

1 10A NCAC 41B .0322 is amended **with changes** as published in 34:11 NCR 908-909 as follows:

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3 **10A NCAC 41B .0322 INTOXIMETERS: MODEL INTOX EC/IR II AND MODEL INTOX EC/IR II**
4 **(ENHANCED WITH SERIAL NUMBER 10,000 OR HIGHER)**

5 The **following** operational procedures ~~to~~ **shall** be followed ~~in~~ **when administering a test** using the Intoximeters, Model
6 Intox EC/IR II and Model Intox EC/IR II (Enhanced with serial number 10,000 or **higher**): ~~[higher]~~ **are:**

- 7 (1) ~~Insure~~ **Ensure** instrument displays time and date;
- 8 (2) ~~Insure~~ **Ensure** observation period requirements have been met;
- 9 (3) Initiate breath test sequence;
- 10 (4) Enter information as **prompted by the instrument**; ~~prompted~~;
- 11 (5) Verify instrument accuracy;
- 12 (6) When "PLEASE BLOW" appears, collect breath sample;
- 13 (7) When "PLEASE BLOW" appears, collect breath sample; and
- 14 (8) Print test record.

15 If the alcohol concentrations differ by more than 0.02, a third or fourth breath sample shall be collected when
16 "PLEASE BLOW" appears. ~~Subsequent~~ **Sequential** tests shall be administered as soon as feasible by repeating steps
17 (1) through (8), as applicable.

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19 *History Note:* Authority G.S. 20-139.1(b); **15A-534.2(d)**;
20 *Eff. November 1, 2007;*
21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
22 *2018; 2018.*
23 *Amended Eff. April 1, 2020.*

1 10A NCAC 41B .0323 is amended **with changes** as published in 34:11 NCR 908-909 as follows:

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3 **10A NCAC 41B .0323 PREVENTIVE MAINTENANCE: INTOXIMETERS: MODEL INTOX EC/IR II**
4 **AND MODEL INTOX EC/IR II (ENHANCED WITH SERIAL NUMBER 10,000 OR**
5 **HIGHER)**

6 The preventive maintenance procedures for the Intoximeters, Model Intox EC/IR II and Model Intox EC/IR II
7 (Enhanced with serial number 10,000 or higher) to be followed at least once every four months are:

- 8 (1) Verify the ethanol gas canister displays at least 51 pounds per square inch (psi) of pressure, or the
9 alcoholic breath simulator thermometer shows 34 degrees, plus or minus .2 degree centigrade;
- 10 (2) Verify instrument displays time and date;
- 11 (3) Initiate breath test sequence;
- 12 (4) Enter information as prompted;
- 13 (5) Verify instrument accuracy;
- 14 (6) When "PLEASE BLOW" appears, collect breath sample;
- 15 (7) When "PLEASE BLOW" appears, collect breath sample;
- 16 (8) Print test record;
- 17 (9) Run diagnostic program and confirm preventive maintenance status of "Pass"; ~~Verify Diagnostic~~
18 ~~Program;~~ and
- 19 (10) Verify that the ethanol gas canister is being changed before expiration date, or the alcoholic breath
20 simulator solution is being changed every four months or after 125 Alcoholic Breath Simulator tests,
21 whichever occurs first.

22 A signed original of the preventive maintenance ~~record~~ record, or an electronic copy of the signed original of the
23 preventive maintenance record, shall be kept on file at the North Carolina Department of Health and Human Services
24 for **at least** three years.

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26 *History Note:* Authority G.S. 20-139.1(b2); **15A-534.2(d);**
27 *Eff. November 1, 2007;*
28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
29 *2018; 2018.*
30 *Amended Eff. April 1, 2020.*

1 10A NCAC 41B .0503 is amended **with changes** as published in 34:11 NCR 908-909 as follows:

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3 **10A NCAC 41B .0503 APPROVED ALCOHOL SCREENING TEST DEVICES: CALIBRATION**

4 (a) The following breath alcohol screening test devices are approved as to type and make:

- 5 (1) ALCO-SENSOR (with two-digit display), manufactured ~~made~~ by Intoximeters, Inc.
6 (2) ALCO-SENSOR III (with three-digit display), manufactured ~~made~~ by Intoximeters, Inc.
7 (3) ALCO-SENSOR IV, manufactured by Intoximeters, Inc.
8 (4) ALCO-SENSOR FST, manufactured by Intoximeters, Inc.
9 (5) S-D2, manufactured by CMI, Inc.
10 (6) S-D5, manufactured by CMI, Inc.
11 (7) ALCO-SENSOR III (Enhanced with Serial Numbers above 1,200,000), manufactured by
12 Intoximeters, Inc.
13 (8) ALCO-SENSOR FST (Enhanced with Serial Numbers 200,000 and higher), manufactured by
14 Intoximeters, Inc.
15 (9) LIFELOC FC10, manufactured by Lifeloc Technologies, Inc.
16 (10) INTOXILYZER 500, manufactured by CMI, Inc.
17 (11) ALCOVISOR MERCURY, manufactured by PAS International.

18 (b) The agency or operator shall verify instrument calibration of each alcohol screening test device at least once during
19 each 30 day period of use. The verification shall be performed using ~~by employment of~~ an alcoholic breath simulator
20 with a using simulator solution in accordance with Paragraph (c) of this Rule ~~the rules in this Section~~ or an ethanol
21 gas canister in accordance with Paragraph (d) of this Rule. ~~canister.~~

22 (c) Alcoholic breath simulators used exclusively to verify instrument calibration of alcohol screening test devices
23 shall have the solution changed every 30 days or after 25 calibration tests, whichever occurs first.

24 (d) Ethanol gas canisters used exclusively to verify instrument calibration of alcohol screening test devices shall not
25 be utilized beyond the expiration date on the canister.

26 (e) Requirements of Paragraphs (b), (c), and (d) of this Rule shall be recorded on an alcoholic breath simulator log or
27 an ethanol gas canister log designed by the Forensic Tests for Alcohol Branch within the North Carolina Department
28 of Health and Human Services and maintained by the user agency in accordance with the user agency's retention
29 policy. ~~agency.~~

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31 *History Note:* Authority G.S. 20-16.3; **20-138.7(d);**

32 *Eff. February 1, 1976;*

33 *Readopted Eff. December 5, 1977;*

34 *Amended Eff. July 1, 2007; November 1, 2005; April 1, 2001; January 1, 1995; January 4, 1994;*

35 *April 1, 1993; January 4, 1993;*

36 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*

37 2018; 2018.

