



## Ohio Administrative Code Rule 3769-4-57 Provide breath analyzer.

Effective: August 1, 1991

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(A) Every commercial permit holder shall provide an alcohol breath testing device, operated by a person approved by the commission to use such device. Such device shall be approved by the commission. All jockeys, apprentice jockeys, clerk of scales, jockey room custodian, identifier, outriders, pony persons, valets, stewards, placing judges, paddock judges, assistant starters and starters shall be required to submit to a breath test at each racing program in which they participate. In addition, the executive secretary, any member of the Ohio state racing commission, any commission investigator, the stewards, or the track chief of security may order any person licensed by the Ohio state racing commission to submit to a breath test at any time they have reason to believe the licensed person may have consumed sufficient alcohol to cause them to fail said breath test.

(B) In the case of jockeys, apprentice jockeys, outriders and pony persons, if the results of such test show a reading of more the .035 per cent of alcohol in the blood, such jockey, apprentice jockey, outrider or pony person shall not be permitted to ride and shall be suspended for a minimum of three racing days, under provisions of the rules of the Ohio state racing commission. In the case of stewards, placing judges, starters, and valets, if the test results in a reading of more than .035 per cent of alcohol in the blood, that individual shall be relieved of his or her duties for that program and a report shall be made to the commission for appropriate action. In the case of any other licensee, they shall be suspended, beginning that day, under the provisions of the rules of the Ohio state racing commission.

(C) For a second violation of paragraph (B) of this rule a licensee shall be fined one hundred dollars and shall be suspended for a period of not more than sixty days. For a third violation a licensee shall be fined two hundred fifty dollars, suspended for sixty days, and his or her case be referred to the commission for further action.

(D) Should any person licensed by the Ohio state racing commission refuse to submit to a breath test, such licensee shall be fined one hundred dollars and suspended for seven days for the first offense. For a second refusal, an licensee shall be fined two hundred fifty dollars and suspended for thirty



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days. For any additional refusals to submit to a breath test, a licensee shall be fined two hundred fifty dollars, suspended for sixty days, and his or her case referred to the commission for any further action deemed.