40:10-1-1. Purpose

The rules in this Chapter pertain to persons involved in various aspects of the conduct of tests for alcohol and other intoxicating substances under the provisions of Title 47 O.S., Sections 751-761 and 3 O.S., Section 303 and 63 O.S., Section 4210A, Oklahoma Statutes. These rules address standards and qualifications of breath-alcohol test operators and supervisors, forensic alcohol and drug analysts, specimen collectors and other personnel, and regulate initial issuance, renewal and reinstatement of permits for such persons.
Qualifications and requirements for Independent breath-alcohol operators (initial permits) are as follows:

1. Residence within State of Oklahoma at time of application.
2. Minimum age of 21 years.
3. Good moral character.
4. Graduation from a state-accredited high school, or satisfactory passing of the "General Education Development Test", or equivalent educational background.
5. Satisfactory completion, within 1 year prior to application for an Operator permit, of a course of instruction in breath-alcohol analysis acceptable to the Board of Tests for Alcohol and Drug Influence.
6. Establishment, to the satisfaction of the Board of Tests for Alcohol and Drug Influence, of the applicant's competence to perform independent chemical analysis of breath for alcohol.
40:10-3-10. Qualifications and requirements for Independent breath-alcohol operators (renewal permits).

— Qualifications. Qualifications for Independent breath-alcohol operators (renewal permits) are as follows:

(1) Residence within State of Oklahoma at time of application.
(2) Minimum age of 21 years.
(3) Good moral character.
(4) Graduation from a state-accredited high school, or satisfactory passing of the "General Education Development Test," or equivalent education background.
(5) Possession of a valid Independent Breath Alcohol Analysis Operator Permit issued by the Board of Tests for Alcohol and Drug Influence within the preceding year upon compliance with:
   (A) Qualifications and Requirements for Initial Issuance of such Permits then in force, or
   (B) Qualifications and Requirements for Renewal of such Permits then in force.
(6) Satisfactory completion, within one (1) year prior to renewal of the Independent Operator Permit, of a requalification course of instruction in independent breath alcohol analysis acceptable to the State Director of Tests for Alcohol and Drug Influence.
(7) Establishment within one (1) year prior to renewal of the Independent Operator Permit, to the satisfaction of the Board of Tests for Alcohol and Drug Influence, of the applicant's competence to perform chemical analysis of breath for alcohol.
40:10-3-12. Reinstatement of expired independent breath-alcohol analysis permits.

Persons who otherwise meet the qualifications and requirements for issuance of a renewal Independent Breath-Alcohol Analysis Operator or Independent Breath-Alcohol Analysis Specialist Permit, respectively, but whose initial or renewal Permit has expired because of failure satisfactorily to complete a timely requalification course of instruction acceptable to the State Director of Tests for Alcohol and Drug Influence may regain eligibility for active and valid Permit status, for good cause and in the discretion of this Board, by the following Permit Reinstatement procedure:

(1) Documentation that a valid Independent Breath-Alcohol Analysis Operator or Independent Breath-Alcohol Analysis Specialist Permit was issued to the applicant under authority of this Board, of the issue and expiration dates of said Permit, and that said Permit had not been revoked for cause.

(2) Completion of a designated application form for Independent Permit Reinstatement, inclusive of all required information.

(3) Satisfactory completion of a requalification or retraining course of instruction in independent breath-alcohol analysis operation and/or independent breath-alcohol analysis specialist, as applicable, consisting of such theoretical and practical instruction and laboratory practice as deemed applicable and necessary by the State Director of Tests for Alcohol and Drug Influence in consultation with the instructional staff.

(4) Establishment, by written and practical examination, to the satisfaction of the Board of Tests for Alcohol and Drug Influence of the applicant's respective competence to perform, or to perform and conduct administrative maintenance of breath testing devices.
40:10-3-13. Revocation of breath-alcohol operator permits

   Revocation. Revocation refers to the immediate cancellation of a permit.

(1) A breath alcohol operator permit may be revoked by the Board when, in the opinion of the Board, the operator no longer meets the requirements of these rules because of unreliability, incompetence, or violation of these rules, or in any case where, in the opinion of the Board, continuance of licensure would not uphold the scientific integrity of the breath testing program.

(2) Upon revocation, the Board shall forward the notice and order of revocation of the breath alcohol operator permit to the operator and his/her employer specifying the basis for the revocation.

(3) The Board, in its sole discretion, shall determine the period of revocation.

(4) A revocation cancels any license issued to the breath alcohol operator for the period of revocation.

(5) During the period of revocation, the revoked breath alcohol operator shall cease any and all activities related to evidential breath testing in the state of Oklahoma.

(6) Licensure of a breath alcohol operator whose license has been revoked will require a written request from the applicant to the Board and successful completion of the original requirements for licensure outlined in this subsection.

(7) Revocation shall be for the purpose of maintaining the scientific integrity of the program and enforcing these rules.
40:10-3-14. Appeal process

An appeal of any action issued under the requirements in this title may be made in the following manner:

(1) **The Director.**
(A) A request for appeal must be received at the administrative offices of the Board within 30 days of the date of action.
(B) Upon proper submission, the Director shall issue an administrative order sustaining or overruling the action within 30 days.

(2) **The Board en banc.**
(A) A request for appeal of an administrative order shall be received at the administrative offices of the Board within 30 days of the date of the administrative order.
(B) Upon proper submission, the Board en banc shall issue a final administrative order sustaining or overruling the administrative order.

(3) An appeal of a final administrative order of the Board en banc may be made in accordance with the requirements in the Oklahoma Administrative Procedures Act, 75 O.S. 250, et seq.
40:10-9-1. Persons authorized to withdraw blood

(a) **Authority to withdraw blood.** Licensed medical doctors, licensed osteopathic physicians, registered nurses, licensed practical nurses, personnel licensed in accordance with 63 O.S. §1-2505 as Intermediate Emergency Medical Technician, Advanced Emergency Medical Technician, or Paramedic, and other persons designated by law (47 O.S., Section 752) or who otherwise hold a certification or designation as a phlebotomist and has been approved by the medical facility for which they are employed are authorized to withdraw blood for the purpose of determining the concentration of alcohol or other intoxicating substance therein, when acting at the request of a law enforcement officer or of an arrested person under the provisions of Title 47 and 3 O.S., Section 303 and 63 O.S., Section 4210A, Oklahoma Statutes.

(b) **Permits.** The current and valid license, registration, practice certificate or other official document entitling its holder to engage in the practice of the respective profession or practice, and issued by the respective Oklahoma healing arts licensing body to any qualified practitioner enumerated above is deemed by the Board of Tests for Alcohol and Drug Influence to be a valid Permit to Withdraw Blood under the provisions of Title 47 and 3 O.S., Section 303 and 63 O.S., Section 4210A, Oklahoma Statutes.
40:15-1-1. Purpose

The rules in this Chapter concern approval and regulation by the Board of forensic alcohol laboratories, forensic drug laboratories, and other facilities involved in tests for alcohol and other intoxicating substances under the provisions of Title 47 O.S., Sections 751-761 and 3 O.S., Section 303 and 63 O.S., Section 4210A, Oklahoma Statutes. They include qualifications and requirements for initial issuance and renewal of permits for such entities. All forensic laboratories and facilities that are ISO/IEC (International Organization of Standards/International Electrotechnical Commission) 17025 accredited, or as defined in 74 O.S. § 150.37 (Forensic Laboratory Accreditation Act) are exempt from these rules.
40:15-1-2. Forensic alcohol analysis laboratories

(a) **Initial Approval.** Any laboratory in which analysis for alcohol of specimens of blood, hereafter termed "forensic alcohol analysis," is performed under the provisions of Title 47 or Title 3 or Title 63 and 3 O.S., Section 303 and 63 O.S., Section 4210A, Oklahoma Statutes, shall possess at least the following qualifications and shall meet the following requirements. Any laboratory complying with such qualifications and requirements shall be deemed by this Board to be a Forensic Alcohol Laboratory approved by the Board of Tests for Alcohol and Drug Influence, and shall be entitled to issuance of a Forensic Alcohol Laboratory Permit. Such laboratory shall continue to satisfy such qualifications and requirements as a condition of the continued validity of such Permit.

(1) **Qualifications.** Qualifications for forensic alcohol analysis laboratories (initial permits) are as follows:

(A) **Location within the State of Oklahoma.** All forensic laboratories and facilities that are ISO/IEC (International Organization of Standards/International Electrotechnical Commission) 17025 accredited, or as defined in 74 O.S. § 150.37 (Forensic Laboratory Accreditation Act), or permitted by the Board of Tests, may perform testing regardless of location.

(B) Possession of all current and valid Federal, State, and local licenses and permits required to engage in the activities and operations carried out by or in the laboratory, and compliance with all current Federal, State, and local requirements for such activities and operations.

(C) The laboratory shall be at least one (1) of the following:

(i) A clinical laboratory located within and operated and controlled by an institution which is currently licensed by the Oklahoma State Department of Health as a general hospital, and which is currently accredited as a general hospital by the Joint Commission on Accreditation of Healthcare Organizations. Such clinical laboratory shall be directed by a qualified doctoral-level director.

(ii) A clinical laboratory which is currently Federally licensed and/or approved under the implementing Federal regulations applicable to laboratories pursuant to the Federal Clinical Laboratory Improvement Amendments of 1988 (P.L. No. 100-578) for the performance of clinical chemistry and/or toxicology procedures, Title 42, Part 405 et al., Code of Federal Regulations, adopted in this Section by reference. Such clinical laboratory shall be directed by a qualified doctoral-level director.

(iii) A central or branch forensic laboratory operated and controlled by the Oklahoma State Bureau of Investigation.

(iv) A forensic laboratory operated and controlled by a county or municipal law enforcement agency.

(v) The Toxicology/Forensic Science Laboratories of The University of Oklahoma Health Sciences Center.

(D) The laboratory shall regularly employ or have on its permanent staff at least one (1) person holding a currently valid Forensic Alcohol Analysis Permit issued by the Board of Tests for Alcohol and Drug Influence.

(E) The laboratory shall have space, facilities, equipment, and apparatus adequate and appropriate for the performance of forensic alcohol analysis.
(2) **Requirements.** Requirements for forensic alcohol analysis laboratories (initial permits) are as follows:

(A) Submission of a properly completed application form for Initial Approval, obtainable from the Board, together with all supporting documentation specified therein.

(B) Maintenance of an adequate and appropriate quality assurance program and activities in forensic alcohol analysis, meeting nationally-recognized standards.

(C) Regular and satisfactory participation and performance in any program of proficiency testing in forensic alcohol analysis conducted by or on behalf of the Board of Tests for Alcohol and Drug Influence, or required by the Board.

(D) Regular and satisfactory participation and performance in any program of proficiency testing in clinical chemistry or toxicology in which the laboratory is voluntarily enrolled or required to be enrolled as a condition of Federal or state licensure or approval.

(b) **Renewal of approval.** Laboratories which have been approved by the Board of Tests for Alcohol and Drug Influence for performance of forensic alcohol analysis and which hold a current valid Forensic Alcohol Laboratory Permit shall be eligible for renewal of such Permit upon satisfying the following qualifications and requirements. Such laboratory shall continue to satisfy such qualifications and requirements as a condition of the continued validity of such Permit.

(1) **Qualifications.** Qualifications for forensic alcohol analysis laboratories (renewal permits) are as follows:

(A) Possession of all qualifications stipulated in this Rule for Initial Approval as a Forensic Alcohol Laboratory.

(B) Possession of a valid Forensic Alcohol Laboratory Permit issued by authority of the Board of Tests for Alcohol and Drug Influence within the preceding twelve (12) months upon compliance with the Qualifications and Requirements then in force for, Initial Approval or for Renewal of Approval as a Forensic Alcohol Laboratory.

(2) **Requirements.** Requirements for forensic alcohol laboratories (renewal permits) are as follows:

(A) Submission of a properly completed application form for Renewal of Approval, obtainable from this Board, together with all supporting documentation specified therein.

(B) Continued satisfactory participation and performance in the quality assurance and proficiency testing programs and activities stipulated in this Section as requirements for Initial Approval.

(c) **General conditions of approval.** The following general and continued conditions of Approval apply to every Forensic Alcohol Laboratory.

(1) Every such Laboratory may be inspected periodically, during its normal working hours, by the State Director of Tests for Alcohol and Drug Influence or by the State Director's duly authorized representative(s). Such inspection may include examination of the Laboratory's pertinent files and records, as well as its facilities.

(2) Every such Laboratory shall maintain a current file of all methods and procedures employed in such Laboratory for forensic alcohol analysis.
(3) Every such Laboratory shall maintain and retain at least the following records for a period of at least three (3) years from the date of origin of such records:

(A) An up-to-date record of persons in its employ or on its staff who are or were engaged in the performance of forensic alcohol analysis. Such records shall include, at least, the inclusive employment dates, qualifications of each such person, and any continuing education or training pertinent to forensic alcohol analysis received by each such person within or outside of the Laboratory.

(B) Records of specimens received by and subjected to forensic alcohol analysis within the Laboratory under the provisions of Title 47 or Title 3 or Title 63, Oklahoma Statutes, including all pertinent dates and times, identification of such specimens, results obtained and reported, and the identity of the person(s) who performed each such analysis.

(C) Records of the internal and external quality assurance programs and proficiency testing activities and results, in or pertinent to forensic alcohol analysis, in which the Laboratory participates or has participated.

(4) Every such Laboratory shall be operated and shall perform its forensic alcohol activities in substantial compliance with applicable nationally-recognized standards of good laboratory practice.

(5) In every such Laboratory, forensic alcohol analysis shall be performed only by methods and procedures approved by the Board of Tests for Alcohol and Drug Influence, and only by persons holding valid Forensic Alcohol Analysis Permits.

(d) Period of validity. Forensic Alcohol Laboratory Approval and Forensic Alcohol Laboratory Permits shall be valid for one (1) year from the date of Approval or the date of Permit issuance, respectively, and shall be subject to earlier suspension, termination, or revocation at the discretion of the Board.
Forensic drug analysis laboratories

(a) **Initial Approval.** Any laboratory in which analysis for drugs and other intoxicating substances (as defined in 47 O.S., Section 75163 O.S. § 2-101, Oklahoma Statutes) or in specimens of blood, hereafter termed "forensic drug analysis," is performed under the provisions of Title 47 or Title 3 or Title 63 and 3 O.S., Section 303 and 63 O.S., Section 4210A, Oklahoma Statutes, shall possess at least the following qualifications and shall meet the following requirements. Any laboratory complying with such qualifications and requirements shall be deemed by this Board to be a Forensic Drug Laboratory approved by the Board of Tests for Alcohol and Drug Influence and shall be entitled to issuance of a Forensic Drug Laboratory Permit. Such Laboratory shall continue to satisfy such qualifications and requirements as a condition of the continued validity of such Permit.

1. **Qualifications.** Qualifications for forensic drug analysis laboratories (initial permits) are as follows:

   (A) **Location within the State of Oklahoma.** All forensic laboratories and facilities that are ISO/IEC (International Organization of Standards/International Electrotechnical Commission) 17025 accredited, or as defined in 74 O.S. § 150.37 (Forensic Laboratory Accreditation Act), or permitted by the Board of Tests, may perform testing regardless of location.

   (B) Possession of all current and valid Federal, State, and local licenses and permits required to engage in the activities and operations carried out by or in the laboratory, and compliance with all current Federal, State, and local requirements for such activities and operations.

   (C) The laboratory shall be at least one (1) of the following:

      (i) A clinical laboratory located within and operated and controlled by an institution which is currently licensed by the Oklahoma State Department of Health as a general hospital, and which is currently accredited as a general hospital by the Joint Commission on Accreditation of Healthcare Organizations. Such clinical laboratory shall be directed by a qualified doctoral-level director.

      (ii) A clinical laboratory which is currently Federally licensed and/or approved under the implementing Federal regulations applicable to laboratories pursuant to the Federal Clinical Laboratory Improvement Amendments of 1988 (P.L. No. 100-578), for the performance of clinical chemistry and/or toxicology procedures, Title 42, Part 405 et al., Code of Federal Regulations, adopted in this Section by reference. Such clinical laboratory shall be directed by a qualified doctoral-level director.

      (iii) A central or branch forensic laboratory operated and controlled by the Oklahoma State Bureau of Investigation.

      (iv) A forensic laboratory operated and controlled by a county or municipal law enforcement agency.

      (v) The Toxicology/Forensic Science Laboratories of The University of Oklahoma Health Sciences Center.

   (D) The laboratory shall regularly employ or have on its permanent staff as least one (1) person holding a currently valid Forensic Drug Analysis Permit issued by the Board of Tests for Alcohol and Drug Influence.

   (E) The laboratory shall have space, facilities, equipment, and apparatus adequate and appropriate for the performance of forensic drug analysis.

2. **Requirements.** Requirements for forensic drug analysis laboratories (initial permits) are as follows:
(A) Submission of a properly completed application form for Initial Approval, obtainable from the Board, together with all supporting documentation specified therein.

(B) Maintenance of an adequate and appropriate quality assurance program and activities in forensic drug analysis, meeting nationally-recognized standards.

(C) Regular and satisfactory participation and performance in any program of proficiency testing in forensic drug analysis conducted by or on behalf of the Board of Tests for Alcohol and Drug Influence, or required by the Board.

(D) Regular and satisfactory participation and performance in any program of proficiency testing in clinical chemistry or toxicology in which the laboratory is voluntarily enrolled or required to be enrolled as a condition of Federal or state licensure or approval.

(b) Renewal of approval. Laboratories which have been approved by the Board of Tests for Alcohol and Drug Influence for performance of forensic drug analysis and which hold a current valid Forensic Drug Laboratory Permit shall be eligible for renewal of such Permit upon satisfying the following qualifications and requirements as a condition of the continued validity of such Permit.

(1) Qualifications. Qualifications for forensic drug laboratories (renewal permits) are as follows:

(A) Possession of all qualifications stipulated in this Rule for Initial Approval as a Forensic Drug Laboratory.

(B) Possession of a valid Forensic Drug Laboratory Permit issued by authority of the Board of Tests for Alcohol and Drug Influence within the preceding twelve (12) months upon compliance with the Qualifications and Requirements then in force for Initial Approval or for Renewal of Approval as a Forensic Drug Laboratory.

(2) Requirements. Requirements for forensic drug analysis laboratories (renewal permits) are as follows:

(A) Submission of a properly completed application form for Renewal of Approval, obtainable from the Board, together with all supporting documentation specified therein.

(B) Continued satisfactory participation and performance in the quality assurance and proficiency testing programs and activities stipulated in this Section as requirements for Initial Approval.

(c) General conditions of approval. The following general and continued conditions of Approval apply to every Forensic Drug Laboratory.

(1) Every such Laboratory may be inspected periodically, during its normal hours, by the State Director of Tests for Alcohol and Drug Influence or by the State Director's duly authorized representative(s). Such inspection may include examination of the Laboratory's pertinent files and records, as well as its facilities.

(2) Every such Laboratory shall maintain a current file of all methods and procedures employed in such Laboratory for forensic drug analysis.

(3) Every such Laboratory shall maintain and retain at least the following records for a period of at least three (3) years from the date of origin of such records:

(A) An up-to-date record of persons in its employ or on its staff who are or were engaged in the performance of forensic drug analysis. Such records shall include, at least, the inclusive employment
dates, qualifications of each such person, and any continuing education or training pertinent to forensic drug analysis received by each such person within or outside of the Laboratory.

(B) Records of specimens received by and subjected to forensic drug analysis within the Laboratory under the provisions of Title 47 or Title 3 or Title 63, Oklahoma Statutes, including all pertinent dates and times, identification of such specimens, results obtained and reported, and the identity of the person(s) who performed each analysis.

(C) Records of the internal and external quality assurance programs and proficiency testing activities and results, in or pertinent to forensic drug analysis,

(4) Every such Laboratory shall be operated and shall perform its forensic drug activities in substantial compliance with applicable nationally-recognized standards of good laboratory practice.

(5) In every such Laboratory, forensic drug analysis shall be performed only by methods and procedures approved by the Board of Tests for Alcohol and Drug Influence, and only by persons holding valid Forensic Drug Analysis Permits.

(d) **Period of validity.** Forensic Drug Laboratory Approval and Forensic Drug Laboratory Permits shall be valid for one (1) year from the date of Approval or the date of Permit issuance, respectively, and shall be subject to earlier suspension, termination, or revocation at the discretion of the Board.

40:20-1-1. Purpose

The rules in this Chapter provide procedures for the selection, collection, handling, storage, forwarding, and disposition of specimens of blood, breath or other materials which are to be analyzed for alcohol and other intoxicating substances under the provisions of Title 47 O.S., Sections 751-764 and 3 O.S., Section 303 and 63 O.S., Section 4210A, Oklahoma Statutes.
40:20-1-3. Collection, transfer, and retention of blood specimens

(a) Collection of blood. Collection of specimens of blood from living human subjects under the provisions of Title 47 and Title 3 Section 303 and Title 63 Section 4210A, Oklahoma Statutes shall be performed as set forth in this Section. The person, from whom blood is collected for analysis of the presence or concentration of alcohol, other intoxicating substances, or a combination thereof, is referred to as the "Tested Person" for the purposes of this Section.

(1) Collection of blood specimens - general conditions.

(A) Blood specimens shall be collected by persons authorized by Title 47, Section 752 of the Oklahoma Statutes, and these rules, to withdraw blood.

(B) No blood shall be knowingly collected from any person with hemophilia or from any person who is taking anticoagulant medication(s). However, the collection of blood from a person with hemophilia or from a person who is taking anticoagulant medications does not invalidate an otherwise valid test.

(2) Procedures, techniques, and precautions.

(A) Puncture site preparation and skin cleansing shall be performed without the use of alcohol.

(B) All blood specimens shall be collected directly in or immediately deposited into 10 milliliter (mL) glass vacuum tubes labeled by the manufacturer as containing 100 milligrams (mg) of sodium fluoride and 20 milligrams (mg) of potassium oxalate. Such containers are hereby approved for the collection of blood for analysis of the presence or concentration of alcohol, other intoxicating substances, or a combination thereof.

(C) Each tube containing a blood specimen shall be placed into a sealed container approved by the State Director of Tests for Alcohol and Drug Influence, and bearing or containing at least the following information:

(i) Full name of the subject from whom the blood specimen was obtained

(ii) Date, time, and location where the blood specimen was obtained

(iii) Name of the law enforcement agency (and unit thereof, if needed for further identification) responsible for obtaining and processing the blood specimen

(iv) Signature, printed name and title of the qualified person who withdrew the blood specimen.

(b) Handling and disposition of state's blood specimen. A blood specimen collected at the request of a law enforcement officer, hereafter termed "State's Blood Specimen," shall be handled and processed as set forth hereinafter.

(1) Each State's Blood Specimen in its sealed container and employing other shipping or transport enclosures as required, shall be promptly dispatched or forwarded by the law enforcement agency to a central or branch forensic laboratory of the Oklahoma State Bureau of Investigation, or to another official Forensic Alcohol Laboratory or Forensic Drug Laboratory approved by the Board, as appropriate, accompanied by a request for determination of the presence and/or concentration of alcohol and/or other intoxicating substance in such blood
specimen, as appropriate. The selection of the approved laboratory shall be made by the law enforcement agency employing the arresting officer.

(2) The law enforcement agency may dispatch or forward the State's Blood Specimen to the approved laboratory of its choice by use of the U. S. Postal Service, personal delivery, or by any other appropriate means.

(3) The storage and dispatch or forwarding of the State's Blood Specimen shall be accomplished in such manner and by such means as to maintain the identity and integrity of specimens, maintain the chain of custody, to exclude tampering with and unauthorized access to or exchange or loss of specimens, and to provide the requisite security for evidentiary purposes.

(c) **Collection, transfers, and retention of retained blood specimens.** Whenever a State's blood specimen is collected under the provisions of Title 47 and 3 O.S., Section 303 and 63 O.S., Section 4210A, Oklahoma Statutes, at the direction of a law enforcement officer and or for the purpose of determining the concentration of alcohol or other intoxicating substance thereof, an additional and separate blood specimen, whenever possible, shall be collected at the same time and by the same qualified person withdrawing the State's blood specimen. The resulting additional specimen is hereafter termed "Retained Blood Specimen." Such Retained Blood Specimens shall be collected, retained, transferred, and analyzed as set forth hereinafter.

(1) **Collection of Retained Blood Specimens.**

   (A) Whenever possible, the additional blood specimen shall be withdrawn from the tested person without performing additional venipunctures, and shall be collected incident to and as a part of the entire blood collection process.

   (B) The Retained Blood Specimen shall be collected in a manner identical to the State's Blood Specimen and as set forth heretofore in this Section.

   (C) The tube containing the Retained Blood Specimen shall be placed into a sealed container, approved by the State Director of Tests for Alcohol and Drug Influence, and bearing or containing at least the following information:

      (i) Full name of the subject from whom the blood specimen was obtained

      (ii) Date, time, and location where the blood specimen was obtained

      (iii) Name of the law enforcement agency (and unit thereof, if needed for further identification) responsible for obtaining and processing the blood specimen

      (iv) Signature, printed name and title of the qualified person who withdrew the blood specimen.

(2) **Transfer of Retained Blood Specimens to an approved retention laboratory.**

   (A) Each Retained Blood Specimen, in a sealed container and employing other shipping or transport enclosures as required, shall be promptly transferred by the law enforcement agency to a Retention Laboratory approved by the Board of Tests for Alcohol and Drug Influence and designated for that purpose by the Board.
Each Retained Blood Specimen so transferred shall be accompanied by substantially the following information, clearly associated with a given specimen:

(i) Name, location, address, and telephone number of the law enforcement agency (and unit thereof if needed for further identification) transferring the blood specimen

(ii) Date of transfer of the blood specimen from the law enforcement agency to the Approved Retention Laboratory

(iii) Full name of the subject from whom the blood specimen was obtained

(iv) Date, time and location of blood specimen collection

(v) Case or identification number assigned to the case or subject by the law enforcement agency

(vi) Signature, printed name, and title of the authorized person initiating the transfer of the specimen from the law enforcement agency to the Approved Retention Laboratory.

The law enforcement agency may transfer or forward the Retained Blood Specimen to the Approved Retention Laboratory designated by the Board by use of the U. S. Postal Service, personal delivery, or by any other appropriate means.

The transfer or forwarding of the Retained Blood Specimen shall be accomplished in such manner and by such means as to maintain the identity and integrity of specimens, to exclude tampering with and unauthorized access to or exchange or loss of specimens, and to provide the requisite security for evidentiary purposes.

Neither the tested person, nor any agent or attorney of such person, shall have access to the Retained Blood Specimen while it is in the custody of the law enforcement agency, or during the transfer process, or thereafter.

Retention and storage of Retained Blood Specimens.

(A) Each Retained Blood Specimen, in a sealed envelope or other sealed container or enclosure, shall be kept and stored by the Approved Retention Laboratory designated by the Board for sixty (60) days from the date of collection, unless transferred prior thereto to a Board-approved Forensic Alcohol Laboratory or Forensic Drug Laboratory as hereinafter provided. After the expiration of sixty (60) days from the date of such collection, all such Retained Blood Specimens, other than those transferred to an approved Laboratory as hereinafter provided, may be promptly and safely destroyed by the Approved Retention Laboratory.

(B) Retained Blood Specimens shall be stored and kept in accordance with policies, practices, or procedures established by the Approved Retention Laboratory responsible for obtaining and storing these specimens and not inconsistent with the Rules of the Board of Tests for Alcohol and Drug Influence. Storage shall be carried out in such a manner and by such means as to maintain the identity and integrity of specimens, to exclude tampering with and unauthorized access to or exchange or loss of specimens, and to provide the requisite security for evidentiary purposes.
(C) Neither the tested person, nor any agent or attorney of such person, shall have access to the Retained Blood Specimen while it is in the custody of the ApprovedRetention Laboratory.

(4) **Transfer of Retained Blood Specimens to a forensic alcohol laboratory or forensic drug laboratory.**

(A) Upon written direction by the tested person or such person's agent to the Approved Retention Laboratory that has custody of the Retained Blood Specimen obtained from such person, received in accordance with such Approved Retention Laboratory's policies, practices and procedures and within sixty (60) days from the date of collection of the Retained Blood Specimen, the Approved Retention Laboratory shall promptly transfer the Retained Blood Specimen obtained from such person to any Forensic Alcohol Laboratory or Forensic Drug Laboratory, as appropriate, which is approved by the Board of Tests for Alcohol and Drug Influence and was selected by such person or such person's agent.

(B) The Approved Retention Laboratory may transfer the Retained Blood Specimen to the Forensic Alcohol Laboratory or Forensic Drug Laboratory by use of the U. S. Postal Service, personal delivery, or by any other appropriate means; provided, that neither the tested person nor any agent or attorney of such person shall have access to the Retained Blood Specimen during the transfer process, or thereafter.
40:25-1-2. Approved evidential breath-alcohol measurement devices

The Intoxilyzer 8000, an automated analyzer, is hereby approved for determining the presence or concentration of alcohol in subject's breath.

40:30-1-3. Breath-alcohol analysis with Board approved devices

(a) **Approved method.** Analysis of breath specimens for the determination of the alcohol content therein may be accomplished by any method, technique, or instrument approved by the Board in accordance with OAC 40: 25-1-2.

(b) **Operating procedure(s).**

Each such analysis shall include the following steps:

1. Determination that the subject's mouth has no presence of any substantial loose material(s), foreign substance(s), or any such substance(s). Metal, porcelain, or hard plastic items need not be removed.
2. Observation of the subject whose breath is to be tested sufficient to determine that, for a period of at least fifteen (15) minutes prior to the collection of the first breath specimen, and continuing through the second breath specimen, the subject shall not have ingested alcohol in any form or any other substance, vomited, or smoked. Such observation shall be carried out by the breath-alcohol analysis Operator or by any other qualified person.
3. Analysis for alcohol of two (2) or more specimens of breath consisting substantially of expired alveolar air.
4. A blank analysis preceding analysis of each breath specimen.
5. Analysis of at least one control sample from a dry gas canister deployed by the agency in accordance with 40:25-1-3 to verify the calibration of the instrument at the time of the test. The results of each such control analysis must coincide with the corresponding vapor-alcohol concentration target value within plus or minus one-hundredths gram per two hundred and ten liters (± 0.01g/210L).
6. The operator performing each such analysis shall properly complete a Breath-Alcohol Analysis Record and Report form prescribed and designated by the State Director of Tests for Alcohol and Drug Influence, and shall promptly forward one (1) copy thereof to the Oklahoma Department of Public Safety, and to other agencies and persons listed on the form.

(c) **Reporting results.** The results of each such breath-alcohol analysis shall be reported in terms of the concentration of alcohol in the subject's breath, in grams of alcohol per two hundred and ten liters of breath (g/210 L), truncated to two (2) decimal places. Results of duplicate breath alcohol analyses, on the same subject on the same occasion, which are within three-hundredths grams per two hundred and ten liters of breath (± 0.03g/210L) shall be deemed to be in acceptable agreement and mutually confirmatory and substantiative. Results of analysis of all breath specimens shall be reported, but actions and interpretation of the results of such duplicate analyses shall be based upon the lowest such acceptable breath alcohol result obtained.

(d) **Maintenance.** Maintenance shall be performed on the CMI 8000–Intoxilyzer 8000, equipped with an approved nitrogen-ethanol dry gas canister mixture, at such time as the regulator of the nitrogen-ethanol pressurized dry gas canister fails to provide a gas sample for analysis or by the manufacturers stated expiration date, whichever occurs first. Such maintenance shall be performed by Board personnel, according to the procedure(s) prescribed by the State Director of Tests for Alcohol and Drug Influence.
**40:30-1.3.1. Independent Breath-alcohol analysis with the Intoxilyzer Model 5000-D**

(a) **Approved method.** Analysis of breath specimens for the determination of the alcohol content therein by means of the Independent Model 5000-D (manufactured by CMI, Inc., Owensboro, Kentucky 42301 or its successors), is hereby approved as a method or technique for analysis of independent breath specimens for alcohol.

(b) **Operating procedure(s).** Each such analysis shall be performed in compliance with Operating Procedure(s) prescribed and approved by the State Director of Tests for Alcohol and Drug Influence.

(c) **Analysis.** Each such analysis shall include the following steps:

1. Continuous observation of the subject whose breath is to be tested, for a period of at least fifteen (15) minutes prior to the collection of the first breath specimen, during which observation period the subject shall not have ingested alcohol or alcoholic beverages or any other substance, regurgitated, vomited, or smoked. Such observation may be carried out by the breath-alcohol analysis Operator or Supervisor or by any other qualified person.
2. Analysis for alcohol of two (2) or more specimens of breath consisting substantially of expired alveolar air.
3. A blank analysis preceding analysis of each breath specimen.
4. Analysis for alcohol of at least one suitable reference or control sample of known alcohol concentration, such as air equilibrated at a known temperature with a reference solution of known ethyl alcohol content in an alcoholic breath simulator device approved by this Board. The results of each such control analysis must coincide with the corresponding vapor alcohol concentration target value within plus or minus one hundredth gram per two hundred and ten liters (± 0.01 g/210 L).
5. The operator performing each such analysis shall provide a copy of the Intoxilyzer printout with each test attached to the Log of Tests and Maintenance Report prescribed and designated by the State Director of Tests for Alcohol and Drug Influence, and shall promptly forward one (1) copy of the print out there of and within 10 days of the solution change, to the Administrative Offices of the Board of Tests for Alcohol and Drug Influence.

(d) **Reporting results.** The results of each such breath-alcohol analysis shall be reported in terms of the concentration of alcohol in the subject's breath, in grams of alcohol per two hundred and ten liters of breath (g/210 L), truncated to two (2) decimal places. Results of duplicate breath alcohol analyses, on the same subject on the same occasion, which are within three-hundredths grams per two hundred and ten liters of breath (± 0.03 g/210 L) shall be deemed to be in acceptable agreement and mutually confirmatory and substantiative. All such results shall be reported, but actions and interpretation of the results of such duplicate analyses shall be based upon the lowest such breath-alcohol result obtained.

(e) **Maintenance.** Administrative Maintenance shall be performed as follows on the above listed equipment at least once during each thirty (30) day period and not later than thirty (30) days since the last prior such maintenance, or after the testing of twenty five (25) subjects, whichever occurs first, by a person possessing a valid Breath Alcohol Analysis Specialist permit issued by this Board:

1. A thorough inspection of the equipment for cleanliness and determination that it is in proper operating condition shall be performed.
2. The reference ethyl alcohol solution in the alcoholic breath simulator device shall be replaced with new solution and one (1) or more verification analyses performed with the new solution. Each verification analysis shall be performed in accordance with the Operating Procedure(s) prescribed by the State Director of Tests for Alcohol and Drug Influence. The result of each such verification analysis must coincide with the corresponding vapor alcohol concentration target value within plus or minus one hundredth gram per two hundred and ten liters (± 0.01 g/210 L).
3. The administrative maintenance performed shall include: results of said verification analyses, the date of inspection, and a written record of the inspection will be entered in the applicable portions of the Intoxilyzer 5000-D Log of Tests and Maintenance Record (or equivalent) form prescribed and approved by the State Director of Tests for Alcohol and Drug Influence. One (1) copy of each such completed written inspection and maintenance record form shall be forwarded to the Administrative Offices of the Board, within 10 days of the solution change.
40:35-1-1. Purpose

The rules in this Chapter concern analysis of alcohol in specimens of blood under the provisions of Title 47 O.S., Sections 751-761 and 3 O.S., Section 303 and 63 O.S., Section 4210A, Oklahoma Statutes. They include designation by the Board of approved methods and procedures for blood-alcohol analysis, and apply to analysis of the State's blood specimens and to retained blood specimens. All forensic laboratories and facilities that are ISO/IEC (International Organization of Standards/International Electrotechnical Commission) 17025 accredited, or as defined in 74 O.S. § 150.37 (Forensic Laboratory Accreditation Act) are exempt from these rules.

40:40-1-1. Purpose

The rules in this Chapter concern analysis of blood and other specimens for "other intoxicating substances" (i.e., substances and drugs, other than ethyl alcohol) under the provisions of Title 47 O.S., Section 751-761 and Title 3 O.S., Section 303 and Title 63 O.S., Section 4210A, Oklahoma Statutes. They include standards, requirements, and conditions for performance of such tests, and prescribe specimens, parameters for initial and confirmatory analyses, quality assurance practices, and reporting practices. All forensic laboratories and facilities that are ISO/IEC (International Organization of Standards/International Electrotechnical Commission) 17025 accredited, or as defined in 74 O.S. § 150.37 (Forensic Laboratory Accreditation Act) are exempt from these rules.

40:50-1-1.1. Definitions

The following words or terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Alcohol" means Ethyl Alcohol, also called ethanol.

"Anti circumvention feature" means any feature or circuitry incorporated into the device that is designed to prevent activity that would cause the device not to operate as intended.

"Board" means the Administrative Offices of the Oklahoma Board of Tests for Alcohol and Drug Influence created by O.S. 47:759.

"Board en banc" means the sitting members of the Board as defined by O.S. 47:759 (A).

"Breath alcohol test" means the analysis of a person's expired alveolar breath to determine the alcohol concentration.

"Calibration" means the process of testing and adjusting a device to ensure accuracy.

"Circumvention" means to bypass the correct operation of an interlock device by starting the vehicle, by any means, without first providing a breath test or passing a confirmatory test.

"Confirmatory test" means a breath test required in response to a circumvention.

"Certification" means a status granted by the Board that permits a manufacturer to distribute a device in the state of Oklahoma.

"Data storage system" means a recording of all events monitored by the device.

"Director" means the position of the State Director of the Board as defined in O.A.C. 40:1-1-3.

"Fee" means a non-refundable administrative fee.

"Free restart" means a function of a device that will allow a vehicle to be restarted under the requirements in this title, without having to complete another breath alcohol test.

"Ignition interlock device" means a mechanism that prevents a vehicle from starting when the breath alcohol concentration of a breath alcohol test meets or exceeds the startup set point. Also referred to as "device".

"Installation Authority" means the Oklahoma agency or entity by statute or order requiring or authorizing installation of a device.

"Ignition Interlock Maintenance and Calibration Fee" means the fee collected from the participant, at the time of the performing calibration and maintenance as required by this title. This fee is to be remitted to the Board of Tests.
"License" means the permission granted by the Board to engage in specific activities of the ignition interlock program.

"Manufacturer" means the actual producer of the device.

"Manufacturer representative" means the individual designated by the manufacturer to act on behalf of or represent the manufacturer in all matters under the jurisdiction or consideration of the Board with respect to device certification.

"Medical Accommodation Program" means a program designed for qualifying participants whom have reasonably exhausted normal ignition interlock standards and specifications and have been approved for special configuration profiles as set forth by the Board.

"Missed service appointment" means the failure of the interlock participant to return for a scheduled maintenance and calibration service as defined by these rules.

"Monitor" means the agency, organization and/or person(s) designated by the Installation Authority to receive reports regarding ignition interlock program participants.

"Negative result" means a breath alcohol test result indicating the alcohol concentration is less than the specific point value for the purpose specified.

"Operable vehicle" means a vehicle that must be able to drive in forward and reverse under its own power and steer and can be legally driven on public roadways.

"Penalty Fail" means a breath alcohol test resulting in a positive result that meets or exceeds the specific point value for the purpose specified.

"Permanent lockout" means a condition wherein the device will not allow a breath alcohol test and therefore will not allow the vehicle to be started.

"Positive result" means a breath alcohol test result indicating the alcohol concentration meets or exceeds the specific point value for the purpose specified.

"Proper Record Maintenance" means the manufacturer's complete records on every participant for a period of five (5) years from the date of removal including, but not limited to, all data retrieved from the data storage system of a device. The Board, or its designee, shall have access to any and all records.

"Reciprocity" means the process by which the Board may defer to a foreign state's device standards and specifications when an interlock participant is required to meet an interlock requirement for more than one state simultaneously.

"Reference sample device" means any alcohol breath testing external control or device approved for use by the Board.

"Retest" means a breath alcohol test or tests required in accordance with O.A.C. 40:50-1-3(e).

"Startup set point" means an alcohol concentration at which, or above, the device would prevent the vehicle from starting.

"Tampering" means any act or attempt to alter, interfere, disable, defeat or circumvent the installation or operation of the device.

"Technical non-compliance" means the failure of the device to comply with one or more provisions of this title with regard to device performance that does not affect the device's ability to respond appropriately to a negative breath test or a breath test required by 40:50-1-3-(c), (e), or (g), or the ability of the device to satisfy the requirements of 40:50-1-3(b)(1) or 40:50-1-3(f).

"Vendor" means a licensed ignition interlock technician designated by the Manufacturer representative of a certified device to act on behalf of or represent the manufacturer in all matters under the jurisdiction or consideration of the Board, excluding matters related to device certification.
40:50-1-3. Standards and specifications

(a) The provisions in this subsection only apply to the use of a device pursuant to an Installation Authority.

(b) The device shall:

1. Permit a free restart of the motor vehicle within two (2) minutes after the engine has shut off without requiring a further breath alcohol test.

2. Have a data storage system of sufficient capacity to facilitate the recording and maintaining of all daily driving activities for the period of time elapsed from one maintenance and calibration to the next. All daily driving activity records in this data storage system shall be maintained by the manufacturer or the licensed service center and shall be available to the Installation Authority, Monitor and/or the Board upon request.

3. Display tamper seals and a warning label that states: "Any person attempting to physically disable, disconnect or wire around this device or who intentionally fails to return the device upon request by the owner may be guilty of a misdemeanor under Oklahoma law (47 O.S. §11-902a)." If the device consists of separate pieces (e.g. a handset and separate base unit) a separate warning label shall be placed on each piece.

(c) The startup set point value for the device shall be an alcohol concentration of 0.025 g/210L.

(d) The penalty fail point value for the device shall be an alcohol concentration of 0.025 g/210L.

1. The device shall have a distinct audible and/or visual indicator to notify the driver when a penalty fail has been recorded in the data storage system.

(e) A retest feature is required while a vehicle's engine is in operation.

1. The first retest shall be required at a randomly variable interval ranging from five (5) to fifteen (15) minutes after passing the initial breath test and starting the vehicle's engine. Subsequent retests shall be required at a randomly variable interval ranging from fifteen (15) to forty-five (45) minutes from the previously requested test for the duration of the travel.

2. The device shall allow five (5) minutes for the retest to be completed.

3. The retest set point value shall be an alcohol concentration of 0.025 g/210L.

4. A distinct audible and/or visual indicator shall come on to alert the driver that a retest is in progress. Once a retest is in progress, failure to deliver a negative result within the time frame allowed shall:

   (A) Activate the vehicle's horn to sound repeatedly and activate a unique audible and/or visual indicator inside the passenger compartment of the vehicle, until the engine is shutdown.

   (B) Record a retest violation in the data storage system, and

   (C) Disable the free restart.

(f) The device shall have an approved anti circumvention feature(s) activated at all times.

(g) The device shall require a confirmatory test in response to a circumvention.

1. The device shall allow two (2) minutes for the confirmatory test to be completed.

2. The confirmatory test set point value shall be an alcohol concentration of 0.025 g/210L.

3. An audible and/or visual indicator shall come on to alert the driver that a confirmatory test is in progress. Once a confirmatory test is in progress, failure to deliver a negative result within the time frame allowed shall:

   (A) Activate the vehicle's horn to sound repeatedly and activate a unique audible and/or visual indicator inside the passenger compartment of the vehicle, until the engine is shutdown.

   (B) Record a circumvention violation in the data storage system, and

   (C) Disable the free restart.

4. Once the confirmatory test is passed, the device shall enter the normal retest sequence as provided by these rules.

(h) A breath sample collection volume limit no lower than 1.2 Liters unless the participant has provided documentation from the Board approving their acceptance into the Medical Accommodation Program. The Medical Accommodation Program allows qualified Board tested and approved ignition interlock devices to have an approved configuration profile for participants of the program.

(i) In addition to the standards and specifications listed herein, the Board or its designee may impose additional requirements, as needed, depending upon design and functional changes in device technology and to ensure that the device functions properly and reliably.
40:50-1.3.1. Violation reset

(a) A violation reset shall be activated by any of the following:

(1) Three (3) penalty fails, at startup, within a fifteen (15) minute time frame.
(2) A circumvention.
(3) A retest violation.

(b) When a violation reset is activated, the device will initiate a unique audible and/or visual cue that will warn the driver that the device will enter a permanent lockout in five (5) days. This event will be uniquely recorded in the data storage system and will simultaneously start a countdown that culminates in the permanent lockout. A licensed ignition interlock technician shall remedy a permanent lockout in person. However, the Director may approve standards and procedures for an override lockout. For the purposes of this section, override lockout means a method of overriding a lockout condition by providing a breath sample indicating a negative result.

(c) Anytime a device is submitted pursuant to a violation reset the licensed ignition interlock technician shall perform a violation reset service consisting of, but not limited to:

(1) Performing a calibration confirmation test in accordance with this title, and
(2) Retrieving all data contained in the data storage system. Proper record maintenance shall be ensured as required in this title.
40:50-1.3.2. Reporting requirements

(a) Reportable violations are as follows:
(1) Three (3) penalty fails, at startup, within a fifteen (15) minute time frame.
(2) A circumvention.
(3) Three (3) retest violations constitute a reportable violation. Each retest violation thereafter constitutes a reportable violation.
(4) Removal of the device except:
   (A) Upon receipt of documentation from the Installation Authority or Monitor authorizing said removal.
   (B) The vehicle is being repaired. The program participant must inform the licensed service center at least every eight (8) days, not to exceed calibration expiry, as to the anticipated date of completion of repairs, or
   (C) The vehicle is being replaced. In the event the vehicle is being replaced by another vehicle, the removal and reinstallation of the device in the subsequent vehicle must be accomplished within eight (8) days of the removal.
(5) Tampering.
(6) Missed service appointment, which shall be reported at the time the device enters, or should enter, permanent lockout.

(b) Reportable violations shall be reported to the Installation Authority and/or Monitor, in the form and/or format designated by the Board, within five business days, banking holidays excepted, after the violation reset service or removal of the device

(c) The manufacturer shall ensure proper record maintenance.

(d) The manufacturer shall report to the Board, in the form and format designated by the Board:
(1) Device installations
(2) Device removals
(3) Any reportable violations
(4) Vehicle transfers
(5) Maintenance and calibration performed on an ignition interlock device as required by these rules
(6) Program length change
40:50-1-4.1. Installation requirements

The device shall be installed according to the following guidelines:

(1) Original device installations shall only be performed in a service center duly licensed by the Board.
(2) The only person(s) allowed to install or observe the installation of the device are ignition interlock technicians duly licensed by the Board.
(3) A designated waiting area that is separate from the installation area is to be provided for the participant.
(4) Adequate security measures shall be taken to ensure that unauthorized personnel cannot gain access to proprietary materials or files of other participants.
(5) Installations shall be completed on operable vehicles, as defined in this title.
(6) The ignition interlock technician shall perform maintenance and calibration on the device in accordance with this title.
(7) Upon completion of an installation of a device, the licensed ignition interlock technician shall provide the participant with installation verification in the form and/or format designated by the Board.
(8) Upon completion of the installation of a device required for compliance with an Installation Authority(s), the licensed ignition interlock technician shall:
   (A) Provide the participant with installation verification in the form and/or format designated by the board, and
   (B) Remit the appropriate fee.
(9) Outside the State of Oklahoma, upon completion of the installation of a device required for compliance with an Installation Authority(s), the technician who installs the device shall:
   (A) Apply to the Director for authority to issue installation verification in the form and/or format designated by the Board, and
   (B) Remit the appropriate fee.
40:50-1-5. Maintenance and calibration

(a) The maintenance and calibration of a device shall be completed, in a service center duly licensed by the Board, according to the following guidelines:

1) The device shall enter a permanent lockout if the device has not been checked for calibration accuracy within sixty-five (65) days subsequent to the last check for calibration accuracy.

2) The maintenance and calibration of the device shall only be performed by ignition interlock technicians duly licensed by the Board who shall perform a visual inspection of the vehicle, the device, and the device's wiring to ensure no tampering or circumvention has occurred.

3) The maintenance and calibration will consist of, but not be limited to, a check of the device to determine:

   A) The device is configured to the specifications required in this title.
   B) The anti circumvention features are activated and properly functioning.
   C) The device is in calibration.
   D) The device is currently installed in an operable vehicle, as defined in this title.

   (i) The device shall be subjected to a calibration confirmation test. This test shall consist of introducing a sample from a calibration standard approved by these rules into the device.

   (I) Calibration standard(s) shall be within plus or minus (+/-) 0.005 g/210L of the stated alcohol concentration.
   (II) Only dry gas calibration standards appearing on the Conforming Products List of Calibrating Units for Breath Alcohol Testers (77 FR 64588) published by the National Highway Traffic Safety Administration may be employed in the maintenance and calibration of the ignition interlock device.

   (III) Calibration standards shall be operated in accordance with the manufacturer's recommendations, unless modified by the Board or its designee, and shall be maintained in proper working order. This includes, but is not limited to, any required altitude adjustment.

   (IV) Preparatory documentation (such as a certificate of analysis) stating the alcohol concentration on the calibration gas standard must be available for inspection while the gas standard is being utilized.

   (ii) The calibration confirmation test shall verify the accuracy of the ignition interlock device to be within plus or minus (±) 0.01 g/210L of the stated alcohol concentration, unless modified by the Board en banc.

   (iii) Should the ignition interlock device fail the calibration confirmation test:

     (I) The ignition interlock device shall be recalibrated so as to restore accuracy before the device may be placed into service.
     (II) That information shall be provided to the Board or its designee and/or the Installation Authority and/or the monitor upon request.

   (iv) If the device fails to meet the requirements in this section, the device shall be removed from service and simultaneously replaced with a device that successfully meets the requirements in this section. All data contained in the data storage of the device being replaced shall be retrieved upon replacement. Records may be maintained electronically.

(b) The manufacturer's software utilized in a licensed service center by the licensed ignition interlock technician shall be capable of performing, documenting and reporting the result of this calibration confirmation test. All data contained in the data storage system shall be retrieved anytime the device is submitted to maintenance and calibration. Records may be maintained electronically. Upon completion of maintenance and calibration of the device, the licensed ignition interlock technician shall provide the participant a report showing the maintenance and calibration of the device.
40:50-1-6.1. Removal requirements

The device shall be removed according to the following guidelines:

(1) The only person(s) allowed to remove or observe the removal of the device are ignition interlock technicians licensed by the Board.

(2) A designated waiting area that is separate from the removal area is to be provided for the participant.

(3) Adequate security measures shall be taken to ensure that unauthorized personnel cannot gain access to proprietary materials or files of other participants.

(4) All data contained in the data storage system shall be retrieved in conjunction with removal of the device. Records may be maintained electronically.

(5) Upon completion of the removal of the device, harness, relay and all third party materials used to initially install the device, the licensed ignition interlock technician shall:

   (A) Provide the participant a report showing the removal of the device, and

   (B) Notify the Board in the form and/or format designated by the Board.

   (C) Notify the installation and monitoring authority in the form and format designated by the Board.
40:50-1.8. Ignition interlock technician

(a) No person may perform any service(s) related to any device in this state without being duly licensed by the Board.
(b) An applicant who has been convicted of, or plead guilty or nolo contendere, to an alcohol related traffic offense or any offense classified as a felony, within five (5) years prior to the date of filing of the applicant's application for licensure as an ignition interlock technician may not be eligible for licensure. For purposes of this section, a conviction means the applicant was adjudicated guilty by a court of competent jurisdiction.
(c) An applicant must be at least eighteen (18) years of age.
(d) An applicant must possess a valid driver license without any requirements for ignition interlock.
(e) A vendor seeking licensure for an ignition interlock technician shall initiate an ignition interlock technician license application and remit the appropriate fee by accessing the Board website at www.ok.gov/bot.
(f) The applicant shall:
(1) Complete the ignition interlock technician license application.
(2) Complete and score an 80% or higher on a knowledge and skills examination administered by the Board.
(3) Submit a criminal history report certified within the immediately preceding thirty (30) days from either the Oklahoma State Bureau of Investigation or, if the applicant has not lived in Oklahoma for the immediately preceding five (5) years, a criminal background check from the agency responsible for keeping criminal history in the state or states of previous residence.
(g) Each application for licensure shall be for a single ignition interlock technician. Separate ignition interlock technician applications are required for additional ignition interlock technicians.
(h) The technician must utilize the ignition interlock management system for issuing, updating, and removing the installation verification form for any participant provided device related services.
40:50-1-8.1. Approval and denial

(a) The Board shall notify the vendor and applicant of licensure of an ignition interlock technician or of denial to license an ignition interlock technician within 10 days of such determination.

(b) The Board may deny licensure of an ignition interlock technician upon finding of any of the following:
   (1) Failure to complete and score an 80% or higher on the examination covering the regulatory aspects of the Oklahoma device program.
   (2) Any false or inaccurate information provided on the ignition interlock technician application.
   (3) Failure to meet all criteria stated in this title.
   (4) Violation or noncompliance of any rules stated in this title.
   (5) Previous or current action against the ignition interlock technician such that, in the opinion of the Board, licensure would not uphold the scientific integrity of the device program.

(c) Any request(s) to license additional ignition interlock technicians may be denied if there is pending action against a licensed ignition interlock technician for any violation of these rules.

40:55-2-2. Approved devices

The following devices are approved for use as drug screening devices:

(1) Draeger Drug Test 5000

(2) Alere DDS-2 or Abbott SoToxa