



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.