

**Records and Reports  
K.A.R. 28-32-13 Amendment**

**Presented to  
Joint Committee on Administrative Rules and Regulations**

**By  
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Director of Environment**

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Members of the committee, I am John Mitchell, Director of Environment, with the Kansas Department of Health and Environment and I am here to summarize a proposed change to Kansas Administrative Regulation 28-32-13 which relates to the record-keeping and reporting requirements of the Breath Alcohol Testing Program administered by the Kansas Health and Environmental Laboratories.

The Breath Alcohol Program is responsible for the certification of agencies, instruments and officers who test drivers suspected of being under the influence of alcohol. The staff of KDHE is required to physically inspect each instrument utilized for evidentiary breath alcohol content on an annual basis. During these inspections, the staff retrieves all test data from these instruments including that which is currently being reported to the laboratory on written quarterly reports by the law enforcement agency or organization utilizing these instruments. Each of these agencies is also required to provide a monthly report with additional information that would highlight any potential problems with the testing instruments. Therefore, the requirement for the quarterly report is redundant and does not provide additional information to support the validity of the data produced or the overall testing program.

Summary from the Notice of Hearing:

*The proposed amendment to this regulation removes the requirement that local law enforcement agencies and organizations that conduct breath alcohol testing submit quarterly reports regarding the testing to KDHE. The information that is currently submitted in these reports is retrieved by KDHE staff during required annual site inspections and inspections of intoxilizer units at the law enforcement agencies and organizations. Since the data is already*

re. [redacted] by KDHE staff, the requirement to generate and submit quarterly reports is not needed. [redacted]

Thank you for the opportunity to appear before the committee today. I will be happy to stand for questions.