



Ohio Administrative Code

Rule 3701-53-09 Permits.

Effective: July 25, 2013

(A) Individuals desiring to function as laboratory directors or laboratory technicians shall apply to the director of health for permits on forms prescribed and provided by the director. A separate application shall be filed for a permit to perform tests to determine the amount of alcohol in a person's blood, urine or other bodily substance, and a separate permit application shall be filed to perform tests to determine the amount of drugs of abuse in a person's blood, urine or other bodily substance. A laboratory director's and laboratory technician's permit is only valid for the laboratory indicated on the permit.

(1) The director shall issue permits to perform tests to determine the amount of alcohol in a person's blood, urine or other bodily substance to individuals who qualify under the applicable provisions of rule 3701-53-07 of the Administrative Code or under paragraph (A) of this rule. Laboratory personnel holding permits issued under this rule shall use only those laboratory techniques or methods for which they have been issued permits.

(a) The laboratory where the permit holder is employed shall have successfully completed a proficiency examination from a national program for proficiency testing using the applicable techniques or methods, and provide to representatives of the director all proficiency test results.

(b) Permit holders shall successfully complete proficiency examinations by representatives of the director using the techniques or methods for which they have been issued permits.

(2) The director shall issue permits to perform tests to determine the amount of drugs of abuse in a person's blood, urine or other bodily substances to individuals who qualify under the applicable provisions of rule 3701-53-07 of the Administrative Code or under paragraph (A) of this rule. Laboratory personnel holding permits issued under this rule shall use only those laboratory techniques or methods for which they have been issued permits.

The laboratory where the permit holder is employed shall have successfully completed a proficiency



examination from a national program for proficiency testing using the applicable techniques or methods, and provide to representatives of the director all proficiency results.

(B) Individuals desiring to function as senior operators or operators using instruments listed under paragraphs (A)(1), (A)(2), and (B) of rule 3701-53-02 of the Administrative Code shall apply to the director of health for permits on forms prescribed and provided by the director of health. A separate application shall be filed for each type of evidential breath testing instrument for which the permit is sought.

The director of health shall issue permits to perform tests to determine the amount of alcohol in a person's breath to individuals who qualify under the applicable provisions of rule 3701-53-07 of the Administrative Code.

(C) Permits issued after the effective date of this rule under paragraphs (A) and (B) of this rule shall expire one year from the effective date, unless revoked or voluntarily surrendered prior to the expiration date. An individual holding a permit may seek renewal of an issued permit by the director under paragraphs (A) and (B) of this rule by filing an application with the director no sooner than six months before the expiration date of the current permit. The director shall not renew the permit if the permit holder is in proceedings for revocation of his or her current permit under rule 3701-53-10 of the Administrative code.

(D) Individuals desiring to function as operators using instruments listed under paragraph (A)(3) of rule 3701-53-02 of the Administrative Code shall apply to the director of health for a permit, which shall be in the form of an operator access card, on forms prescribed and provided by the director of health. The director of health shall issue a permit, which shall be in the form of an operator access card, to perform tests to determine the amount of alcohol in a person's breath to individuals who qualify under the applicable provisions, including but not limited to, paragraph (D) and/or (E) of rule 3701-53-07 of the Administrative Code.

(E) Permits issued under paragraph (D) of this rule shall not expire unless revoked by the director under rule 3701-53-10 of the Administrative Code or are voluntarily surrendered. To retain a permit under paragraph (D) of this rule the individual shall present evidence satisfactory to the director that he or she continues to meet the qualifications established by the applicable provisions of rules 3701-



53-07 and 3701-53-08 of the Administrative Code for issuance of the permit sought.

(F) To qualify for renewal of a permit under paragraph (A) or (B) of this rule:

(1) A permit holder shall present evidence satisfactory to the director that he or she continues to meet the qualifications established by the applicable provisions of rule 3701-53-07 of the Administrative Code for issuance of the type of permit sought.

(2) If the individual seeking a renewal permit currently holds a laboratory technician or laboratory director permit, the permit holder shall meet the requirements of paragraph (A) of this rule.

(G) The director, director's designee or individuals appointed by the director of health are not required to obtain or retain permits while acting as representatives of the director.

(H) An individual may use any and all approved breath testing instruments for which the individual has been issued a permit.