TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 1. ORGANIZATION, OPERATIONS, PROCEDURES AND POLICIES

40:1-1-1. Purpose
The rules set forth in this Chapter have been adopted to comply with the provisions of the Administrative Procedures Act, 75 O.S., Sections 302, 305, and 307. They concern and control the organization, powers, duties, operations, and procedures of the Board with respect to its administration, rule-making, individual proceedings, and other activities.

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 20. SPECIMENS

40:20-1-3. Collection, transfers, and retention of blood specimens of blood
(a) Withdrawal and collection Collection of blood. Withdrawal and collection Collection of specimens of blood obtained from living human subjects under the provisions of Title 47 and Title 3 and Title 63, 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. The entire process shall be carried out with full regard for the health and safety of the tested persons, and so as to maintain properly the identity, integrity, and composition of such blood specimens.

(1) Collection of blood specimens - general conditions.
   (A) Blood specimens shall be withdrawn in accordance with accepted medical practices, in an appropriate hospital or medical or clinical environment, including the interior of an ambulance, and 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   (B) No blood shall be knowingly withdrawn collected from any person with hemophilia or from any person who is taking anticoagulant medication(s) under the direction of a licensed healing arts practitioner. 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 and techniques, and precautions.
   (A) Blood shall be withdrawn by venipuncture, after appropriate preparation of the puncture site(s), and with necessary precautions to maintain asepsis and avoid contamination of the specimens. Puncture site preparation and skin cleansing shall be performed without the use of alcohol or other volatile organic disinfectant.
   (B) All blood specimens shall be collected directly in or immediately deposited into suitable clean, sterile, dry containers with inert closures, which contain adequate and appropriate anticoagulant(s) and preservative(s) in accordance with recognized procedural standards. 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) All disposable materials, supplies, and paraphernalia shall not be reused for the withdrawal and collection or storage of blood specimens. All such materials, supplies, and paraphernalia other than required records or those required to be stored or retained or forwarded for evidentiary or other reasonable purposes shall be safely disposed of as soon as practicable after use. All materials, supplies, and paraphernalia with which the tested subject will or may come into physical contact shall be stored, handled, and used in a properly safe and sanitary manner.

(DC) Each tube or other vessel containing a blood specimen shall be placed into a sealed envelope or other suitable sealed container or enclosure, 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) Legible signature, 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 Blood Specimen," shall be handled and processed as set forth hereinafter.

(1) Each State's blood specimen 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 choice selection of the approved Laboratory laboratory shall be made by the law enforcement agency employing the arresting officer.

(2) The law enforcement agency may accomplish the dispatch or forwarding of the State's blood specimen Blood Specimen to the approved Laboratory 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 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, Oklahoma Statutes, at the direction of a law enforcement officer and for the purpose of determining the concentration of alcohol or other intoxicating substance thereof, an additional and separate blood specimen 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 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 withdrawn and collected in a manner identical to the State's blood specimen Blood Specimen and as set forth heretofore in this Section.

(C) The tube or other vessel containing the Retained Blood Specimen shall be placed into a sealed envelope or other suitable sealed container or enclosure, 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) Legible signature Signature, printed name, and title of the qualified person who withdrew the blood specimen.

(2) **Transfer of retained blood specimens 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.

(B) 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) Legible signature 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.

(C) The law enforcement agency may accomplish the transfer or forwarding of 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.

(D) 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.

(E) 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.

(3) **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 Approved Retention Laboratory.

(4) **Transfer of retained blood specimens to a forensic alcohol laboratory or forensic drug laboratory.**

(A) Upon proper written direction by the tested person or such person's agent to the Approved Retention Laboratory which 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 accomplish the transfer of 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.

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 25. APPARATUS, DEVICES, EQUIPMENT, AND MATERIALS

40:25-1-2. Approved evidential breath-alcohol measurement devices
(a) Any device appearing on the latest "Conforming Products List of Evidential Breath Alcohol Measurement Devices" published by the National Highway Traffic Safety Administration or approved by the National Highway Traffic Safety Administration for inclusion on the "Conforming Products List of Evidential Breath Alcohol Measurement Devices" is hereby approved by the Board of Tests for Alcohol and Drug Influence for the collection and analysis of breath samples to determine the presence or concentration of alcohol in subjects' breath. The Intoxilyzer 8000 is hereby approved for determining the presence or concentration of alcohol in subject's breath.
(b) The State Director of Tests, in accordance with the needs of the agency, may deploy any devices approved by this section for use by law enforcement officers possessing a permit issued by the Board of Tests for Alcohol and Drug Influence.
(c) The State Director of Tests shall maintain a list of devices approved by this section that have been deployed by the Agency.

40:25-1-3. Approved dry gas canisters
(a) Any pressurized dry gas canister labeled by the manufacturer with a target value of 0.080g/210L ±2% or .002 BAC, ±2% or .002, whichever is greater, is hereby approved for use in association with approved evidential breath alcohol measurement devices.
(b) The State Director of Tests, in accordance with the needs of the agency, may deploy dry gas canisters approved by this section for the purpose of performing calibration checks of approved evidential breath alcohol measurement devices.
(c) The State Director of Tests shall maintain a list of the dry gas canisters approved by this section that have been deployed by the agency.

40:25-1-4. Disposable materials, supplies, and paraphernalia [REVOKED]
(a) Items for breath-alcohol analysis. In the collection and analysis of breath specimens for the determination of the alcohol concentration thereof by means of any apparatus, device, instrument, method, or procedure approved for that purpose by the Board of Tests for Alcohol and Drug Influence or its predecessor agency, the following safeguards additional to the prescribed operating procedure shall be employed in every such collection and/or analysis involving a human subject.
(1) All mouth pieces employed in any breath test shall be new, previously unused, commercial items designed and manufactured for that purpose and specifically approved for such use by the State Director of Tests for Alcohol and Drug Influence. For the purpose of this rule, breath test means the completion of the steps contained in 40 O.A.C. 30-1-3 and the operating procedure prescribed by the State Director of Tests.
(2) Any such disposable materials, supplies, and paraphernalia shall not be reused for the collection or analysis of breath specimens from any other human subject.
All such disposable materials, supplies, and paraphernalia, other than required records or report or other documents, shall be safely disposed of as soon as practicable after use.

All such disposable materials, supplies, or paraphernalia with which the tested subject will or may come into physical contact shall be stored, handled, and used in a properly safe and sanitary manner.

(b) **Items for blood alcohol analysis.** All materials, supplies, and paraphernalia of whatever kind (including but not limited to hypodermic needles, syringes, partially evacuated tubes and other containers, anticoagulants, preservatives, etc.) employed in the withdrawal and collection of blood and storage of blood specimens shall be new, previously unused, sterile or otherwise suitable single use disposable commercial items designed and manufactured for that purpose and approved for such use by the State Director of Tests for Alcohol and Drug Influence; or shall be other suitable items, materials, or supplies specifically approved for such use by the State Director of Tests for Alcohol and Drug Influence.

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE**

**CHAPTER 50. IGNITION INTERLOCK DEVICES**

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.

"Absconding" means a failure of an interlock program participant to remedy a permanent lockout in accordance with these rules within 30 days of the occurrence of such permanent lockout, which results in a report of removal being sent to the installation authority and/or monitor.

"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".

"Inclusion Zone" means an area encompassing 25 driven miles from the Oklahoma state line as determined by the Board.

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

"License" means the permission granted by the Board to engage in specific activities of the ignition interlock program.

"Lockout Override" means methods of unlocking the ignition interlock device for the purpose of remedying a permanent lockout condition by providing a breath sample, or for the purpose of allowing a third party to perform maintenance on the vehicle.

"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.

"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.

"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.

"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.

**40:50-1-3.1. 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.

(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. Reportable violations**

(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 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) Absconding.

(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.

**40:50-1-3.3. Lockout overrides**

Lockout overrides shall be issued according to the following guidelines. The manufacturer will assume all liability for issuing lockout overrides. Lockout overrides may be issued to interlock participants or mechanics.

(a) Interlock participant lockout overrides shall be issued for the purpose of unlocking a device in permanent lockout as defined by these rules.
1. After unlocking the interlock device the participant must deliver a breath sample to start the vehicle. All rules from 40:50-1-3 Standards and specifications apply after unlocking interlock device.

2. The lockout override will be in effect for no more than 2 hours. If the participant has not returned to the service center for service within the 2 hours the device shall enter a permanent lockout status.

3. The manufacturer may charge a fee of $75.00 for a lockout override.

4. When an Interlock Participant override lockout is entered into the device it shall be recorded on the data log with date and time stamp and readily identifiable on the data log as an Interlock Participant lockout override.

5. The Manufacturer shall send a monthly report to the Board detailing the names of each individual who was issued an lockout override the issuance of an override lockout code to the Board contemporaneously with the issuance of the override lockout code.

   (b) Mechanic's lockout override codes shall be issued for the purpose of performing maintenance on a participant's vehicle while the ignition interlock device is installed.

      1. The mechanic's lockout override code shall unlock the device for no more than one hour.
      2. The manufacturer may issue as many mechanic's lockout override codes as needed to perform the required repairs or maintenance.
      3. The interlock participant shall provide receipts to the service center reflecting the maintenance necessitating the issuance of the mechanic's lockout override code.
      4. When a Mechanic's override lockout is entered into the device it shall be recorded on the data log with date and time stamp and readily identifiable on the data log as a Mechanic's lockout override.
      5. The manufacturer will take all reasonable steps to ensure the Mechanic's lockout override code is only issued to practicing mechanics or vehicle service centers.
      6. In no instance will a Mechanic's lockout override code be issued directly to a participant.

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) The ignition interlock technician shall perform maintenance and calibration on the device in accordance with this title. The ignition interlock device shall only be installed on operable, drivable, motor vehicles.
   (6) 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.
   (7) 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.

(8) Outside the inclusion zone, 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 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 at a licensed service center 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) Maintenance and calibration shall only be performed on ignition interlock devices installed on operable, drivable, motor vehicles.

(4) The interlock participant must be present at the service center for all device services.

(35) 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.

(i) The device shall be subjected to a calibration confirmation test. This test shall consist of introducing the device to a reference sample device with a stated alcohol concentration.

(I) Calibration standard(s) shall be within plus or minus (+/-) 0.005 g/210L of the stated alcohol concentration.

(II) A list of approved reference sample devices may be obtained at the administrative office of the Board or by accessing the Board website at http://ignitioninterlock.ok.gov.

(III) Reference sample devices shall be operated in accordance with the manufacturers recommendations, unless modified by the Board or its designee, and shall be maintained in proper working order.

(IV) Calibration solution(s) must be stored in such a manner that they are not exposed to excessive heat or cold which may compromise the integrity of the calibration solution.

(V) 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.

(VI) Empty calibration solution containers, displaying the stated alcohol concentration and lot number, must be available for inspection while the calibration solution from that container is being utilized.

(ii) The calibration confirmation test shall verify the accuracy of the 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 device fail the calibration confirmation test:
The device shall be recalibrated so as to restore accuracy before the device may be placed into service.

That information shall be provided to the Board or its designee and/or the Installation Authority and/or the monitor upon request.

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.

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 duly 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, 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 or located within the inclusion zone without being duly licensed by the Board.

(b) An applicant who has been convicted of 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.

(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 http://ignitioninterlock.ok.gov.

(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.

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE

CHAPTER 55. ALCOHOL SCREENING DEVICES

Subchapter 1. Alcohol screening devices

40:55-1-1. Approved devices

Devices listed on the current Conforming Products List of Screening Devices to Measure Alcohol in Bodily Fluids (74 FR 66398), or conforming to the Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids (73 FR 16956), published by the National Highway Traffic Safety Administration are approved for use as alcohol screening devices for law enforcement use to aid in the detection of impaired drivers.

40:55-1-2. Operating Procedure

(a) Authorized use. Alcohol screening devices approved by these rules shall be used as a presumptive preliminary breath test. The operator of the alcohol screening device, or the law enforcement agency employing the operator, shall determine the appropriate timing for use of the alcohol screening device during impaired driving investigations.

(b) Operation. Alcohol screening devices approved by these rules shall be operated in accordance with the manufacturer's instructions. In addition to any manufacturer's instructions, the operator of the alcohol screening device shall observe the subject for at least 15 minutes prior to obtaining a breath sample to confirm that the subject has not ingested any substance, vomited, or smoked during that time.

40:55-1-3 Calibration check and calibration

(a) Authority of the State Director of Tests. The State Director of Tests may prescribe procedures for calibration, or calibration checks, that differ from the manufacturer's recommendations, for any or all approved devices. In this situation, procedures prescribed by the State Director of Tests take precedence over the manufacturer's instructions.

(b) Authorized personnel. The calibration, or calibration check, may be performed by the operator, a designated member of the law enforcement agency employing the operator, or a third party in accordance with the manufacturer's instructions.

(c) Calibration check interval and procedure. Alcohol screening devices approved by these rules shall be checked for calibration accuracy annually. Calibration accuracy shall be within (=/-)
0.005 g/210L of the value of the reference method at the time of the calibration check. Calibration checks shall be performed in accordance with the manufacturer's instructions, or in accordance with procedures prescribed by the State Director of Tests.

(d) Calibration procedure. Calibrations shall be performed in accordance with the manufacturer's instructions, or in accordance with procedures prescribed by the State Director of Tests when a calibration check falls outside (+/-) 0.005 g/210L of the value of the reference method at the time of the calibration check.

**Subchapter 2. Drug screening devices**

**40:55-2-1. Approved method**

The approved method for drug screening devices for use in the field by law enforcement officers is oral fluid testing accomplished by immunoassay lateral flow testing devices.

**40:55-2-1. Approved devices**

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

(a) Draeger Drug Test 5000

(b) Alere DDS-2

**40:55-2-3. Use, precautions, and maintenance**

(a) Oral fluid testing shall be performed in accordance with the manufacturer's instructions related to the use of the approved device.

(b) The officer shall be trained in the use of the approved drug screening device in accordance with the manufacturer's specifications. The drug screening device results do not imply impairment in and of themselves. All precautions for the safety of the subject as prescribed by the manufacturer shall be adhered to.

(c) Approved drug screening devices shall be maintained in accordance with the manufacturer's instructions.