMENT OF HEALTH AND SENIOR SERVICES

MO 589.0772 (5-19)

LAB 671-111



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
BREATH ALCOHOL PROGRAM



**PERMIT
TYPE III**

_____ is hereby authorized to operate the following breath analyzer(s):

For the determination of the alcoholic content of blood from a sample of expired air. Permit issued under the provisions of sections 577.001 through 577.041, RSMo.

DATE _____

DIRECTOR OF STATE PUBLIC HEALTH LABORATORY

NUMBER _____

EXPIRES _____

DIRECTOR OF DEPARTMENT OF HEALTH AND SENIOR SERVICES

MO 589.0772 (5-19)

LAB 671-111



AUTHORITY: sections 192.006, 577.020, and 577.037, RSMo 2016.* This rule previously filed as 19 CSR 20-30.041. Original rule filed July 15, 1988, effective Sept. 29, 1988. Amended: Filed March 15, 1996, effective Aug. 30, 1996. Changed to 19 CSR 25-30.041 Jan. 1, 1995. Emergency amendment filed June 19, 1998, effective July 1, 1998, expired Feb. 25, 1999. Amended: Filed June 19, 1998, effective Jan. 30, 1999. Amended: Filed May 31, 2012, effective Dec. 30, 2012. Amended: Filed Oct. 1, 2019, effective March 30, 2020.

*Original authority: 192.006, RSMo 1993, amended 1995; 577.020, RSMo 1977, amended 1982, 1983, 1996, 1998, 2001, 2006, 2014; and 577.037, RSMo 1982, amended 1983, 1988, 1993, 1996, 2001, 2014, 2016.

Stuart v. Director of Revenue, 761 S.W.2d 234 (Mo. App. 1988). A Type II permittee is qualified to testify as an expert on technical matters and permissible temperature tolerances.

Müller v. Director of Revenue, 719 S.W.2d 787 (Mo. banc 1986); **Elkins v. Director of Revenue**, 728 S.W.2d 567 (Mo. App. 1987). Possession of a permit is a matter within the personal knowledge of the permittee. Testimony by a permittee is sufficient to prove the permittee's qualifications to administer the tests.

19 CSR 25-30.050 Approved Breath Analyzers

PURPOSE: This rule enumerates those breath analyzers which are approved by the Department of Health and Senior Services for the determination of the alcoholic content of blood from a sample of expired air.

(1) Approved breath analyzers are—

NAME OR ITEM	MANUFACTURER OR SUPPLIER
Alco-Sensor IV with printer, Intox EC/IR II, and Intox DMT	Intoximeters, Inc.
Intoxilyzer, Model 8000	CMI/MPH, Operations of MPD, Inc.

(2) Breath analyzers are to be used within buildings or vehicles used for driving-while-intoxicated enforcement. These breath analyzers are not approved for mobile use in boats or in outside areas.

(3) Maintenance checks and breath tests performed on previously approved breath analyzers prior to the effective date of this rule shall be considered valid under this rule if such tests were completed in compliance with the rules in effect at the time the test was conducted.

AUTHORITY: sections 192.006, 577.020, and 577.037, RSMo 2016.* This rule was previously filed as 13 CSR 50-140.050 and 19 CSR 20-30.050. Original rule filed Oct. 1, 1965, effective Oct. 13, 1965. Amended: Filed Jan. 29, 1970, effective March 30, 1970. Amended: Filed Sept. 10, 1970, effective Nov. 9, 1970. Amended: Filed Dec. 8, 1972, effective Feb. 6, 1973. Emergency amendment filed Aug. 4, 1977, effective Aug. 14, 1977, expired Dec. 12, 1977. Amended: Filed Aug. 4, 1977, effective Nov. 11, 1977. Amended: Filed Feb. 8, 1982, effective May 13, 1982. Emergency amendment filed July 27, 1984, effective Aug. 6, 1984, expired Jan. 4, 1985. Amended: Filed July 17, 1984, effective Dec. 13, 1984. Changed to 19 CSR 20-30.050, effective Aug. 15, 1986. Amended: Filed Oct. 3, 1986, effective Dec. 25, 1986. Emergency amendment filed Jan. 13, 1987, effective Jan. 23, 1987, expired May 22, 1987. Amended: Filed Jan. 16, 1987, effective April 11, 1987. Emergency rescission and emergency rule filed June 2, 1988, effective June 12, 1988, expired Sept. 19, 1988. Rescinded and readopted: Filed June 2, 1988, effective Aug. 25, 1988. Amended: Filed June 16, 1989, effective Sept. 11, 1989. Emergency amendment filed Sept. 5, 1991, effective Sept. 15, 1991, expired Jan. 12, 1992. Amended: Filed Sept. 5, 1991, effective Jan. 13, 1992. Amended: Filed Jan. 15, 1993, effective July 8, 1993. Emergency amendment filed Nov. 9, 1993, effective Nov. 19, 1993, expired March 18, 1994. Emergency amendment filed March 1, 1994, effective March 11, 1994, expired July 8, 1994. Emergency amendment filed July 12, 1994, effective July 22, 1994, expired Nov. 18, 1994. Emergency amendment filed Oct. 28, 1994, effective Nov. 7, 1994, expired March 6, 1995. Amended: Filed July 22, 1994, effective Dec. 30, 1994. Changed to 19 CSR 25-30.050 Jan. 1, 1995. Emergency amendment filed March 15, 1996, effective March 25, 1996, expired Sept. 20, 1996. Amended: Filed March 16, 1996, effective Aug. 30, 1996. Emergency amendment filed Aug. 22, 1997, effective Sept. 1, 1997, expired Feb. 27, 1998. Amended: Filed Aug. 25, 1997, effective Feb. 28, 1998. Emergency amendment filed May 10, 2001, effective May 22, 2001, expired Nov. 17, 2001. Amended: Filed May 10, 2001, effective Oct. 30, 2001. Amended: Filed May 31, 2012, effective Dec.

30, 2012. Emergency amendment filed Sept. 4, 2013, effective Sept. 15, 2013, expired March 13, 2014. Amended: Filed Sept. 4, 2013, effective Feb. 28, 2014. Amended: Filed Oct. 1, 2019, effective March 30, 2020.

*Original authority: 192.006, RSMo 1993, amended 1995; 577.020, RSMo 1977, amended 1982, 1983, 1996, 1998, 2001, 2006, 2014; and 577.037, RSMo 1982, amended 1983, 1988, 1993, 1996, 2001, 2014, 2016.

Eckhoff v. Director of Revenue, 745 S.W.2d 815 (Mo. App. 1988); **Director of Revenue v. Martin**, 752 S.W.2d 453 (Mo. App. 1988). For purpose of breath analysis tests, the procedural components of these tests include the testing techniques and methods, the qualifications of the person administering the tests, and the nature and description of the equipment and devices to be used. The designation of approved suppliers of test ampoules for breathalyzer test was procedural only and would be applied retrospectively.

19 CSR 25-30.051 Breath Analyzer Calibration and Accuracy Verification Standards

PURPOSE: This rule defines the standard simulator solutions or compressed ethanol-gas mixtures to be used in verifying and calibrating breath analyzers, as well as the annual checks required on simulators used in conjunction with the standard simulator solution.

- (1) Standards used for the purpose of verifying and calibrating breath analyzers shall consist of standard simulator solutions or compressed ethanol-gas standard mixtures.
- (2) Standard simulator solutions, used to verify and calibrate evidential breath analyzers, shall be solutions from approved suppliers. The standard simulator solutions used shall have a vapor concentration within five percent (5%) of the following values:
 - (A) 0.10%;
 - (B) 0.08%; or
 - (C) 0.04%.
- (3) Approved suppliers of standard simulator solutions are—
 - (A) Alcohol Countermeasure Systems, Inc.;
 - (B) Guth Laboratories, Inc.;
 - (C) RepCo Marketing, Inc.; and
 - (D) Draeger Safety, Inc.
- (4) Any breath alcohol simulator used in the verification or calibration of evidential breath analyzers with the standard simulator solutions referred to in sections (2) and (3) of this



rule shall be certified against a National Institute of Standards and Technology (NIST) traceable reference thermometer or thermocouple between January 1, 2013, and December 31, 2013, and annually thereafter. Proof that the simulator is in certification shall be shown by entry of the simulator serial number and expiration date of the certification period on the maintenance report required under 19 CSR 25-30.031, or by certification report as issued by the department.

(5) Compressed ethanol-gas standard mixtures used to verify and calibrate evidential breath analyzers shall be mixtures provided from approved suppliers. The compressed ethanol-gas mixtures used shall have a concentration within five percent (5%) of the following values:

- (A) 0.10%;
(B) 0.08%; or
(C) 0.04%.

(6) Approved suppliers of standard compressed ethanol-gas mixtures are—

- (A) Intoximeters, Inc.;
(B) CMI, Inc.;
(C) Draeger Safety Diagnostic, Inc.;
(D) ILMO Products Company, Inc.; and
(E) Guth Laboratories, Inc.

(7) Maintenance reports completed prior to the effective date of this rule shall be considered valid under this rule if the maintenance report was completed in compliance with the rules in effect at the time the maintenance was conducted.

AUTHORITY: sections 192.006, 577.020, and 577.037, RSMo 2016.* Emergency rule filed Aug. 22, 1997, effective Sept. 1, 1997, expired Feb. 27, 1998. Original rule filed Aug. 25, 1997, effective Feb. 28, 1998. Emergency rescission and emergency rule filed April 17, 1998, effective May 4, 1998, expired Oct. 30, 1998. Rescinded and readopted: Filed May 1, 1998, effective Oct. 30, 1998. Amended: Filed Jan. 15, 2004, effective July 30, 2004. Amended: Filed May 31, 2012, effective Dec. 30, 2012. Amended: Filed Sept. 4, 2013, effective Feb. 28, 2014. Amended: Filed Oct. 1, 2019, effective March 30, 2020.

*Original authority: 192.006, RSMo 1993, amended 1995; 577.020, RSMo 1977, amended 1982, 1983, 1996, 1998, 2001, 2006, 2014; and 577.037, RSMo 1982, amended 1983, 1988, 1993, 1996, 2001, 2014, 2016.

19 CSR 25-30.060 Operating Procedures for Breath Analyzers

PURPOSE: This rule establishes an opera-

tional checklist (including certification by the operator) for each of the approved breath analyzers in 19 CSR 25-30.050. Prosecuting attorneys have requested that these procedures be included as a rule so they can be introduced in court to show that operators of breath analyzers have adhered strictly to the operating procedures set forth and approved by the Department of Health and Senior Services.

(1) When using Alco-Sensor IV with printer, the procedures on the form included herein shall be performed and the form shall be completed (see form #8).

(2) When using Intox DMT, the procedures on the form incorporated within the instrument software shall be performed and the form shall be completed (see form #11 included herein for example).

(3) When using Intoxilyzer, Model 8000, the procedures on the form incorporated within the instrument software shall be performed and the form shall be completed (see form #12 included herein for example).

(4) When using Intox EC/IR II, the procedures on the form incorporated within the instrument software shall be performed and the form shall be completed (see form #13 included herein for example).

(5) The fifteen- (15-) minute observation of the subject, which is the second procedure on the forms in sections (1)–(6) of this rule, shall be done by a current Type II or Type III permit holder. The observation period is intended to ensure that any alcohol in a test subject’s mouth has time to dissipate before a breath sample is taken so that mouth alcohol does not affect the accuracy of a test result. A fifteen- (15-) minute observation period is deemed to be sufficient for the dissipation of any mouth alcohol to a reasonable degree of scientific certainty.

(6) Results of subject tests shall be recorded on the operational checklist in a manner consistent with the breath analyzer’s digital display and/or printout. For example, if the display and/or the printout reads one hundred forty-nine thousandths percent (0.149%), the result shall be recorded as one hundred forty nine thousandths percent (0.149%).

(7) Operational Checklists and breath tests completed prior to the effective date of this rule shall be considered valid if such tests were completed in compliance with the rules in effect at the time the test was conducted.

Operational Checklists and breath tests completed within ninety (90) days after the effective date of this rule shall be considered valid if such tests were completed in compliance with the rules in effect at the time the tests were conducted or the rules in effect immediately prior to the effective date of this rule.

(8) When using the Alco-Sensor IV with printer, the use of the Manual button shall not be allowed to obtain a breath alcohol test result from a subject.



FORM #8

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
BLOOD ALCOHOL TEST REPORT - ALCO-SENSOR IV WITH PRINTER

SUBJECT'S NAME _____ DATE OF TEST _____

OPERATIONAL CHECKLIST: ALCO-SENSOR IV WITH PRINTER

ALCO-SENSOR SERIAL NO. _____ LOCATION OF INSTRUMENT _____

TIME OBSERVATION PERIOD STARTED _____ TIME OF TEST _____

1. Examination of mouth conducted. If any substance is observed or indicated to be present, the substance observed or indicated must be removed prior to starting the 15 minute observation period.

2. Subject observed for at least 15 minutes by _____
No smoking, oral intake or vomiting during this time; if vomiting occurs, start over with 15 minute observation period.

3. Make sure printer is connected to Alco-Sensor IV.

4. Turn printer on.

5. Insert mouthpiece into Alco-Sensor IV.

6. Observe temperature display, make sure temperature reading is between 10°C and 40°C.

7. When "TEST" is displayed on Alco-Sensor IV, take subject breath sample.

8. When "SET" is displayed on Alco-Sensor IV, press SET button.

9. When printer has completed printing test result, tear off tape and fill in subject and officer information.

10. Press red button to eject mouthpiece.

11. Attach printout to this report.

CERTIFICATION BY OPERATOR

BAC _____

As set forth in the rules promulgated by the Department of Health and Senior Services related to the determination of blood alcohol by breath analysis, I certify that:

1. There was no deviation from the procedure approved by the department.

2. To the best of my knowledge the instrument was functioning properly.

3. I am authorized to operate the instrument.

NAME OF OPERATOR _____ PERMIT NO. _____ EXPIRATION DATE _____

NAME OF OBSERVER _____ OBSERVER PERMIT NO. _____ EXPIRATION DATE _____

WITNESS (IF ANY) _____ DATE _____

MO 380-12-3 (5-9) AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER LAB 108
services provided on a non-discriminatory basis

FORM #8

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
BLOOD ALCOHOL TEST REPORT - ALCO-SENSOR IV WITH PRINTER

SUBJECT'S NAME _____ DATE OF TEST _____

OPERATIONAL CHECKLIST: ALCO-SENSOR IV WITH PRINTER

ALCO-SENSOR SERIAL NO. _____ LOCATION OF INSTRUMENT _____

TIME OBSERVATION PERIOD STARTED _____ TIME OF TEST _____

1. Examination of mouth conducted. If any substance is observed or indicated to be present, the substance observed or indicated must be removed prior to starting the 15 minute observation period.

2. Subject observed for at least 15 minutes by _____
No smoking, oral intake or vomiting during this time; if vomiting occurs, start over with 15 minute observation period.

3. Make sure printer is connected to Alco-Sensor IV.

4. Turn printer on.

5. Insert mouthpiece into Alco-Sensor IV.

6. Observe temperature display, make sure temperature reading is between 10°C and 40°C.

7. When "TEST" is displayed on Alco-Sensor IV, take subject breath sample.

8. When "SET" is displayed on Alco-Sensor IV, press SET button.

9. When printer has completed printing test result, tear off tape and fill in subject and officer information.

10. Press red button to eject mouthpiece.

11. Attach printout to this report.

CERTIFICATION BY OPERATOR

BAC _____

As set forth in the rules promulgated by the Department of Health and Senior Services related to the determination of blood alcohol by breath analysis, I certify that:

1. There was no deviation from the procedure approved by the department.

2. To the best of my knowledge the instrument was functioning properly.

3. I am authorized to operate the instrument.

NAME OF OPERATOR _____ PERMIT NO. _____ EXPIRATION DATE _____

NAME OF OBSERVER _____ OBSERVER PERMIT NO. _____ EXPIRATION DATE _____

WITNESS (IF ANY) _____ DATE _____

MO 380-12-3 (5-9) AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER LAB 108
services provided on a non-discriminatory basis



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
BLOOD ALCOHOL TEST REPORT - INTOX DMT

FORM #11

LOCATION OF INSTRUMENT	INSTRUMENT SERIAL NUMBER	DATE OF TEST	TIME OBSERVATION PERIOD STARTED	TIME OF TEST
SUBJECT NAME		DATE OF BIRTH		
SUBJECT DRIVER'S LICENSE NUMBER		STATE		
ARRESTING OFFICER		ARRESTING OFFICER ID		
OPERATOR		OPERATOR PERMIT	PERMIT EXP DATE	
OBSERVER		OBSERVER PERMIT	PERMIT EXP DATE	

OPERATIONAL CHECKLIST: INTOX DMT

- 1. Examination of mouth conducted. If any substance is observed or indicated to be present, the substance observed or indicated must be removed prior to starting the 15 minute observation period.
- 2. Subject observed for at least 15 minutes by _____
No smoking, oral intake or vomiting during this time; if vomiting occurs, start over with the 15 minute observation period.
- 3. Assure that the power switch is ON and the screen is displaying "READY <PUSH RUN>".
- 4. Press the Run button on the display screen.
- 5. Enter subject and officer information.
- 6. When display reads "Please Blow" and gives audible beep, insert mouthpiece and take the subject's breath sample.

SUBJECT TEST RESULTS

COMMENTS

CERTIFICATION BY OPERATOR	BAC
----------------------------------	-----

As set forth in the rules promulgated by the Department of Health and Senior Services related to the determination of blood alcohol by breath analysis, I certify that:

- 1. There was no deviation from the procedure approved by the department.
- 2. To the best of my knowledge the instrument was functioning properly.
- 3. I am authorized to operate the instrument.

SIGNATURE OF OPERATOR	DATE
SIGNATURE OF OFFICER	DATE



STATE OF MISSOURI
DEPARTMENT OF HEALTH AND SENIOR SERVICES
BLOOD ALCOHOL TEST REPORT – INTOXILYZER 8000

FORM #12

LOCATION OF INSTRUMENT	INSTRUMENT SERIAL NUMBER	DATE OF TEST	TIME OBSERVATION PERIOD STARTED	TIME OF TEST
SUBJECT NAME				DATE OF BIRTH
SUBJECT DRIVER'S LICENSE NUMBER				STATE
ARRESTING OFFICER		ARRESTING OFFICER ID		
OPERATOR		OPERATOR PERMIT	PERMIT EXPIRATION DATE	
OBSERVER		OBSERVER PERMIT	PERMIT EXPIRATION DATE	

OPERATIONAL CHECKLIST: INTOXILYZER 8000

- 1. Examination of mouth conducted. If any substance is observed or indicated to be present, the substance observed or indicated must be removed prior to starting the 15 minute observation period.
- 2. Subject observed for at least 15 minutes by _____
No smoking, oral intake or vomiting during this time; if vomiting occurs, start over with the 15 minute observation period.
- 3. Assure that the power switch is ON and the screen is displaying "Ready Mode".
- 4. Press the START TEST button.
- 5. Enter the subject and officer information.
- 6. When display reads "Please Blow Until Tone Stops/R", insert mouthpiece and take the subject's breath sample.

SUBJECT TEST RESULTS

COMMENTS

CERTIFICATION BY OPERATOR

BAC

As set forth in the rules promulgated by the Department of Health and Senior Services related to the determination of blood alcohol by breath analysis, I certify that:

- 1. There was no deviation from the procedure approved by the department.
- 2. To the best of my knowledge the instrument was functioning properly.
- 3. I am authorized to operate the instrument.

SIGNATURE OF OPERATOR

DATE

WITNESS (IF ANY)

DATE



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
BLOOD ALCOHOL TEST REPORT - INTOX EC/IR II

FORM #13

LOCATION OF INSTRUMENT	INSTRUMENT SERIAL NUMBER	DATE OF TEST	15ML OBSERVATION PERIOD STARTED	TIME OF TEST
SUBJECT NAME			DATE OF BIRTH	
SUBJECT DRIVER'S LICENSE NUMBER			STATE	
ARRESTING OFFICER		ARRESTING OFFICER ID		
OPERATOR	OPERATOR PERMIT	PERMIT EXP DATE		
OBSERVER	OBSERVER PERMIT	PERMIT EXP DATE		

OPERATIONAL CHECKLIST: INTOX EC/IR II

- 1. Examination of mouth conducted. If any substance is observed or indicated to be present, the substance observed or indicated must be removed prior to starting the 15 minute observation period.
- 2. Subject observed for at least 15 minutes by _____
No smoking, oral intake or vomiting during this time; if vomiting occurs, start over with the 15 minute observation period.
- 3. Assure that the power switch is ON and the screen is displaying "PRESS ENTER TO START".
- 4. Press the Enter button.
- 5. Enter subject and officer information.
- 6. When display reads "Please Blow/R", and gives audible beep, insert mouthpiece and take the subject's breath sample.

SUBJECT TEST RESULTS

Blank area for subject test results.

COMMENTS

CERTIFICATION BY OPERATOR

BAC

As set forth in the rules promulgated by the Department of Health and Senior Services related to the determination of blood alcohol by breath analysis, I certify that:

- 1. There was no deviation from the procedure approved by the department.
- 2. To the best of my knowledge the instrument was functioning properly.
- 3. I am authorized to operate the instrument.

SIGNATURE OF OPERATOR

DATE

WITNESSED BY

DATE



AUTHORITY: sections 192.006, 577.020, and 577.037, RSMo 2016.* This rule was previously filed as 13 CSR 50-140.060 and 19 CSR 20-30.060. Original rule filed July 11, 1979, effective Oct. 12, 1979. Amended: Filed Feb. 8, 1982, effective May 13, 1982. Emergency amendment filed July 27, 1984, effective Aug. 6, 1984, expired Jan. 4, 1985. Amended: Filed Aug. 3, 1984, effective Dec. 13, 1984. Changed to 19 CSR 20-30.060, effective Aug. 15, 1986. Emergency rescission and emergency rule filed June 2, 1988, effective June 12, 1988, expired Sept. 19, 1988. Rescinded and readopted: Filed June 2, 1988, effective Aug. 25, 1988. Emergency amendment filed July 11, 1988, effective July 21, 1988, expired Sept. 19, 1988. Amended: Filed June 16, 1989, effective Sept. 11, 1989. Emergency amendment filed Sept. 5, 1991, effective Sept. 15, 1991, expired Jan. 12, 1992. Amended: Filed Sept. 5, 1991, effective Jan. 13, 1992. Amended: Filed Jan. 15, 1993, effective July 8, 1993. Emergency amendment filed Nov. 9, 1993, effective Nov. 19, 1993, expired March 18, 1994. Emergency amendment filed March 1, 1994, effective March 11, 1994, expired July 8, 1994. Emergency amendment filed July 12, 1994, effective July 22, 1994, expired Nov. 18, 1994. Emergency amendment filed Oct. 28, 1994, effective Nov. 7, 1994, expired March 6, 1995. Amended: Filed July 22, 1994, effective Dec. 30, 1994. Changed to 19 CSR 25-30.060 Jan. 1, 1995. Emergency amendment filed March 3, 1995, effective March 13, 1995, expired July 1, 1995. Emergency amendment filed June 21, 1995, effective July 1, 1995, expired Oct. 28, 1995. Amended: Filed March 3, 1995, effective July 30, 1995. Emergency amendment filed March 15, 1996, effective March 25, 1996, expired Sept. 20, 1996. Amended: Filed March 15, 1996, effective Aug. 30, 1996. Amended: Filed Aug. 25, 1997, effective Feb. 28, 1998. Amended: Filed May 31, 2012, effective Dec. 30, 2012. Emergency amendment filed Sept. 4, 2013, effective Sept. 15, 2013, expired March 13, 2014. Amended: Filed Sept. 4, 2013, effective Feb. 28, 2014. Amended: Filed Oct. 1, 2019, effective March 30, 2020.

*Original authority: 192.006, RSMo 1993, amended 1995; 577.020, RSMo 1977, amended 1982, 1983, 1996, 1998, 2001, 2006, 2014; and 577.037, RSMo 1982, amended 1983, 1988, 1993, 1996, 2001, 2014, 2016.

Eckhoff v. Director of Revenue, 745 S.W.2d 815 (Mo. App. 1988); *Director of Revenue v. Martin*, 752 S.W.2d 453 (Mo. App. 1988). For purpose of breath analysis tests, the procedural components of these tests include the testing techniques and methods, the qualifications of the person administering the tests,

and the nature and description of the equipment and devices to be used. The designation of approved suppliers of test ampoules for breathalyzer test was procedural only and would be applied retrospectively.

Stuhr v. Director of Revenue, 760 S.W.2d 127 (Mo. App. 1988). Though the operational checklist which was used differed from the rule, the checklist exceeded the minimum established requirements and provided a proper foundation for admitting the results of the breath test.

Stuhr v. Director of Revenue, 760 S.W.2d 127 (Mo. App. 1988); *Bradford v. Director of Revenue*, 735 S.W.2d 208 (Mo. App. 1987). The time and date component of the BAC Verifier is a separate component from that of the sample collection portion of the unit. The wrong date or time on the printout is not evidence of a malfunction.

19 CSR 25-30.070 Approval of Methods for the Analysis of Blood, Saliva, and Urine for the Determination of Blood Alcohol Content or the Presence of Drugs

PURPOSE: This rule establishes the methods and analytical principles approved for the determination of blood alcohol content or the presence of drugs from samples of blood, urine, or saliva.

(1) Samples of blood, saliva, or urine shall be collected in accordance with the provisions of sections 577.001–577.041, RSMo, and a sufficient volume of sample shall be collected to provide for duplicate testing.

(A) Blood samples shall be collected in commercially-manufactured blood collection tubes that contain sodium fluoride or an equivalent preservative, as well as potassium oxalate, sodium citrate, or an equivalent anticoagulant.

(B) Urine specimens shall be collected in clean, dry containers. If a preservative, such as sodium fluoride, is employed, a comment stating the type and amount of preservative used should accompany the specimen. Specimens shall be refrigerated or frozen if not tested within one (1) day of collection.

(C) Saliva specimens shall be collected in a commercially-manufactured collection device and collected according to collection device instructions.

(2) The laboratory in which these analyses are performed shall have a director who shall assume full responsibility for the accuracy of tests and reports.

(3) An individual shall have a valid Type I permit in order to perform analyses of blood, saliva, and urine for the presence of drugs.

(4) Methods based on the following analytical principles are approved for the determination of blood alcohol content from a sample of blood, saliva, or urine:

- (A) Chromatography, in liquid or vapor phase;
- (B) Spectrophotometry;
- (C) Colorimetry; or
- (D) The quantitative determination of the reduction of dichromate in acid solution by ethanol.

(5) Methods based on the following analytical principles are approved for the analysis of blood, saliva, and urine for the presence of drugs:

- (A) Chromatography, in liquid or vapor phase;
- (B) Spectrophotometry;
- (C) Spectrometry; or
- (D) Immunoassay.

(6) All initial testing for the presence of drugs other than alcohol producing positive results shall be confirmed by a method employing mass spectrometry (MS).

(7) Blood, saliva, and urine tests for the determination of blood alcohol content or the presence of drugs performed prior to the effective date of this rule shall be considered valid under this rule if such tests were completed in compliance with the rules in effect at the time the test was conducted.

AUTHORITY: sections 192.006, 577.020, and 577.037, RSMo 2016.* This rule previously filed as 19 CSR 20-30.070. Emergency rule filed May 21, 1987, effective May 31, 1987, expired Sept. 28, 1987. Original rule filed May 21, 1987, effective Aug. 27, 1987. Emergency rescission filed Aug. 14, 1987, effective Aug. 26, 1987, expired Dec. 11, 1987. Emergency amendment filed Feb. 16, 1988, effective Feb. 26, 1988, expired June 24, 1988. Amended: Filed Feb. 16, 1988, effective April 28, 1988. Changed to 19 CSR 25-30.070 Jan. 1, 1995. Emergency amendment filed May 10, 2001, effective May 22, 2001, expired Nov. 17, 2001. Amended: Filed May 10, 2001, effective Oct. 30, 2001. Amended: Filed May 31, 2012, effective Dec. 30, 2012. Amended: Filed Oct. 1, 2019, effective March 30, 2020.

*Original authority: 192.006, RSMo 1993, amended 1995; 577.020, RSMo 1977, amended 1982, 1983, 1996, 1998, 2001, 2006, 2014; and 577.037, RSMo 1982, amended 1983, 1988, 1993, 1996, 2001, 2014, 2016.



State v. Kummer, 741 S.W.2d 285 (Mo. App. 1987). The rules of the Department of Health approving methods of analysis for determining blood alcohol content are procedural and relate to the admissibility of evidence, and thus are to be applied retrospectively.

19 CSR 25-30.080 Approval of Methods for the Analysis of Blood, Saliva, and Urine for the Presence of Drugs
(Rescinded March 30, 2020)

AUTHORITY: sections 192.006 and 577.026, RSMo 2000, and sections 306.114, 306.117, 577.020, 577.037, RSMo Supp. 2011. This rule previously filed as 19 CSR 20-30.080. Original rule filed July 15, 1988, effective Sept. 29, 1988. Changed to 19 CSR 20-30.080 Jan. 1, 1995. Emergency amendment filed May 10, 2001, effective May 22, 2001, expired Nov. 17, 2001. Amended: Filed May 10, 2001, effective Oct. 30, 2001. Amended: Filed May 31, 2012, effective Dec. 30, 2012. Rescinded: Filed Oct. 1, 2019, effective March 30, 2020.