

Kansas Administrative Regulations

Department of Health and Environment

Article 32.—Testing Human Breath for Law Enforcement Purposes

28-32-9. Agency certification.

(a) Application. Each agency head seeking agency certification shall submit an application for agency certification on forms provided by the department.

(b) Certification requirements. Each agency for which certification is sought shall demonstrate to the secretary that all of the following requirements are met:

(1) The agency head shall specify each certified EBAT device proposed for conducting evidential breath alcohol testing.

(2) The agency head shall provide and maintain a roster of the certified operators who perform evidential breath alcohol testing for the agency.

(3) Each certified operator shall use only EBAT devices certified by the secretary.

(4) Each certified operator shall follow the standard operating procedure provided by the secretary for the EBAT device in use.

(5) For quality control, each device custodian or the device custodian's designee shall test each EBAT device once each calendar week using the alcohol standards furnished by the department. The agency custodian shall report the test results to the department monthly on forms provided by the department.

(c) Inspection. An annual inspection of each certified agency shall be made by the secretary or the secretary's designee to ensure compliance with this article.

(d) Certificate term. Each agency that meets the requirements of this regulation shall be issued a certificate by the secretary. Each certificate shall expire at midnight on December 31 of the year of the certificate's issuance.

(e) Certificate renewal. Each agency head of a certified agency seeking to renew the agency's certificate shall submit an application for renewal on forms provided by the department. If an application for renewal is submitted and approved before the expiration date, the certificate shall be considered renewed even if the agency does not have physical possession of the renewal certificate.

(f) Certificate suspension or revocation. The failure to comply with this regulation may be grounds for suspension or revocation of the agency's certification.

(Authorized by and implementing K.S.A. 2006 Supp. 65-1,107; effective March 14, 2008.)

***** Authenticated Kansas Administrative Regulation *****