

661—159.10(901D) Definitions. The following definitions apply to this chapter:

“Alcohol” means an alcoholic beverage as defined in Iowa Code section 321J.1.

“Commissioner” means the commissioner of public safety as defined in Iowa Code section 80.1A.

“Controlled substance” means the same as defined in Iowa Code section 124.101.

“Department” means the department of public safety.

“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 a governmental entity of the participating jurisdiction. For purposes of operating while intoxicated offenses committed in violation of Iowa Code section 321J.2, “eligible offense” includes only the following offenses:

1. A first offense in which the person’s alcohol concentration exceeded .15.
2. A first offense in which an accident resulting in personal injury or property damage occurred.
3. A first offense in which the person refused to submit to a chemical test requested pursuant to Iowa Code section 321J.6.
4. A second or subsequent offense.

“Failed test” means any of the following:

1. A test or combination of tests that shows the presence of alcohol, a controlled substance, a combination of alcohol and one or more controlled substances, or a combination of two or more controlled substances, if any of the controlled substances are not prescribed by a health care provider or are not used in accordance with the health care provider’s written instructions.
2. A failure or refusal to submit to testing, including but not limited to the nonpayment of the required fee.
3. Incomplete testing or results that indicate efforts to tamper with or interfere with the test or with valid test results, whether or not those efforts are successful.
4. Failure to appear to submit to testing.

“Immediate sanction” means a sanction that is applied within minutes of a failed test result.

“Law enforcement agency” means a sheriff’s office or city police department that has been approved to administer, implement and enforce the statewide sobriety and drug monitoring program established in Iowa Code chapter 901D for the participating jurisdiction.

“Participating jurisdiction” means a county or a city that chooses to participate in the statewide sobriety and drug monitoring program and that has been approved for participation by the department.

“Sobriety and drug monitoring program” or *“24/7 program”* means the statewide sobriety and drug monitoring program established in Iowa Code chapter 901D.

“Test” or *“testing”* means a procedure or set of procedures performed using equipment, devices and methods approved by the commissioner 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.

“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.

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