

OLS -- Suggested Amendments to CCR title 17, § 1215.1

1/14/08 D R A F T

§ 1215.1. Definitions.

"Alcohol" means the unique chemical compound, ethyl alcohol, with the exception that reference in these regulations to compounds to be avoided as skin antiseptics includes the generic class of organic compounds known as alcohols.

"Alveolar" refers to the smallest air sacs in the lungs and to that portion of the expired breath which is in equilibrium with respect to alcohol with the immediately adjacent pulmonary blood.

"Breath Alcohol Analysis" means analysis the examination of a sample of a person's expired breath, ~~using a breath testing instrument designed for this purpose,~~ in order to determine measure the concentration of ethyl alcohol in the person's blood breath of persons involved in traffic accidents or traffic violations.

"Breath alcohol instrument" means an instrument designed for breath alcohol analysis.

"Breath alcohol testing facility" means any facility operated for breath alcohol analysis, and not forensic alcohol analysis of blood, urine, or tissue samples. "Breath alcohol testing facility" includes any law enforcement agency facility which performs breath alcohol analysis.

"Breath alcohol test operator" means any person who performs breath alcohol analysis at a breath alcohol testing facility.

"Concentration" means the weight amount of alcohol contained in a unit volume of liquid or a unit volume of gas under specified conditions of temperature and pressure; in the case of a solid tissue specimen, "concentration" means the weight amount of alcohol contained in a unit weight of specimen.

"Department" means the California State Department of Public Health and its duly authorized representatives.

"Forensic Alcohol Analysis" means the examination of a sample or specimen of blood, expired breath, urine, or tissue, using practical application of specialized devices, instruments, and methods, ~~by trained laboratory personnel~~ to measure the concentration of ethyl alcohol in samples or specimens of blood, breath, urine, or tissue of persons involved in traffic accidents or traffic violations.

"Forensic Alcohol Analyst" means a person employed by a forensic alcohol laboratory

who performs the ~~technical procedures~~ methods of forensic alcohol analysis.

"Forensic Alcohol Laboratory" means a ~~place~~ laboratory at which specialized ~~apparatus, instruments, and methods~~ are used by ~~trained forensic alcohol laboratory personnel~~ for forensic alcohol analysis, ~~to measure the concentration of alcohol in samples of blood, breath, urine, or tissue of persons involved in traffic accidents or in traffic violations; this may be an activity of a laboratory~~ A "forensic alcohol laboratory" may engaged in activities other than forensic alcohol analysis.

"Forensic alcohol laboratory personnel" means any person or persons employed by a forensic alcohol laboratory to perform forensic alcohol analysis, including forensic alcohol supervisors, forensic alcohol analysts, and forensic alcohol analyst trainees.

"Forensic Alcohol Supervisor" means a person employed by a forensic alcohol laboratory who can be responsible for all aspects of the performance of forensic alcohol analysis and for the supervision of personnel who perform such analysis.

"Forensic Alcohol Analyst Trainee" means a person employed by a forensic alcohol laboratory for the purpose of receiving comprehensive practical experience and instruction in the methods technical procedures of forensic alcohol analysis under the supervision of a forensic alcohol supervisor or forensic alcohol analyst.

"Instrument" or "Device" means any item or combination of items of equipment used to make a measurement of alcohol concentration; simple and complex devices are included in this meaning.

"Laboratory" means any facility operated for forensic alcohol analysis, including a forensic alcohol laboratory and a breath alcohol testing facility. A laboratory that is not at a fixed location, that is, a laboratory that moves from testing site to testing site, such as a mobile unit providing laboratory testing or other temporary testing location, may be considered an adjunct to the designated primary site or home base, using its address.

"License" means ~~a document issued by the State Department of Health to a laboratory to perform the tests referred to in the Health and Safety Code, Sections 436.51 and 436.52.~~

"Method" means the steps used by forensic alcohol laboratory personnel or breath alcohol test operators ~~a trained person~~ to make a measurement of alcohol concentration in a sample or specimen.

"Sample" or "Specimen" means a representative portion of breath, blood, urine, or tissue or of an artificially constituted material, ~~taken~~ obtained for the purpose of measuring its alcohol concentration.