

Kansas Administrative Regulations

Department of Health and Environment

Article 32.—Testing Human Breath for Law Enforcement Purposes

28-32-8. Definitions.

The following terms and abbreviations as used in this article shall have the following meanings, unless the context requires otherwise.

(a) "Agency" means any law enforcement agency under whose authority evidential breath alcohol tests are performed.

(b) "Agency custodian" means the employee at a certified agency who is responsible for administering the certified agency's EBAT program.

(c) "Alcohol" means any substance containing any form of alcohol, including ethanol, methanol, propanol, and isopropanol.

(d) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

(e) "Certified agency" means a law enforcement agency that meets the requirements of K.A.R. 28-32-9.

(f) "Certified operator" means an individual who meets the requirements of K.A.R. 28-32-10.

(g) "Department" means the Kansas department of health and environment.

(h) "Device custodian" means the certified operator employed by a certified agency who is responsible for oversight of the certified agency's EBAT device.

(i) "Evidential breath alcohol test" and "EBAT" mean a quantitative chemical test for alcohol performed on a sample or samples of breath of an individual suspected of an offense that subjects the individual to the provisions of K.S.A. 8-1001 through K.S.A. 8-1022 and amendments thereto.

(j) "Evidential breath alcohol test device" and "EBAT device" mean an instrument designed to perform a quantitative chemical test for alcohol on a sample of breath of an individual, which yields test results that are admissible as evidence in a court of law.

(k) "Preliminary breath-screening test device" means an instrument designed to perform a qualitative or quantitative chemical test for alcohol on a sample of breath of an individual to determine the presence or absence of alcohol pursuant to K.S.A. 8-1012 and amendments thereto.

(l) "Quality control" means a test of an evidential breath alcohol test device that is administered at the direction of the secretary and that uses a known alcohol standard to evaluate the accuracy of the device.

(m) "Secretary" means the secretary of the Kansas department of health and environment or the secretary's designee.

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

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