

Article 4 Training of Personnel

1218. Training Program Guidelines.

Any organization, laboratory, institution, school, or college conducting a course of instruction for persons to qualify under Section 1221.4 (a) (3) shall submit the following to the Department to demonstrate compliance with Title 17.

- 1218.1 For training described under section 1221.4 (a) (3); the laboratory shall submit the following:
- 1218.1 (a) A complete outline of the training which meets the requirements of Section 1221.4;
 - 1218.1 (b) A copy of the written examination together with the correct answers;
 - 1218.1 (c) A written description of the practical examination;
 - 1218.1 (d) A list of qualified instructors; and
 - 1218.1 (e) A description of the qualifications of instructors for the training, which at a minimum shall mean persons that meet the requirements described under Section 1221.4 (a) (4) (A).

1218. 2 Additional Requirements.

At the discretion of the forensic alcohol laboratory, any phase or portion of a training program shall be subject to alteration in an effort to update the program as technological advances are made or if a portion has been judged inappropriate. The changes will be subject to Department notification as outlined in 1218.1 (a) through 1218.1 (c).

Note: Authority cited: Sections 100170, 100275, 100703, 131050, 131051, and 131200, Health and Safety Code. Reference: Sections, 100703, 100725 Health and Safety Code.

Article 7 Requirements for Breath Alcohol Analysis

1221.4 Standards of Procedure

- 1221.4 (a) Procedures for breath alcohol testing shall meet the following standards:

- 1221.4 (a) (3) Breath alcohol testing shall be performed only with instruments for which the operators have received training, such training to include at a minimum the following schedule of subjects:
- 1221.4 (a) (3) (A) Theory of Operation:
- i. Value and purpose of forensic alcohol testing;
 - ii. General processes of absorption, distribution, and elimination of alcohol;
 - iii. Theory of breath alcohol analysis; and
 - iv. Discussion of the required 15 minute wait period.
- 1221.4 (a) (3) (B) Detailed Procedure of Operation:
- i. Methodology of analysis for the specific breath alcohol testing instrument used by the agency.
- 1221.4 (a) (3) (C) Precautionary Checklist:
- i. Description of, and adherence to, the Precautionary Checklist.
- 1221.4 (a) (3) (D) Practical Experience:
- i. The Precautionary Checklist is incorporated into the testing sequence. Each screen prompt is discussed and reviewed by the instructor.
 - ii. The operation of the breath instrument shall be demonstrated by the instructor.
 - iii. The instructor will observe the trainee(s) perform a test on the instrument while he or she acknowledges each step of the Precautionary Checklist.
- 1221.4 (a) (3) (E) At the completion of the training session, each breath instrument operator trainee will be required to successfully complete a written examination, and to achieve a passing score of a minimum of 80%.
- 1221.4 (a) (3) (F) Prior to the completion of the training session, each breath instrument operator trainee will be required to successfully complete a breath test, accurately following the Precautionary Checklist as outlined in 1221.4 (a) (3) (D) iii.
- 1221.4 (a) (3) (G) Upon successful completion of the training session, and successful completion of both the written and practical examinations, the trainee will be issued a certificate. The certificate will indicate the operator's name, ID/Badge #, agency, and include the instructor's name.
- 1221.4 (a) (4) Training curriculum in the procedures of breath alcohol testing shall be developed by forensic alcohol analysts. Department notification of the proposed curriculum will follow Section 1218.1.

- 1221.4 (a) (4) (A) The instructors will be, at a minimum, certified breath instrument operators with 2 years of practical experience, or, an FAAT who has successfully completed the breath instrument training and has at least 6 months of practical experience with the instrument.
- 1221.4 (a) (4) (B) The breath instrument operator trainees will receive, at a minimum, 4 hours of instructional training by a certified breath instrument operator.
- 1221.4 (a) (4) (C) If a breath instrument operator trainee has already undergone training to operate a different approved breath testing instrument, the trainee may receive instruction as above excluding the portion covering 1221.4 (a) (3) (A).
- 1221.4 (a) (5) An operator shall be a forensic alcohol analyst or a person who has successfully completed the training described under Section 1221.4 (a) (3) and 1221.4 (a) (4), and who may be called upon to operate a breath testing instrument in the performance of his or her duties.

Note: Authority cited: Sections 100170, 100275, 100703, 131050, 131051, and 131200, Health and Safety Code. Reference: Sections, 100703, 100725 Health and Safety Code.