

901D.2 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Alcohol*” means an alcoholic beverage as defined in [section 321J.1](#).
2. “*Controlled substance*” means as defined in [section 124.101](#).
3. “*Department*” means the department of public safety.
4. “*Eligible offense*” means a criminal offense in which the abuse of alcohol or a controlled substance was a contributing factor in the commission of the offense, as determined by the court or governmental entity of the participating jurisdiction. For the purposes of operating while intoxicated offenses committed in violation of [section 321J.2](#), “*eligible offense*” includes only the following offenses:
 - a. A first offense in which the person’s alcohol concentration exceeded .15.
 - b. A first offense in which an accident resulting in personal injury or property damage occurred.
 - c. A first offense in which the person refused to submit to a chemical test requested pursuant to [section 321J.6](#).
 - d. A second or subsequent offense.
5. “*Immediate sanction*” means a sanction that is applied within minutes of a failed test result.
6. “*Law enforcement agency*” means a law enforcement agency charged with enforcement of the program created under [this chapter](#).
7. “*Participating jurisdiction*” means a county or other governmental entity that chooses to participate in the program created under [this chapter](#).
8. “*Sobriety and drug monitoring program*” or “*program*” means the program established pursuant to [section 901D.3](#).
9. “*Testing*” means a procedure or set of procedures performed to determine the presence of alcohol or a controlled substance in a person’s breath or bodily fluid, including blood, urine, saliva, and perspiration, and includes any combination of breath testing, drug patch testing, urine analysis testing, saliva testing, and continuous or transdermal alcohol monitoring. Subject to [section 901D.3](#), the department may approve additional testing methodologies or the testing of alternative bodily fluids.
10. “*Timely sanction*” means a sanction that is applied within hours or days after a failed test result. A timely sanction shall be applied as soon as possible, but the period between the failed test result and the application of the timely sanction shall not exceed five days.

[2017 Acts, ch 76, §4](#)