

Instructions for Purchase of Dry Gas for Preliminary Breath Test from the Michigan State Police

The Michigan State Police (MSP) administers the Drunk Driving Prevention Equipment and Training Fund. This fund covers items such as preliminary breath test (PBT) instruments, evidential breath test instruments, supplies, and training. For several years, the MSP provided dry gas for the maintenance of PBTs at no cost. Below is Administrative Rule R 325.2654 specifying that the agency using the instrument is responsible for the expense of its service.

R 325.2654 Equipment repair and service.

Rule 4. (l) The repair and service of equipment approved by the department for evidential and preliminary breath alcohol analysis shall be at the expense of the agency using the equipment. The department or the agency using the equipment may arrange to have this service provided either by an appropriate class operator who has been certified in accordance with R 325.2658 or a manufacturer-trained authorized representatives approved by the department.

Understanding that immediate compliance with this rule may cause an unexpected fiscal burden on our partner agencies, the MSP will be phasing in the costs associated with dry gas. Agencies will continue to order Dry Gas through the MSP and each agency will have a procurement limit, based on the amount of LifeLoc FC10s in service. The phases of financial responsibilities of partner agencies are as follows:

- FY21: No charge within procurement limit. Agencies pay 100% for product above the limit.
- FY22: Agencies pay 25% of cost. Agencies pay 100% for product above the limit.
- FY23: Agencies pay 50% of cost. Agencies pay 100% for product above the limit.
- FY24: Agencies pay 75% of cost. Agencies pay 100% for product above the limit.
- FY25, and beyond: Agencies pay 100% of cost.

Procurement Limits (determined by number of LifeLoc FC-10 PBTs in service):

<u>LifeLoc FC-10s</u>	<u>Limit</u>
Under 30	(1) 105-liter canister / 3 years
30-50	(1) 105-liter canister / 2 years
50+	(1) 105-liter canister / 1 year

Agencies are not permitted by the Administrative Rules to buy dry gas that is not approved by the MSP. The Administrative Rules require the MSP to test and approve all dry gas used in the state of Michigan. The MSP will continue to use quality dry gas to serve the needs of breath testing instruments in the state of Michigan at the lowest possible cost to all agencies. The MSP has a contract for dry gas that provides significant savings compared to the retail price. The MSP will continue to purchase dry gas for all state-owned evidential breath instruments, currently the Intoxilyzer 9000.

Effective FY 20-21, agencies will need to complete a [TD-003 Dry Gas Order](#) form and submit it to the MSP-AlcoholUnit@michigan.gov.