

**72-10-503 Standards for chemical analysis of breath or oral fluids -- Evidence.**

- (1) The Commissioner of the Department of Public Safety shall establish standards for the administration and interpretation of chemical analysis of a person's breath or oral fluids, including standards of training.
- (2) In any action or proceeding in which it is material to prove that a person was operating or in actual physical control of an aircraft while under the influence of alcohol or any drug or operating with a blood or breath alcohol content statutorily prohibited, documents offered as memoranda or records of acts, conditions, or events to prove that the analysis was made and the instrument used was accurate, according to standards established in Subsection (1), are admissible if:
  - (a) the judge finds that they were made in the regular course of the investigation at or about the time of the act, condition, or event; and
  - (b) the source of information from which made and the method and circumstances of their preparation indicate their trustworthiness.
- (3) If the judge finds that the standards established under Subsection (1) and the conditions of Subsection (2) have been met, there is a presumption that the test results are valid and further foundation for introduction of the evidence is unnecessary.

Amended by Chapter 205, 2004 General Session