

State of North Dakota                 )  
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County of Burleigh                    )

I, Janelle Portscheller, do hereby certify that I am a duly-appointed State Toxicologist/Toxicology Unit-Biological Section Technical Leader for the State of North Dakota and an official custodian of the records and files of the office thereof, and designee of the Interim Director of the North Dakota Office of the Attorney General, Crime Laboratory Division, authorized for the breath alcohol testing program to approve personnel, chemical analysis methods and devices; train, certify and supervise chemical test operators; appoint, train, certify and supervise field inspectors for the breath testing equipment and its operation; issue lists of approved designations and devices, and sign and certify records of the North Dakota Office of Attorney General, Crime Laboratory Division, and that I have carefully compared the

**APPROVED METHOD TO CONDUCT BREATH TEST WITH THE INTOXILYZER 8000 (BrS-001)**  
**REVISION NUMBER 0.0**

hereto attached with the respective original as the same appears of record on file in the Office of Attorney General, Crime Laboratory Division, in the County of Burleigh, North Dakota, and find the same to be a true and correct copy thereof and of the whole thereof, which approved method has remained continually in effect without interruption since its beginning April 19, 2012, and will continue to be approved and in effect unless and until a revised approved method has been approved. In witness whereof I have set my hand at the city of Bismarck, in said county this:

13 day of March, 2023

Janelle Portscheller

Janelle Portscheller, State Toxicologist/Toxicology Unit – Biological Section Technical Leader

State of North Dakota                 )  
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County of Burleigh                    )

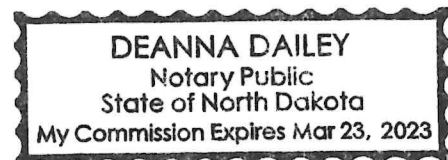
On this 13<sup>th</sup> day of March, 2023, before me personally appeared Janelle Portscheller, known to me to be the State Toxicologist/Toxicology Unit – Biological Section Technical Leader for the North Dakota Office of Attorney General, Crime Laboratory Division, and acknowledged to me that she has executed the same.

Subscribed to and sworn before me this:

13<sup>th</sup> day of March, 2023

Deanna Dailey

Deanna Dailey, Notary Public, State of North Dakota  
My Commission Expires March 23, 2023



Notary seal/stamp

OFFICE OF ATTORNEY GENERAL  
CRIME LABORATORY DIVISION

Title: APPROVED METHOD TO CONDUCT BREATH  
TESTS WITH THE INTOXILYZER® 8000

Number: BrS-001

Distribution List:

- ☐ Master Manual
- ☐ Toxicology Section
- ☐ Breath Program

Revision Number: 0.0

Revision of SOP replaced  
by this new SOP:

Effective Date:

19 Apr 2012

Scope: Approved Method to Conduct Breath Tests  
with the Intoxilyzer® 8000.



Edited By: Deb Kashner

Date: 19 Apr 2012

Approved By: Charles E. Eden

Date: 19 APR 12

Quality Manager: Chris Fiske

Date: 19 April 2012

Authorized By: [Signature]

Date: 19 Apr 2012

REVISION HISTORY LOG  
APPROVED METHOD TO CONDUCT BREATH TESTS  
WITH THE INTOXILYZER® 8000

| REVISION<br>NUMBER | REVISION<br>DATE | AUTHOR<br>(Print Name) | SIGNATURE  | COMMENTS   |
|--------------------|------------------|------------------------|------------|------------|
| 0.0                | 19 Apr 2012      | Deb Kashur             | Deb Kashur | New format |
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## APPROVED METHOD TO CONDUCT BREATH TESTS WITH THE INTOXILYZER® 8000

**SCOPE:** Approved Method to Conduct Breath Tests with the Intoxilyzer® 8000.

### **BACKGROUND INFORMATION:**

Approved Method to Conduct Breath Tests with the Intoxilyzer® 8000 (Revised 09/29/11)

INTOXILYZER® 8000, Breath Alcohol Testing Instrument, CMI, Inc. (Revised 08/11)

North Dakota Operator Guide, Intoxilyzer® 8000, Breath Alcohol Testing Instrument, CMI, Inc. (Revised 06/09)

### **PRINCIPLE:**

- A. The Approved Method to Conduct Breath Tests with the Intoxilyzer® 8000 requires compliance with the procedure set forth in this document and the instructions displayed by the Intoxilyzer® 8000. Certified operators shall enter or scan the information requested and answer the questions when prompted. The Intoxilyzer Test Record and Checklist will be printed as Form 106-I8000 at the completion of the subject test.

### **INSTRUMENT PREPARATION TO BEGIN A TEST:**

- A. The Intoxilyzer® 8000 must be installed by a Field Inspector prior to use.
- B. Ensure that both the power and battery switches are turned on. In the event the instrument has been turned off, power up the instrument by turning both switches on. Depending on how long the instrument has been shut off, a warm-up period of possibly 20-30 minutes may be required before testing.
- C. If the Intoxilyzer® 8000 is displaying "Ready Mode Ready to Start" there will be no preparation involved as the instrument is ready for a test.



- D. If the Intoxilyzer® 8000 is displaying alternating messages “Standby Mode Date/Time” and “Standby Mode Push Button to Start”, then preparation is as follows:
1. Press the Start Test button to begin a countdown of one (1) minute allowing sufficient time for the instrument to warm up.
  2. After the one minute countdown, the instrument automatically performs a room air blank and a series of diagnostic checks.
  3. The display then reads, “Ready Mode Ready to Start” as one of the alternating messages.
  4. The Intoxilyzer® 8000 is now ready to begin a test.

**TESTING PROCEDURE:**

- A. To perform a test:
1. Press the Esc key twice.
  2. “Enter Password:” displays. There is no password to enter.
  3. Press the green Start Test button located near the display.
  4. “Please scan ID or press enter” displays.
    - a. The operator may scan the barcode of his/her Chemical Test Operator Certificate (operator card) under the barcode scanner on the instrument. Review the data and proceed by pressing Enter.
    - b. If the operator’s card is not available, press the Enter key to manually enter operator information when prompted.
  5. “20 Minute Wait?” appears on the display. Before proceeding, the operator shall ascertain that the subject has had nothing to eat, drink, or smoke within twenty minutes prior to the collection of the breath sample. Answer the question with either “N” (No) or “Y” (Yes) and press Enter. If “N” is entered the instrument will not proceed.
  6. “# of Print Copies?” appears on the display. Enter the number of copies needed.
  7. “Please scan DL or press enter” displays.
    - a. The operator may scan the subject’s driver’s license under the barcode scanner. Review the subject’s data and proceed by pressing Enter.
    - b. Enter other requested data if applicable.
    - c. If the scanner cannot scan the license or a license is not available, the operator shall press the Enter key to manually enter the subject’s information.

- d. While reviewing information either during a scan of information or automatic entry, the operator may correct data while it is being displayed.
8. "Review Data (Y/N)?" is displayed. This gives the operator another chance to review and/or correct any subject data.
9. The Intoxilyzer® 8000 performs a series of diagnostic tests, purges the sample chamber with room air, followed by the result of the room air test displayed underneath. It then performs a reference check of the instrument.
10. "Please Blow Until Tone Stops" displays. At this point, the operator shall place a clean mouthpiece in the end of the breath tube and instruct the subject to blow into the mouthpiece.
  - a. If the subject provides a breath sample, the instrument will sound a continuous tone and displays "Subject Test" and "Rslt: #.###", which is the result of the breath alcohol concentration. The collection of an adequate breath sample is indicated when the zero to the left of the decimal point appears on the display.
  - b. If the subject does not provide an adequate breath sample, "Please Blow Until Tone Stops" will reappear with intermittent beeps. The subject has three minutes to provide an adequate breath sample.
11. The operator shall remove the used mouthpiece from the breath tube and dispose of it. The instrument will then display "Cln Mth Pc (Y/N)?" The operator shall answer the question whether a clean mouthpiece was used.
12. The instrument purges the sample chamber with room air, followed by the result of the room air test displayed underneath. It then performs a reference check of the instrument.
13. The instrument will automatically introduce an ethanol gas standard into the sample chamber, analyze it, and display the result.
14. The instrument purges the sample chamber with room air, followed by the result of the room air test displayed underneath. It then performs a reference check of the instrument.

15. "Please Blow Until Tone Stops" displays. At this point, the operator shall place another clean mouthpiece in the end of the breath tube and instruct the subject to blow into the mouthpiece.
  - a. If the subject provides a breath sample, the instrument will sound a continuous tone and displays "Subject Test" and "Rslt: #.###", which is the result of the breath alcohol concentration. The collection of an adequate breath sample is indicated when the zero to the left of the decimal point appears on the display.
  - b. If the subject does not blow with sufficient pressure and/or time to achieve an adequate breath sample, "Please Blow Until Tone Stops" will reappear with intermittent beeps. The subject has another three minutes to provide an adequate breath sample.
16. The operator shall remove the used mouthpiece from the breath tube and dispose of it. The instrument will then display "Cln Mth Pc (Y/N)?" The operator shall answer the question whether a clean mouthpiece was used.
17. The instrument purges the sample chamber with room air, followed by the result of the room air test displayed underneath.
18. The display will read "Difference OK" or "Difference Too Great."
19. The Form 106-I8000 test record will be printed from either the internal printer or external printer. If necessary, the operator may print more copies by pressing the F1 key. The Intoxilyzer® 8000 will only allow reprints of a test until the next subject test is started. Observe for legibility.
20. If upon review, the operator determines any information entered prior to testing or during the test is incorrect, the operator may amend the printed test record by crossing out the incorrect information and writing the correction on the printed test record.  
Note: Entered information does not have any effect on the subject's reported breath alcohol concentration. Incorrect data in these areas will not cause the test to be invalid. The operator may correct the following items if necessary:
  - a. Location Code
  - b. Date and Time
  - c. Subject Information:
    - Name
    - Date of Birth
    - Gender
    - Test Reason
    - Weight



- Citation Number
- Driver's License Number
- Driver's License State
- d. Ethanol Standard Information
  - Lot Number
  - Cylinder Number
  - Expiration Date
- e. County of Arrest
- f. Operator Number
- g. Answer pertaining to the question:
  - Clean Mouthpiece used and disposed?

21. Sign all copies of the Intoxilyzer Test Record and Checklist.

- B. The North Dakota Intoxilyzer® 8000 test sequence must include these tests in the following order: Diagnostic, room air, subject test, room air, standard gas, room air, subject test, and room air.
- C. The test record will identify the instrument as a "North Dakota Model 8000" along with the serial number. The instrument type is indicated on the "List of Approved Chemical Testing Devices."
- D. AC (alcohol concentration) is expressed as grams of alcohol per two hundred ten liters of end expiratory breath whether or not this is printed on the Form 106-I8000.

### **INTERPRETATION OF TEST:**

- A. The results of adequate breath samples will be printed as "Subject test 1" and/or "Subject Test 2." The lower of the two subject tests will be reported as the alcohol concentration.
- B. If any breath sample is determined to be deficient, meaning the subject did not provide a breath sample or did not provide an adequate breath sample, the instrument will print "\*\*Subject Test" followed by "#.###\*" with the highest alcohol concentration obtained during the test. The asterisk (\*) cross-references a message printed below on the test record.
  - 1. If any one of the two breath samples rendered by the subject is deficient or the subject does not provide one of the two samples, the single test obtained shall constitute a valid test and the three digits for that test will be reported as the breath alcohol concentration.



2. If both breath samples rendered by the subject are deficient, the test is still valid, but with deficient breath samples. The subject either refused or could not provide a sample. This is not an acceptable breath alcohol result.
  - a. If the operator can determine the deficient breath samples are not because the subject refused to provide samples, but are because of the inability of the subject to provide the samples, an alternative test for the subject needs to be obtained for evidentiary purposes.
- C. If the numerical difference between "Subject Test 1" and "Subject Test 2" is greater than 0.020, "Difference Too Great" will be printed on the test record and the test is invalid. The operator shall wait another 20 minutes and ensure the subject has had nothing to eat, drink, or smoke before repeating the Intoxilyzer® 8000 test.
- D. If "Invalid Sample" is noted on the display and/or test record the test is invalid. *Invalid Sample* indicates that residual mouth alcohol was detected by the Intoxilyzer® 8000. The instrument will abort the test. The operator shall wait another 20 minutes and ensure the subject has had nothing to eat, drink, or smoke before repeating the Intoxilyzer® 8000 test.
- E. If "Interferent Detect" or "Interferent Detected" is noted on the display and/or test record for either breath sample, the test is invalid. *Interferent* indicates a chemical other than ethanol was detected by the Intoxilyzer® 8000 in the breath sample of the subject. The instrument will abort the test. An alternative test for the subject needs to be obtained for evidentiary purposes.
- F. If "Ambient Fail" is noted on the display the Intoxilyzer® 8000 will abort the test. "\*Invalid Test Check Ambient Conditions" will be printed on the test record and the test is invalid. *Ambient Fail* indicates that the Intoxilyzer® 8000 detected a chemical during the room air test. The operator shall clear the chemical from the room air, repeat the test without delay, or an alternative test for the subject needs to be obtained for evidentiary purposes.
- G. If "RFI Detect" is noted on the display the Intoxilyzer® 8000 detected radio frequency interference and the instrument will abort the test. The operator shall check for any radio interference near the Intoxilyzer® 8000 and repeat the test without delay.

- H. If the Intoxilyzer® 8000 fails to print a test record after attempts have been made to remedy a printer, printer connection, or other issue, the test is invalid.

**FURTHER INFORMATION:**

- A. This Approved Method to Conduct Breath Tests with the Intoxilyzer® 8000 is valid for use with the Intoxilyzer Test Record and Checklist (Form 106-18000) for Intoxilyzer® 8000 administered beginning April 19, 2012.
- B. When the test is conducted according to this method it is considered to be fairly administered and the result obtained is scientifically accepted as accurate.