



Ohio Administrative Code

Rule 3701-53-10 Permits.

Effective: January 23, 2023

(A) To function as laboratory directors or laboratory technicians, individuals will apply to the director of health for permits on forms provided by the director. A separate application will 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, oral fluid 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 will approve or deny permits to perform tests to determine the amount of alcohol in a person's blood, urine or other bodily substance to individuals pursuant to rule 3701-53-08 of the Administrative Code. Laboratory personnel holding permits issued under this rule may only use those laboratory techniques or methods for which they have been issued a permit.

(2) The director will approve or deny permits to perform tests to determine the amount of drugs of abuse in a person's blood, urine, oral fluid or other bodily substances to individuals pursuant to rule 3701-53-08 of the Administrative Code. Laboratory personnel holding permits issued under this rule may use only those laboratory techniques or methods for which they have been issued permits.

(B) Applicants for senior operator or operator permits for instruments listed under paragraphs (A)(1), (A)(2), (A)(4) and (A)(5) of rule 3701-53-03 of the Administrative Code will apply to the director on forms prescribed and provided by the director of health. A separate application will be filed for each type of evidential breath testing instrument for which a permit is sought. The director of health will approve or deny permits to perform tests to determine the amount of alcohol in a person's breath to individuals pursuant to rule 3701-53-08 of the Administrative Code.

(C) Permits issued under paragraphs (A) and (B) of this rule expire one year from the effective date of the permit, unless revoked or voluntarily surrendered prior to the expiration date. An individual holding a permit may seek renewal of a permit issued 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 will not renew the permit if the permit holder is in proceedings for revocation of his or her current permit under rule 3701-53-11 of the Administrative code.

(D) Applicants for operator permits for the instrument listed under paragraph (A)(3) of rule 3701-53-03 of the Administrative Code will apply to the director on forms prescribed and provided by the director of health. The director will approve or deny a permit to perform tests to determine the amount of alcohol in a person's breath to individuals pursuant to rule 3701-53-08 of the Administrative Code. The director will issue permits in the form of an operator access card to approved applicants.

(E) Permits issued under paragraph (D) of this rule do not expire unless the permit holder fails to successfully complete a proficiency examination as outlined in paragraph (D) of 3701-53-09 of the Administrative Code or the permit is revoked by the director under rule 3701-53-11 of the Administrative Code or if the permit is voluntarily surrendered. To retain a permit under paragraph (D) of this rule the individual will present evidence satisfactory to the director that he or she continues to meet the qualifications established by rules 3701-53-08 and 3701-53-09 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 will 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 will meet the requirements of paragraph (A) of this rule.

(G) The director and representatives of the director are not required to obtain or retain permits while acting as representatives of the director.

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