



KANSAS BUREAU OF INVESTIGATION

Forensic Science Center

Approved Oral Fluid Field Test Guidance

Kansas statute 75-712h, *Director authorized to adopt rules and regulations for preliminary screening devices for testing of oral fluid for law enforcement purposes*, allows for the use of field tests as aids in determining probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001. K.S.A. 8-1001 is the statute defining testing around driving under the influence cases. Of note, the following must apply:

- Field test must have been approved by the KBI Director.
- Each agency shall be responsible for the training of preliminary oral fluid screening test device operators.

Note: Officers are encouraged to read K.S.A. 75-712h in its entirety. <https://www.ksrevisor.org/ksa.html>

Oral Fluid Field Tests

Kansas administrative regulation (K.A.R.) 10-25-2, *Preliminary oral fluid screening test devices*, lists those field tests currently approved by the KBI Director. Currently there is only one device approved for this use. The device approved for use is the Abbott SoToxa™. https://sos.ks.gov/publications/pubs_kar.aspx

Requests for New Oral Fluid Field Tests

Revisions to the K.A.R., to include additions of new instruments and technologies, will be initiated in February of each calendar year. As such, applications for new instruments and technologies must be received by January 31st to be included in that year's revision timeframe. Applications received after the January 31st deadline will be considered in the following year. Exceptions to the application deadline may be granted on a case-by-case basis.

Please note that the evaluation of a device, report drafting, Director approval, and regulatory update can take up to one year following the application period.

If you would like to request an assessment of a new field test instrument or technology, please fill out the appropriate form from the KBI website and send it to the KBI Laboratory for consideration (FieldTesting@kbi.ks.gov).