



MISSISSIPPI FORENSICS LABORATORY
Intoxilyzer Implied Consent Policies and Procedures

INTOXILYZER 8000
Implied Consent Policies and Procedures

1702.100

GLOSSARY

Alcohol Ethyl alcohol and may include isopropyl alcohol and methyl alcohol.

BrAC Breath Alcohol Concentration, measured as grams of alcohol per 210 liters of breath.

Breath Alcohol Reference Standard Solution A water-alcohol solution compounded for use in a simulator which, when equilibrated with air, yields a predictable alcohol concentration.

Calibration Check The verification of evidentiary breath alcohol instruments accuracy using a certified dry gas standard and obtaining a result within $\pm.005$ of the expected value.

Certifier of Calibration A person who has received specialized training in the operation and the calibration check of evidentiary breath alcohol instruments and is certified to perform calibration checks.

CMI, Inc. Company at 316 East Ninth Street, Owensboro, Kentucky 42303, that manufactures the Intoxilyzer 8000 evidential breath alcohol test instrument.

Dry Gas Ethanol Standard A cylinder containing a known concentration of ethanol used to check the calibration of the Intoxilyzer 8000.

Evidentiary Breath Alcohol Instrument An instrument used for making a chemical analysis of breath and giving a resultant alcohol concentration for evidential purposes. Such instrument is listed in section 1700.200 in this chapter.

Guth Laboratories, Inc. Company at 590 North Street Harrisburg, PA 17111, that manufactures breath alcohol reference standard solutions and 34C Simulator.

Implied Consent Any person who operates a motor vehicle upon the public highways, public roads and streets of this state shall be deemed to have given his consent, subject to the provisions of Mississippi Code 1972, Annotated, to a chemical test or tests of his breath for the purpose of determining alcohol concentration.



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Intoxilyzer 8000 An automated, microprocessor controlled instrument utilizing infrared spectrophotometry used for evidentiary breath alcohol analysis.

Lot An entire batch of breath alcohol reference standard solution or dry gas ethanol standard.

Mouth Alcohol Residual alcohol in the mouth which typically dissipates in less than ten minutes.

NCIC The National Crime Information Center.

N.I.S.T. National Institute of Standards and Technology.

NO 0.020 AGREEMENT Operational message printed when consecutive subject tests differ by more than 0.020.

Observation Period A period during which the person being tested has been observed to determine that he has not ingested alcohol or other fluids, regurgitated, vomited, eaten, smoked, or placed anything into his mouth in the 20 minutes immediately prior to the collection of a breath sample.

Recirculation A method where the simulator is attached to the Intoxilyzer so that during calibration or calibration checks the vapor of the breath alcohol reference standard solution is circulated from the simulator through the Intoxilyzer and back to the simulator in a closed loop.

Radio Frequency Interference (RFI Detect) The alcohol instrument detects interfering radio frequency and stops the testing procedure if RFI is detected.

Simulator A specially designed constant temperature water-alcohol solution bath instrument devised for the purpose of providing a standard alcohol-air mixture that simulates breath.

1702.200

EVIDENTIARY BREATH ALCOHOL INSTRUMENT

The Department of Public Safety has adopted the Intoxilyzer 5000 with the cooled detection option and the Intoxilyzer 8000 Mississippi Version both of which are manufactured by CMI, Inc. as the only accepted evidentiary instruments for use in breath alcohol testing in the State of Mississippi pertaining to Implied Consent laws in Mississippi Code. The following policies and procedures apply to the Intoxilyzer 8000 Mississippi Version.

1702.300

INTOXILYZER 8000 INSTRUMENT CERTIFICATION

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Pursuant to Mississippi Code section 63-11-1 and section 63-11-19 all Intoxilyzer 8000 instruments used for evidentiary breath alcohol testing shall have a Certificate of Calibration and Operation (IP-54E) on file with the Implied Consent Section of the Mississippi Crime Laboratory or designee.

1702.400

INTOXILYZER LOCATIONS

An agency may submit a request in writing to be considered by the Implied Consent Section of the Mississippi Forensics Laboratory as an Intoxilyzer 8000 location. Criteria to be used in the selection of Intoxilyzer 8000 locations are specified in section 1702.500 of this chapter. If an Agency desires to purchase its own instrument the Mississippi Code of 1972, Annotated, Section 63-11-47 will apply. Each location must meet all criteria for location certification. The Implied Consent Section of the Mississippi Forensics Laboratory will evaluate each agency's request based upon established criteria for Intoxilyzer locations as specified in section 1702.500 of this chapter and will approve or disapprove the proposed location and will be notified in writing.

1702.500

INTOXILYZER LOCATION CERTIFICATION

Pursuant to Mississippi Code section 63-11-1 and section 63-11-19 all Intoxilyzer 8000 locations will be certified using the Intoxilyzer Location Certification form IP-65E which is on file with the Implied Consent Section of the Mississippi Crime Laboratory or designee. All certified locations must follow any and all directives concerning use and care of the Intoxilyzer 8000 instruments in order to maintain Intoxilyzer Location Certification. In order for an agency to be selected and approved as an Intoxilyzer location it must meet all the following criteria.

1. Designate and maintain a secure location for instrument installation.
2. Provide adequate work space and secure storage for expendables such as printer paper and mouth pieces.
3. Insure that supplies left at location for the Intoxilyzer 8000 are to be used only for that instrument.
4. Instrument **MUST** be maintained in a clean area away from eating, drinking, and smoking.
5. Provide grounded electrical outlet meeting Intoxilyzer 8000 instrument specifications.
6. Location will provide a phone line and /or NCIC line for communication only.
7. Allow all qualified individuals with permits issued under Mississippi Code Section 63-11-19 access to instrument for the purpose of conducting breath alcohol testing.
8. Average 2 or more tests a month per calendar year to maintain certification.
9. Allow MHP and MCL personnel access to instruments for routine inspections, Calibration Checks, or any needed service.



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10. Assume responsibility for repair costs resulting from abuse of instrument.
11. Instrument must pass IP-60E checklist at location.
12. Supply paper and toner cartridges for the external printer provided with the Intoxilyzer 8000.13. The location must comply with any and all Implied Consent directives issued by the Mississippi Crime Laboratory Implied Consent Section.
14. Use of the Intoxilyzer 8000 shall be restricted to the enforcement of DUI and BUI Laws of Mississippi Code of 1972.

If the location fails to meet these requirements, the location will be notified in writing of the areas needing improvement. If the deficiencies are not corrected, the instrument will be removed from service in that location and the Instrument Location Certification suspended or revoked. The Intoxilyzer Location Certification can be re-instated if the appropriate corrections are implemented and maintained. Instrument Location Certifications are issued or revoked at the discretion of the Implied Consent Section of the Mississippi Forensics Laboratory.

1702.600

BREATH ALCOHOL SIMULATOR

The calibration and of the Intoxilyzer 8000 are performed using a certified Breath Alcohol Simulator containing a certified breath alcohol reference standard solution. The simulators are to be certified yearly or as required by repair or service. The certification is reported on the Implied Consent Simulator Certification form IP-62 and is on file with the Implied Consent Section of the Mississippi Forensics Laboratory or designee.

1702.700

CERTIFIED BREATH ALCOHOL STANDARDS

Breath alcohol reference standard solutions are purchased in the concentrations utilized in the Calibration of the Intoxilyzer 8000. These solutions are certified by the manufacture to be consistent for each concentration throughout the lot. The Mississippi Forensics Laboratory analyzes random samples of each lot# of breath alcohol reference standard solutions to ascertain the concentration value for use in the Calibration of the Intoxilyzer 8000. The analysis of the breath alcohol reference standard solutions is performed using Gas Chromatography. The result of analysis is reported on the Implied Consent Certificate of Analysis form IP-61 Implied Consent Section of the Mississippi Forensics Laboratory or designee.



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DRY GAS ETHANOL STANDARD

Dry gas ethanol standards are purchased from manufactures that certify the ethanol concentration using N.I.S.T. traceable standards. Each lot of dry gas ethanol standard comes with a manufacture's certificate of analysis. This certificate is on file with the Implied Consent Section of the Mississippi Forensics Laboratory or designee. These dry gas standards are used to check the calibration of the Intoxilyzer 8000.

1702.900

INTOXILYZER CALIBRATION CHECK

Mississippi Code 63-11-19 requires that calibration checks be performed at least once a quarter on breath alcohol instruments. The calibration checks of Intoxilyzer 8000 instruments are performed when an instrument is installed or removed from a location, when a dry gas ethanol standard is changed and with each breath test. The monthly calibration checks are performed by the Implied Consent Section of the Mississippi Forensics Laboratory or designee. These are recorded on form IP-16E. Certifiers of calibration perform the calibration checks on instruments; a) when they are installed, b) removed from a location if possible and c) when a dry gas ethanol standard is changed. These calibration checks are recorded on form IP-03E. The calibration checks performed with each breath test are automatically performed by the instrument during the breath test sequence. These calibration check results are recorded on each breath test on form IP-01E.

1702.101

RELEASE OF INFORMATION

Records of two (2) calibration checks, the calibration check immediately before and the calibration check immediately after the subject test in question will be supplied upon request. The request must be made in writing giving the test subjects name, the date of test, the testing location, and the serial number of the instrument used to perform test. The Implied Consent Section of the Mississippi Forensics Laboratory will adhere to U. S. Copyright laws as to release of any copyrighted materials.

1702.102

RECORDS MAINTENANCE

All official records for the Intoxilyzer 8000 of the State of Mississippi will be maintained by the Implied Consent Section of the Mississippi Forensics Laboratory or designee. The records will be maintained in either an electronic file or paper file.



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PERMITS TO CONDUCT BREATH ALCOHOL TESTS

Pursuant to Mississippi Code of 1972 Annotated, Sections 63-11-5 and 63-11-19, operators conducting a chemical test of an individual's breath to ascertain alcohol level shall hold a valid permit issued by the Mississippi Forensics Laboratory or designee in order to conduct such tests. The Permit to Conduct Breath Analysis (IP-51E) for determination of alcohol level shall be valid for twenty-four (24) months. No permit will be issued to any law enforcement officer who has not met minimum standards pursuant to Mississippi Code of 1972 Annotated, Section 63-11-5 and Section 45-6-1, et seq; "... provided, however, that sheriffs and elected chiefs of police shall be exempt from such educational and training requirements".

1702.104

OPERATOR TRAINING

Pursuant to Mississippi Code of 1972 Annotated, Sections 63-11-5 and 63-11-19 in order to receive a permit to conduct breath alcohol tests, an individual must successfully complete the training program for Intoxilyzer 8000 operator certification. This training program is taught by persons of the Implied Consent Section of the Mississippi Forensics Laboratory or designee who have been certified in the operation and calibration check of the Intoxilyzer 8000 by the Mississippi Forensics Laboratory. All training material for the Intoxilyzer 8000 must be approved by the Implied Consent Section Chief of the Mississippi Forensics Laboratory.

1702.105

RENEWAL OF OPERATOR PERMIT

Prior to the expiration of a valid Permit to Conduct Breath Analysis IP-51E, the operator must renew his permit in order to continue to conduct chemical tests of an individual's breath to determine alcohol level. The permit renewal is issued by the Implied Consent Section of the Mississippi Forensics Laboratory or designee. If an operator fails to renew the Permit to Conduct Breath Analysis before the expiration date, the Permit is no longer valid. Before the operator can be reissued a Permit to Conduct Breath Analysis and resume conducting breath analysis he must demonstrate his ability to perform a breath test on the Intoxilyzer 8000 to the Operator Trainer of the Implied Consent Section of the Mississippi Forensics Laboratory or designee. If this is not done within 6 months of the expiration of the Permit to Conduct Breath Analysis the operator must complete the training program for the Intoxilyzer 8000 operator certification as described in section 1702.104 of the Mississippi Forensics Laboratory Implied Consent Policies and Procedures. 1702.106



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IMPLIED CONSENT FORMS

IP-01E BREATH TEST REPORT
IP-03E INTOXILYZER 8000 CALIBRATION CERTIFICATE
IP-04E REMOVAL OF INSTRUMENT
IP-11E PERMIT APPLICATION
IP-12E RECEIPT FOR DRIVER LICENSE (.02 BrAC or greater)
IP-14E RECEIPT FOR DRIVER LICENSE (refusal)
IP-16E REMOTE CALIBRATION CERTIFICATION
IP-51E PERMIT TO CONDUCT BREATH ANALYSIS
IP-54E CERTIFICATE OF CALIBRATION AND OPERATION
IP-55E IMPLIED CONSENT INTOXILYZER 8000 SERVICE RECORD
IP-60E INTOXILYZER INSTALLATION CHECKLIST
IP-61 IMPLIED CONSENT CERTIFICATE OF ANALYSIS (alcohol reference solution)
IP-62 IMPLIED CONSENT SIMULATOR CERTIFICATION
IP-64E INSTRUMENT LOCATION CERTIFICATION CHECKLIST
IP-65E INTOXILYZER LOCATION CERTIFICATION