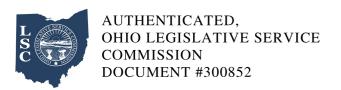


Ohio Administrative Code Rule 3701-53-03 Breath tests.

Effective: January 23, 2023

(A) The instruments listed in this paragraph are approved as evidential breath testing instruments for use in determining whether a person's breath contains a concentration of alcohol prohibited or defined by sections 4511.19, and/or 1547.11 of the Revised Code, or any other equivalent statute or local ordinance prescribing a defined or prohibited breath-alcohol concentration. The approved evidential breath testing instruments are:

- (1) BAC DataMaster, BAC DataMaster K, BAC DataMaster cdm;
- (2) Intoxilyzer model 5000 series 66, 68 and 68 EN;
- (3) Intoxilyzer model 8000 (OH-5);
- (4) Intox DMT (OH); and
- (5) Intoxilyzer model 9000 (OH).
- (B) Approval for instruments listed under paragraphs (A)(1) and (A)(2) or this rule will expire two years from the effective date of this rule, unless an exemption is requested by a law enforcement agency and approved by the director.
- (C) Breath samples of deep lung air will be analyzed for purposes of determining whether a person has a prohibited breath alcohol concentration with instruments approved under paragraph (A) of this rule.
- (D) For instruments listed under paragraphs (A)(1), (A)(2) of this rule:
- (1) Breath samples are to be analyzed according to the operational checklist for the instrument being used; and



- (2) Checklist forms prescribed by the director that record the results of subject tests are to be retained in accordance with paragraph (B) of rule 3701-53-01 of the Administrative Code.
- (E) Breath samples using the instruments listed under paragraphs (A)(3), (A)(4) and (A)(5) of this rule are to be analyzed according to the instrument display for the instrument being used.