



Ohio Administrative Code

Rule 3701-53-01 Definitions and record retention periods.

Effective: January 23, 2023

(A) The purpose of Chapter 3701-53 of the Administrative Code is to clarify and implement the provisions of sections 1547.11 and 4511.19, of the Revised Code. As used in this chapter of the Administrative Code:

(1) "Director" means the director of the Ohio department of health and includes any authorized representative of the director.

(2) "Laboratory director" means a person who holds a valid laboratory director permit under rule 3701-53-10 of the Administrative Code.

(3) "Designated laboratory director" means the person responsible for activities outlined in paragraph (D) of rule 3701-53-07 of the Administrative Code.

(4) "Laboratory technician" means a person who holds a valid laboratory technician permit under rule 3701-53-10 of the Administrative Code.

(5) "Operator" means a person who holds a valid operator permit under rule 3701-53-10 of the Administrative Code.

(6) "Senior operator" means a person who holds a valid senior operator permit under rule 3701-53-10 of the Administrative Code.

(7) "Oral fluid" means a type of bodily substance collected from the mouth consisting of saliva and other oral secretions.

(8) "Deep lung breath" means breath collected or measured at the end of an exhalation (alveolar air).

(9) "In transit" means in the possession of an individual employed by a hospital, law enforcement



agency, courier, or other delivery entity between the point of collection and a secure storage location or between secure storage location and a laboratory.

(10) "Procedure manual" means a document approved by the designated laboratory director that outlines laboratory procedures for techniques listed on the designated laboratory director's permit.

(11) "Traceable to NIST" means the standard was manufactured with equipment calibrated with NIST (national institute of standards and technology) weights or the standard was compared to a NIST traceable certified reference material or equivalent standard from a National Metrology Institute (N.M.I) with a reciprocal agreement with NIST. Traceability is documented by the certificate(s) of analysis provided by the manufacturer.

(12) "Controlled substance" means any controlled substance as defined in section 3719.01 of the Revised Code.

(13) "Drug of abuse" means any controlled substance as defined in section 3719.01 of the Revised Code, any harmful intoxicant as defined in section 2925.01 of the Revised Code, and any dangerous drug as defined in section 4729.01 of the Revised Code.

(14) "Impairing substance" means any substance that when taken into the human body can impair the ability of that person to operate a motor vehicle safely.

(B) Record retention periods.

(1) The results of the breath alcohol tests are to be retained for not less than three years from the test date.

(2) The results of laboratory tests are to be retained for not less than three years from the date the results are reported.

(3) The results of certifications and weekly checks for breath alcohol testing instruments are to be retained for not less than three years from the date performed.



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(4) Records of repairs and maintenance for breath alcohol testing instruments and laboratory instruments are to be retained for not less than three years from the date of service or maintenance.

(5) Records may be maintained in electronic or paper format.