

BUREAU OF ALCOHOL
AND DRUG TESTING



Renewal

Intoxilyzer 5000

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HEALTH DIRECTOR'S ROLE IN CHEMICAL TESTING

SECTION 3701.143

Effective Date: 08/17/2006

For purposes of sections 1547.11, 4511.19, and 4511.194 of the Revised Code, the director of health shall determine, or cause to be determined, techniques or methods for chemically analyzing a person's whole blood, blood serum or plasma, urine, breath, or other bodily substance in order to ascertain the amount of alcohol, a drug of abuse, controlled substance, metabolite of a controlled substance, or combination of them in the person's whole blood, blood serum or plasma, urine, breath, or other bodily substance. The director shall approve satisfactory techniques or methods, ascertain the qualifications of individuals to conduct such analyses, and issue permits to qualified persons authorizing them to perform such analyses. Such permits shall be subject revocation at the discretion of the director.

OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS (OVI)

SECTION 4511.19

Effective Date: 09/30/2008

(A)(1) No person shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:

- (a) The person is under the influence of alcohol, a drug of abuse, or a combination of them.
- (b) The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.
- (c) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.
- (d) The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.
- (e) The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.
- (f) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.
- (g) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.
- (h) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.
- (i) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by

weight of alcohol per one hundred milliliters of the person's urine.

(j) Except as provided in division (K) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

(i) The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

(ii) The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.

(iii) The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

(iv) The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

(v) The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

(vi) The person has a concentration of L.S.D. in the person's urine of at least twenty-five nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

(vii) The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

(viii) Either of the following applies:

(I) The person is under the influence of alcohol, a drug of abuse, or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least fifteen nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

(II) As measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least thirty-five nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

(ix) The person has a concentration of methamphetamine in the person's urine of at least five hundred nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

(x) The person has a concentration of phencyclidine in the person's urine of at least twenty-five nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

(2) No person who, within twenty years of the conduct described in division (A)(2)(a) of this section, previously has been convicted of or pleaded guilty to a violation of this division, a violation of division (A)(1) or (B) of this section, or any other equivalent offense shall do both of the following:

(a) Operate any vehicle, streetcar, or trackless trolley within this state while under the influence of alcohol, a drug of abuse, or a combination of them;

(b) Subsequent to being arrested for operating the vehicle, streetcar, or trackless trolley as described in division (A)(2)(a) of this section, being asked by a law enforcement officer to submit to a chemical test or tests under section 4511.191 of the Revised Code, and being advised by the officer in accordance with section 4511.192 of the Revised Code of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(B) No person under twenty-one years of age shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least two-hundredths of one per cent but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1)(a) or (A)(2) and a violation of division (B)(1), (2), or (3) of this section, but the person may not be convicted of more than one violation of these divisions.

(D)(1)(a) In any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(a) of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in section 2317.02 of the Revised Code, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in division (A) of section 4511.192 of the Revised Code as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, or other bodily substance test at the request of a law enforcement officer under section 4511.191 of the Revised Code or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood.

The bodily substance withdrawn under division (D)(1)(b) of this section shall be analyzed in accordance with methods approved by the director of health by an individual possessing a valid permit issued by the director pursuant to section 3701.143 of the Revised Code.

(2) In a criminal prosecution or juvenile court proceeding for a violation of division (A) of this section or for an equivalent offense that is vehicle-related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in divisions (A)(1)(b), (c), (d), and (e) of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (A)(1)(j) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (B) of this section or for an equivalent offense that is substantially equivalent to that division.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis.

If the chemical test was obtained pursuant to division (D)(1)(b) of this section, the person tested may have a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any

administered at the request of a law enforcement officer. The form to be read to the person to be tested, as required under section 4511.192 of the Revised Code, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4)(a) As used in divisions (D)(4)(b) and (c) of this section, "national highway traffic safety administration" means the national highway traffic safety administration established as an administration of the United States department of transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the national highway traffic safety administration, all of the following apply:

(i) The officer may testify concerning the results of the field sobriety test so administered.

(ii) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(iii) If testimony is presented or evidence is introduced under division (D)(4)(b)(i) or (ii) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(c) Division (D)(4)(b) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (D)(4)(b) of this section.

(E)(1) Subject to division (E)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) or (B)(1), (2), (3), or (4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any laboratory personnel issued a permit by the department of health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

- (a) The signature, under oath, of any person who performed the analysis;
 - (b) Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;
 - (c) A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;
 - (d) An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the department of health.
- (2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (E)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.
- (3) A report of the type described in division (E)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.
- (F) Except as otherwise provided in this division, any physician, registered nurse, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or section 4511.191 or 4511.192 of the Revised Code, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or section 4511.191 or 4511.192 of the Revised Code, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.
- (K) Division (A)(1)(j) of this section does not apply to a person who operates a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:
- (1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
 - (2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.
- (L) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (A)(1)(j) of this section also apply in a prosecution of a violation of division (D) of section 2923.16 of the Revised Code in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

IMPLIED CONSENT TO CHEMICAL TEST

SECTION 4511.191

Effective Date: 09/30/2008

(A)(1) As used in this section:

(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code.

(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance.

(3) The chemical test or tests under division (A)(2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle, streetcar, or trackless trolley in violation of a division, section, or ordinance identified in division (A)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A)(2) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code.

(5)(a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent

chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

ADMINISTRATIVE LICENSE SUSPENSION (ALS)

SECTION 4511.192

Effective Date: 09/30/2008

(A) The arresting law enforcement officer shall give advice in accordance with this section to any person under arrest for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance. The officer shall give that advice in a written form that contains the information described in division (B) of this section and shall read the advice to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. One or more persons shall witness the arresting officer's reading of the form, and the witnesses shall certify to this fact by signing the form. The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within two hours of the time of the alleged violation and, if the person does not submit to the test or tests within that two-hour time limit, the failure to submit automatically constitutes a refusal to submit to the test or tests.

(B) If a person is under arrest as described in division (A) of this section, before the person may be requested to submit to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine, the arresting officer shall read the following form to the person:

"You now are under arrest for (specifically state the offense under state law or a substantially equivalent municipal ordinance for which the person was arrested – operating a vehicle under the influence of alcohol, a drug, or a combination of them; operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance; operating a vehicle after underage alcohol consumption; or having physical control of a vehicle while under the influence).

If you refuse to take any chemical test required by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated. If you have a prior conviction of OVI, OVUAC, or operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance under state or municipal law within the preceding twenty years, you now are under arrest for state OVI, and, if you refuse to take

a chemical test, you will face increased penalties if you subsequently are convicted of the state OVI.

(Read this part unless the person is under arrest for solely having physical control of a vehicle while under the influence.) If you take any chemical test required by law and are found to be at or over the prohibited amount of alcohol, a controlled substance, or a metabolite of a controlled substance in your whole blood, blood serum or plasma, breath, or urine as set by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated.

If you take a chemical test, you may have an independent chemical test taken at your own expense.”

(C) If the arresting law enforcement officer does not ask a person under arrest as described in division (A) of this section or division (A)(5) of section 4511.191 of the Revised Code to submit to a chemical test or tests under section 4511.191 of the Revised Code, the arresting officer shall seize the Ohio or out-of-state driver’s or commercial driver’s license or permit of the person and immediately forward it to the court in which the arrested person is to appear on the charge. If the arrested person is not in possession of the person’s license or permit or it is not in the person’s vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within twenty-four hours after the arrest, and, upon the surrender, the agency immediately shall forward the license or permit to the court in which the person is to appear on the charge. Upon receipt of the license or permit, the court shall retain it pending the arrested person’s initial appearance and any action taken under section 4511.196 of the Revised Code.

(D)(1) If a law enforcement officer asks a person under arrest as described in division (A)(5) of section 4511.191 of the Revised Code to submit to a chemical test or tests under that section and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person’s whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense, or if a law enforcement officer asks a person under arrest as described in division (A) of this section to submit to a chemical test or tests under section 4511.191 of the Revised Code, the officer advises the person in accordance with this section of the consequences of the person’s refusal or submission, and either the person refuses to submit to the test or tests or, unless the arrest was for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, the person submits to the test or tests and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person’s whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense, the arresting officer shall do all of the following:

(a) On behalf of the registrar of motor vehicles, notify the person that, independent of any penalties or sanctions imposed upon the person, the person’s Ohio driver’s or commercial driver’s license or permit or nonresident operating privilege is suspended immediately, that the suspension will last at least until the person’s initial appearance on the charge, which will be held within five days after the date of the person’s arrest or the issuance of a citation to the person, and that the person may appeal the suspension at the initial appearance or during the period of time ending thirty days after that initial appearance;

(b) Seize the driver’s or commercial driver’s license or permit of the person and immediately forward it to the registrar. If the arrested person is not in possession of the person’s license or permit or it is not in the person’s vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within twenty-four hours after the person is given notice of the suspension, and, upon the surrender, the officer’s employing agency immediately shall

forward the license or permit to the registrar.

(c) Verify the person's current residence and, if it differs from that on the person's driver's or commercial driver's license or permit, notify the registrar of the change;

(d) Send to the registrar, within forty-eight hours after the arrest of the person, a sworn report that includes all of the following statements:

(i) That the officer had reasonable grounds to believe that, at the time of the arrest, the arrested person was operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance or for being in physical control of a stationary vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance;

(ii) That the person was arrested and charged with a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance;

(iii) Unless division (D)(1)(d)(v) of this section applies, that the officer asked the person to take the designated chemical test or tests, advised the person in accordance with this section of the consequences of submitting to, or refusing to take, the test or tests, and gave the person the form described in division (B) of this section;

(iv) Unless division (D)(1)(d)(v) of this section applies, that either the person refused to submit to the chemical test or tests or, unless the arrest was for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, the person submitted to the chemical test or tests and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense;

(v) If the person was under arrest as described in division (A)(5) of section 4511.191 of the Revised Code and the chemical test or tests were performed in accordance with that division, that the person was under arrest as described in that division, that the chemical test or tests were performed in accordance with that division, and that test results indicated a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense.

(2) Division (D)(1) of this section does not apply to a person who is arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, who is asked by a law enforcement officer to submit to a chemical test or tests under section 4511.191 of the Revised Code, and who submits to the test or tests, regardless of the amount of alcohol, a controlled substance, or a metabolite of a controlled substance that the test results indicate is present in the person's whole blood, blood serum or plasma, breath, or urine.

(E) The arresting officer shall give the officer's sworn report that is completed under this section to the arrested person at the time of the arrest, or the registrar of motor vehicles shall send the report to the person by regular first class mail as soon as possible after receipt of the report, but not later than fourteen days after receipt of it. An arresting officer may give an unsworn report to the arrested person at the time of the arrest provided the report is complete when given to the arrested person and subsequently is sworn to by the arresting officer. As soon as possible, but not later than forty-eight

hours after the arrest of the person, the arresting officer shall send a copy of the sworn report to the court in which the arrested person is to appear on the charge for which the person was arrested.

(F) The sworn report of an arresting officer completed under this section is prima-facie proof of the information and statements that it contains. It shall be admitted and considered as prima-facie proof of the information and statements that it contains in any appeal under section 4511.197 of the Revised Code relative to any suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege that results from the arrest covered by the report.



OHIO DEPARTMENT OF PUBLIC SAFETY
BUREAU OF MOTOR VEHICLES

**REPORT OF LAW ENFORCEMENT OFFICER ADMINISTRATIVE LICENSE SUSPENSION/
NOTICE OF POSSIBLE CDL DISQUALIFICATION/IMMOBILIZATION/FORFEITURE**

A. NAME		DRIVER LICENSE #	CLASS	STATE
CURRENT STREET ADDRESS (AS VERIFIED BY OFFICER)				
CITY		OHIO COUNTY OF RESIDENCE	STATE	ZIP CODE
DATE OF BIRTH	SOCIAL SECURITY #	4 DIGIT COURT CODE	COUNTY OF VIOLATION	
DATE OF VIOLATION	TIME OF VIOLATION	PLACE OF TEST	VIN	
DATE OF REFUSAL OR TEST	TIME OF REFUSAL OR TEST	YEAR	MAKE	LICENSE PLATE #
				TYPE PLATE
VEHICLE OWNER'S NAME		DATE OF BIRTH	STREET ADDRESS	
CITY	STATE	ZIP CODE		
VEHICLE STORED AT (STREET ADDRESS)			CITY	

B. Officer to Complete for All OVI / Physical Control Arrests:

Circle arrest type: OVI Physical Control

The driver:

- Refused to submit to test (s).
- Submitted to test (s). 0. _____ % alcohol test result
- Circle test type for which results were reported:
Whole Blood, Breath, Urine, Blood Serum, or Blood Plasma
- Was placed under an Administrative License Suspension (4511.191)
- License was seized
- Offender was provided a copy of this form at the time of arrest.

I requested the driver, by reading advice on the back, to submit to a chemical test (s) for alcohol and/or for the presence of any controlled substance or metabolite. My reasonable grounds for OVI/Physical Control arrest before test were: _____

- Subject tested for controlled substance or metabolite. Circle test type for which controlled substance or metabolite results were reported: Urine, Whole Blood, Blood Serum, or Blood Plasma.
- Specify controlled substance and/or metabolite results: _____
- Subject tested positive for prohibited level of marijuana metabolite _____ (specify amount) and was under the influence of alcohol and/or a drug of abuse.
- Alcohol, Controlled substance or metabolite test result received on _____ Subject served with notice of Administrative License Suspension on _____
- Reasonable means officer used to ensure offender submitted to a chemical test were: _____

C. Officer to Complete Applicable Vehicle Sanctions:

- License plate(s) seized
- Vehicle seized under 4511.195 (OVI)

- Vehicle seized under 4511.203 only (DUS or wrongful entrustment of a motor vehicle) If so, **Do Not Mail this form to the BMV**
- Vehicle subject to immobilization
- Vehicle subject to forfeiture

D. Officer to Complete if Offender was Operating a Commercial Vehicle:

- Read and showed advice to offender (4506.17)
- Refused to submit to test(s)
- Submitted to test(s) 0. _____ % alcohol test result
(Circle One) Whole Blood, Breath, Urine, Blood Serum, or Blood Plasma
- Prohibited Alcohol Content without OVI charge
- Prohibited Alcohol Content with OVI charge

- Commercial vehicle per definition (4506.01(E))
- 24-hour out-of-service order
- CDL to be disqualified
- CDL seized
- Hazardous material
- Operated a commercial vehicle under the influence of a controlled substance

E. The advice on the back of this form was read to me and I have received a copy of this form:

DRIVER'S SIGNATURE REFUSED TO SIGN

F. Complete Below Only for an OVI / Physical Control ARREST:

We, the undersigned, certify that the advice prescribed by the General Assembly (under 4511.191 and 4511.192), was shown to the person under arrest and read to him or her in the presence of the arresting officer and one other person.

X
ARRESTING OFFICER'S SIGNATURE _____ ENFORCEMENT AGENCY _____ OHO _____ N.C.I.C. # _____

OFFICER'S BUSINESS STREET ADDRESS _____

X
WITNESS'S SIGNATURE _____ CITY _____ STATE _____ ZIP CODE _____

COMPLETE BELOW ONLY ON OVI ARREST, PHYSICAL CONTROL ARREST, OR ARREST INVOLVING COMMERCIAL VEHICLE. AFFIDAVIT OF ARRESTING OFFICER:

STATE OF OHIO, COUNTY OF _____
I certify I arrested the person, having had reasonable grounds to believe the person was operating a vehicle upon a highway, or upon public or private property used by the public for vehicular travel or parking in the State of Ohio, under the influence of alcohol and/or drugs of abuse, in physical control of a vehicle while under the influence of alcohol and/or drugs of abuse, or with a prohibited concentration of alcohol in the whole blood, blood serum, blood plasma, breath, or urine. I advised the person in the prescribed manner of the consequences of a refusal or a test. The person either refused the test, or was under arrest for OVI and took the test and had a prohibited concentration of alcohol in the whole blood, blood serum, blood plasma, breath, or urine (all as described above). In the case of a commercial vehicle (if applicable) I had reasonable grounds to believe the person was driving a commercial motor vehicle in the State of Ohio in violation of section 4506.15 of the Ohio Revised Code. The information contained on this form is true to the best of my knowledge and belief.

X
ARRESTING OFFICER SIGNATURE _____

Sworn to before me this _____ day of _____ 20_____

X
NOTARY PUBLIC'S SIGNATURE _____

X
DEPUTY CLERK OF COURT'S SIGNATURE _____ City of _____

BMV 2255 10/08

White/Original - BMV Canary - Law Enforcement Pink - Court Goldenrod - Offender

CONSEQUENCES OF TEST AND REFUSAL (ORC 4511.192) (MUST BE READ TO OVI / PHYSICAL CONTROL OFFENDER)

"You now are under arrest for (*specifically state the offense under state law or a substantially equivalent municipal ordinance for which the person was arrested*) operating a vehicle under the influence of alcohol, a drug, or a combination of them; operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance; operating a vehicle after underage alcohol consumption; or having physical control of a vehicle while under the influence)."

"If you refuse to take any chemical test required by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated. If you have a prior conviction of OVI, OVUAC, or operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance under state or municipal law within the preceding twenty years, you now are under arrest for state OVI, and, if you refuse to take a chemical test, you will face increased penalties if you subsequently are convicted of the state OVI.

"If you have previously pled guilty or been convicted of two or more OVI'S, OVUAC's, or equivalent offenses in the previous six years, or pled guilty or been convicted of five or more OVI'S, OVUAC's, or equivalent offenses in the previous twenty years, or pled guilty or been convicted of a felony of any of the above violations, and you refuse to submit to a chemical test required by law, I am authorized to use whatever reasonable means are necessary to ensure that you submit to a chemical test.

(*Read this part unless the person is under arrest for solely having physical control of a vehicle while under the influence.*) If you take any chemical test required by law and are found to be at or over the prohibited amount of alcohol, a controlled substance, or a metabolite of a controlled substance in your whole blood, blood serum or plasma, breath, or urine as set by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated.

If you take a chemical test, you may have an independent chemical test taken at your own expense."

CONSEQUENCES OF TEST AND REFUSAL – OUT-OF-SERVICE (ORC 4506.17) (MUST BE READ IN ADDITION TO THE ABOVE TO AN OFFENDER DRIVING A COMMERCIAL VEHICLE)

"I am a law enforcement officer; I have probable cause to stop or detain you. After investigating the circumstances, I have probable cause to believe you were operating a commercial motor vehicle in violation of section 4506.15 of the Ohio Revised Code. I request that you submit to a test or tests of your blood, breath, or urine for the purpose of determining your alcohol concentration or the presence of any controlled substance. If you refuse to submit to the test or tests you will immediately be placed out-of-service for twenty-four hours; you will be disqualified from operating a commercial motor vehicle for a period of not less than one year; and you will be required to surrender your commercial driver license to me."

ADDITIONAL INFORMATION FOR OFFENDER

IMMOBILIZATION OR FORFEITURE UPON OVI ARREST (ORC 4511.195)

If you have previously been convicted of operating a motor vehicle under the influence, OVI, (ORC 4511.19), or similar municipal ordinance, the vehicle and its identification license plates may be seized. The vehicle may be towed and kept by the law enforcement agency or may be immobilized. The period of time for which the vehicle and license plates will be kept or immobilized may be at least until the initial appearance in court. At the initial appearance the court may order that the vehicle and license plates be returned or released to the vehicle owner until the disposition of the charge. If you are convicted of or plead guilty to OVI, the court may issue an order of immobilization of the vehicle and the impoundment of its license plates, or an order for the criminal forfeiture of the vehicle to the state. If you are not the vehicle owner you must immediately inform the owner that the vehicle and its license plates have been seized and that the owner may be able to obtain the return or release of the vehicle and plates at your initial appearance in court.

OFFENDERS ARRESTED FOR DRIVING UNDER SUSPENSION OR WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE (ORC 4511.203)

If you are charged for driving under an FRA suspension, (4510.16), driving under an OVI suspension, (4510.14), or wrongful entrustment of a motor vehicle, (4511.203), the vehicle and identification plates may be seized, and the vehicle may be towed and kept by the law enforcement agency. Any period of seizure will be at least until your initial appearance in court. At the initial appearance the court may order the vehicle returned to you or released to the vehicle owner. If you are convicted of driving under suspension, or of wrongful entrustment of a vehicle, the court may issue an order of immobilization of the vehicle and impoundment of its license plates. Upon a third conviction of wrongful entrustment of a vehicle (4511.203), of driving under FRA suspension (4510.16), of driving under suspension (4510.11), or a municipal ordinance similar to one of the above, the court, upon your conviction may order the forfeiture of the vehicle. If you are not the owner, you should immediately inform the owner that the vehicle and the license plates have been seized and that the owner may be able to obtain the return or release of the vehicle and plates at your initial appearance in court.

IF YOU HAVE A COMMERCIAL DRIVER LICENSE AND YOU WERE OPERATING A COMMERCIAL VEHICLE:

- A. To appeal your disqualification, you must prepare a WRITTEN request for an Administrative Hearing and submit the request by REGISTERED or CERTIFIED MAIL within 30 days of your refusal or test date (see reverse side). Mail your request to:
Ohio Bureau of Motor Vehicles
Attn.: CDL / OSP
P O Box 16784
Columbus, Ohio 43216-6784
- B. You may appeal this SUSPENSION in court at the time of your initial appearance. Even though you may appeal this suspension, your driving privileges will still be suspended.

NOTICE OF SUSPENSION (ORC 4511.192)

Independent of any penalties or sanctions imposed upon you pursuant to any other section of the Revised Code or municipal ordinance, your driver license or commercial driver license, permit, or nonresident operating privilege is now suspended. The suspension takes effect immediately. The suspension will last at least until your initial appearance on the charge, which will be held within five days after the date of this arrest or the issuance of a citation to you. You may appeal the suspension at the initial appearance before the court that hears the charges against you that resulted from the arrest, or during the period of time ending 30 days after that initial appearance.

LENGTH OF SUSPENSION

FOR REFUSAL

(Depending on prior instances within 6 years)
No prior refusals 1 year
One prior refusal 2 years
Two prior refusals 3 years
Three or more prior refusals 5 years

FOR PROHIBITED CONCENTRATION OF ALCOHOL

(Depending on prior OVI instances within 6 years)
No prior convictions 90 days
One prior conviction 1 year
Two prior convictions 2 years
Three prior convictions 3 years

BMV 2255 10/08

**PHYSICAL CONTROL OF A VEHICLE
WHILE UNDER THE INFLUENCE
SECTION 4511.194**

Effective Date: 09/30/2008

(A) As used in this section:

(1) "National highway traffic safety administration" has the same meaning as in section 4511.19 of the Revised Code.

(2) "Physical control" means being in the driver's position of the front seat of a vehicle or in the driver's position of a streetcar or trackless trolley and having possession of the vehicle's, streetcar's, or trackless trolley's ignition key or other ignition device.

(B) No person shall be in physical control of a vehicle, streetcar, or trackless trolley if, at the time of the physical control, any of the following apply:

(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(2) The person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code.

(3) Except as provided in division (E) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in division (A)(1)(j) of section 4511.19 of the Revised Code.

(C)(1) In any criminal prosecution or juvenile court proceeding for a violation of this section or a substantially equivalent municipal ordinance, if a law enforcement officer has administered a field sobriety test to the person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the national highway traffic safety administration, all of the following apply:

(a) The officer may testify concerning the results of the field sobriety test so administered.

(b) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(c) If testimony is presented or evidence is introduced under division (C)(1)(a) or (b) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

DEFINITIONS

SECTION 4511.01

Effective Date: 09/30/2008

As used in this chapter and in Chapter 4513 of the Revised Code:

(A) "Vehicle" means every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

(B) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

(C) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," or "motorcycle" without regard to weight or brake horsepower.

(D) "Emergency vehicle" means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the director of public safety, or local authorities, and motor vehicles when commandeered by a police officer.

(E) "Public safety vehicle" means any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under section 4503.49 of the Revised Code;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

(3) Any motor vehicle when properly identified as required by the director of public safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the director of public safety as the certifying agency for all public safety vehicles described in division (E)(3) of this section.

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the director of public safety.

Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.

(5) Vehicles used by the motor carrier enforcement unit for the enforcement of orders and rules of the public utilities commission as specified in section 5503.34 of the Revised Code.

(HHH) "'Operate" means to cause or have caused movement of a vehicle, streetcar, or trackless trolley.

OHIO REVISED CODE REVIEW QUESTIONS

1) 4511.19 (DUI) applies to:

Who _____

Doing what _____

In what _____

Where _____

2) A sample must be obtained within _____ hours of the _____
_____.

3) The sample may be of _____, _____, _____ or other bodily substances.

4) Only a _____, _____, _____, or _____ shall withdraw a blood sample.

5) Only a _____ shall analyze the sample.

6) The sample shall be analyzed in accordance with methods approved by the
_____.

7) The per se level (prohibited amount) for adults is at or above:

_____ % BAC or;

_____ grams of alcohol per _____ liters of breath or;

_____ grams of alcohol per _____ milliliters of urine.

8) **T F** If the sample tested below the per se level, such fact may be considered along with other competent evidence.

9) Can the qualified person (see #4 above) refuse to draw blood?

_____.

10) If a person is tested pursuant to 4511.19(DUI) he shall be advised of his : _____
_____, upon his request. And his right to obtain _____ of his
own choosing.

- 11) Does the time limit apply to a private additional test? _____
- 12) 4511.191 (ALS) applies to _____ if arrested for _____
Doing what _____ In what _____
Where _____
- 13) The advice of consequences of refusal or positive test shall be in written form prescribed by the _____.
- 14) The ALS form shall be _____ and _____ to the person.
- 15) #14 above must be done in the presence of _____ and a _____.
- 16) Who qualifies as a witness to the notification of consequences of refusal or positive test?
_____.
- 17) What conditions cause an immediate ALS to take place? _____.
- 18) When may a suspended driver appeal the suspension? _____.
- 19) Where would this appeal take place? _____.
- 20) What is the scope of the appeal (see # 18 & 19 above):

- 21) The five areas of responsibility given the Director of Health under 3701.143 are:
Determine _____ or _____ for chemically analyzing a person's blood, urine or breath. Approve satisfactory _____ or _____.
Ascertain _____ of individuals to perform tests.
_____ permits and _____ permits.

STUDY GUIDE FOR OAC 3701-53

CHEMICAL TESTING RULES

SECTION 3701-53

Effective Date 01/08/2009

3701-53-01

Techniques or methods

- (A) Tests to determine the concentration of alcohol may be applied to blood, breath, urine, or other bodily substances. Results shall be expressed as equivalent to:
- (1) Grams by weight of alcohol per one hundred milliliters of whole blood, blood serum or plasma (grams per cent by weight);
 - (2) Grams by weight of alcohol per two hundred ten liters of deep lung breath;
 - (3) Grams by weight of alcohol per one hundred milliliters of urine (grams per cent by weight).;
 - (4) Nanograms by weight of a controlled substance or a metabolite of a controlled substance per milliliter of blood, urine, or other bodily substance.

The results of the tests shall be retained for not less than three years.

- (B) At least one copy of the written procedure manual required by paragraph (D) of rule 370153-06 of the Administrative Code for performing blood, urine, or other bodily substance tests shall be on file in the area where the analytical tests are performed.

Effective: 01/08/2009

3701-53-02
Breath tests

- (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; and
 - (2) Intoxilyzer model 5000 series 66, 68 and 68 EN, and
 - (3) Intoxilyzer model 8000 (OH-5).
- (B) The instruments listed in this paragraph are approved as additional evidential breath testing instruments for use in determining whether a person's breath contains a concentration of alcohol prohibited or defined by section 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 instrument is:
- (1) Intoxilyzer model 8000 (OH-2).
- (C) Breath samples of deep lung (alveolar) air shall be analyzed for purposes of determining whether a person has a prohibited breath alcohol concentration with instruments approved under paragraphs (A) and (B) of this rule.
- (D) Breath samples using instruments listed under paragraphs (A)(1), (A)(2) and (B) of this rule shall be analyzed according to the operational checklist for the instrument being used and checklist forms recording the results of subject tests shall be retained in accordance with paragraph (A) of rule 3701-53-01 of the Administrative Code. The results shall be recorded on forms prescribed by the director of health.
- (E) Breath samples using the instrument listed under paragraph (A)(3) of this rule shall be analyzed according to the instrument display for the instrument being used. The results of subject tests shall be retained in a manner prescribed by the director of health and shall be retained in accordance with paragraph (A) of rule 3701-53-01 of the Administrative Code.

Effective: 01/08/2009

3701-53-03

Blood, urine and other bodily substance tests

(A) Alcohol in blood, urine and other bodily substances shall be analyzed based on approved techniques or methods. The technique or method must have documented sensitivity, specificity, accuracy, precision and linearity. The technique or method can be based on procedures which have been published in a peer reviewed or juried scientific journal or thoroughly documented by the laboratory. Approved techniques or methods include:

- (1) Gas chromatography; and
- (2) Enzyme assays.

(B) Controlled substances or metabolites of a controlled substance as defined in section 4511.19,

and drugs of abuse as defined in section 3719.011 of the Revised Code in blood, urine, and other bodily substances shall be analyzed using techniques or methods approved by the director of health as part of the permit process as specified in rules 3701-53-07 and 3701-53-09 of the Administrative Code. The approved analytical techniques or methods are:

- (1) Immunoassay;
- (2) Thin-layer chromatography;
- (3) Gas chromatography;
- (4) Mass spectroscopy;
- (5) High performance liquid chromatography; or
- (6) Spectroscopy.

All positive results of tests specified in paragraph (B) of this rule must be confirmed by one or more dissimilar analytical techniques or methods and must be part of a testing procedure. The analytical techniques or methods used for confirmation must have similar or improved sensitivity, specificity, accuracy, precision and linearity. The approved techniques or methods can be based on procedures which have been published in a peer reviewed or juried scientific journal or thoroughly documented by the laboratory.

Effective: 01/08/2009

3701-53-04
Instrument checks, controls and certifications

- (A) A senior operator shall perform an instrument check on approved evidential breath testing instruments listed under paragraphs (A)(1), (A)(2), and (B) of rule 3701-53-02 no less frequently than once every seven days in accordance with the appropriate instrument checklist for the instrument being used. The instrument check may be performed anytime up to one hundred and ninety-two hours after the last instrument check.
- (1) The instrument shall be checked to detect radio frequency interference (RFI) using a hand-held radio normally used by the law enforcement agency performing the instrument check. The RFI detector check is valid when the evidential breath testing instrument detects RFI or aborts a subject test. If the RFI detector check is not valid, the instrument shall not be used until the instrument is serviced.
- (2) An instrument shall be checked using a solution containing ethyl alcohol approved by the director of health. An instrument check result is valid when the result of the instrument check is at or within five one-thousandths (0.005) grams per two hundred ten liters of the target value for that approved solution. An instrument check result which is outside the range specified in this paragraph shall be confirmed by the senior operator using another bottle of approved solution. If this instrument check result is also out of range, the instrument shall not be used until the instrument is serviced or repaired.
- (B) Instruments listed under paragraph (A)(3) of rule 3701-53-02 shall automatically perform a dry gas control test before and after every subject test and instrument certification using a dry gas standard traceable to the national institute of standards and technology (NIST). Dry gas control results are valid with the results are at or within five one-thousandths (0.005) grams per two hundred ten liters of the alcohol concentration on the manufacturer's certificate of analysis for that dry gas standard. A dry gas control result which is outside the range specified in this paragraph will abort the subject test or instrument certification in progress.
- (C) Representatives of the director shall perform an instrument certification on approved evidential breath testing instruments listed under paragraph (A)(3) of rule 3710-53-02 of the Administrative Code using a solution containing ethyl alcohol approved by the director of health according to the instrument display for the instrument being certified. An instrument shall be certified no less frequently than once every calendar year or when the dry gas standard on the instrument is replaced, whichever comes first. Instrument certifications are valid when the certification results are at or within five one-thousandths (0.005) grams per two hundred ten liters of the target value for that approved solution. Instruments with certification results outside the range specified in this paragraph will require the instrument be removed from service until the instrument is serviced or repaired. Certification results shall be retained in a manner prescribed by the director of health.

- (D) An instrument check or certification shall be made in accordance with paragraphs (A) and (C) of this rule when a new evidential breath testing instrument is placed in service or when the instrument is returned after service or repairs, before the instrument is used to test subjects.
- (E) A bottle of approved solution shall not be used more than three months after its date of first use, or after the manufacturer's expiration date on the approved solution certificate, whichever comes first. After first use, a bottle of approved solution shall be kept under refrigeration when not being used. The approved solution bottle shall be retained for reference until that bottle of approved solution is discarded.
- (F) Each testing day, the analytical techniques or methods used in rule 3701-53-03 of the Administrative Code shall be checked for proper calibration under the general direction of the designated laboratory director. General direction does not mean that the designated laboratory director must be physically present during the performance of the calibration check.
- (G) Results of instrument checks, controls, certifications, calibration checks and records of service and repairs shall be retained in accordance with paragraph (A) of rule 3701-53-01 of the Administrative Code.

Effective: 01/08/2009

3701-53-05

Collection and handling of blood and urine specimens

- (A) All samples shall be collected in accordance with section 4511.19, or section 1547.11 of the Revised Code, as applicable.
- (B) When collecting a blood sample, an aqueous solution of a non-volatile antiseptic shall be used on the skin. No alcohols shall be used as a skin antiseptic.
- (C) Blood shall be drawn with a sterile dry needle into a vacuum container with a solid anticoagulant, or according to the laboratory protocol as written in the laboratory procedure manual based on the type of specimen being tested.
- (D) The collection of a urine specimen must be witnessed to assure that the sample can be authenticated. Urine shall be deposited into a clean glass or plastic screw top container which shall be capped, or collected according to the laboratory protocol as written in the laboratory procedure manual.
- (E) Blood and urine containers shall be sealed in a manner such that tampering can be detected and have a label which contains at least the following information:
 - (1) Name of suspect;
 - (2) Date and time of collection;
 - (3) Name or initials of person collecting the sample; and
 - (4) Name or initials of person sealing the sample.
- (F) While not in transit or under examination, all blood and urine specimens shall be refrigerated.

Effective: 01/08/2009

3701-53-06
Laboratory requirements

- (A) Chain of custody and the test results for evidential alcohol and drugs of abuse shall be identified and retained for not less than three years, after which time the documents may be discarded unless otherwise directed in writing from a court. All positive blood, urine and other bodily substances shall be retained in accordance with rule 3701-53-05 of the Administrative Code for a period of not less than one year, after which time the specimens may be discarded unless otherwise directed in writing from a court.
- (B) The laboratory shall successfully complete a national proficiency testing program using the applicable technique or method for which the laboratory personnel seek a permit under rule 3701-53-09 of the Administrative Code.
- (C) The laboratory shall have a written procedure manual of all analytical techniques or methods used for testing of alcohol or drugs of abuse in bodily substances. Textbooks and package inserts or operator manuals from the manufacturer may be used to supplement, but may not be used in lieu of the laboratory's own procedure manual for testing specimens.
- (D) The designated laboratory director shall review, sign, and date the procedure manual as certifying that the manual is in compliance with this rule. The designated laboratory director shall ensure that:
 - (1) Any changes in a procedure be approved, signed, and dated by the designated laboratory director;
 - (2) The date the procedure was first used and the date the procedure was revised or discontinued is recorded;
 - (3) A procedure shall be retained for not less than three years after the procedure was revised or discontinued, or in accordance with a written order issued by any court to the laboratory to save a specimen that was analyzed under that procedure;
 - (4) Laboratory personnel are adequately trained and experienced to perform testing of blood, urine and other bodily substances for alcohol and drugs of abuse and shall ensure, maintain and document the competency of laboratory personnel. The designated laboratory director shall also monitor the work performance and verify the skills of laboratory personnel;
 - (5) The procedure manual includes the criteria the laboratory shall use in developing standards, controls, and calibrations for the technique or method involved; and
 - (6) A complete and timely procedure manual is available and followed by laboratory personnel.
- (E) Any time the designated laboratory director is replaced, another permitted laboratory director or applicant shall be designated and approved by the director.

3701-53-07
Qualifications of personnel

- (A) Blood, urine, and other bodily substance tests for alcohol shall be performed in a laboratory by an individual who has a laboratory director's permit or, under his or her general direction, by an individual who has a laboratory technician's permit. General direction does not mean that the laboratory director must be physically present during the performance of the test. Laboratory personnel shall not perform a technique or method of analysis that is not listed on the laboratory director's permit.
- (1) An individual who is employed by a laboratory, which has successfully completed a proficiency examination administered by a national program for proficiency testing for the approved technique or method of analysis for which the permit is sought and who possesses at least two academic years of college chemistry and at least two years of experience in a clinical or chemical laboratory and possesses a minimum of a bachelor's degree shall meet the qualifications for a laboratory director's permit.
- (2) An individual who is employed by a laboratory, which has successfully completed a proficiency examination administered by a national program for proficiency testing for the approved technique or method of analysis for which the permit is sought, has been certified by the designated laboratory director that he or she is competent to perform all procedures contained in the laboratory's procedure manual for testing specimens and meets one of the following requirements shall meet the qualifications for a laboratory technician's permit:
- (a) Has a bachelor's degree in laboratory sciences from an accredited institution and has six months experience in laboratory testing;
- (b) Has an associate's degree in laboratory sciences from an accredited institution or has completed sixty semester hours of academic credit including six semester hours of chemistry and one year experience in laboratory testing;
- (c) Is a high school graduate or equivalent and has successfully completed an official military laboratory procedures course of at least fifty weeks duration and has held the military enlisted occupational specialty of medical laboratory specialist (laboratory technician); or
- (d) Is a high school graduate or equivalent and was permitted on or before July 7, 1997.

- (B) Blood, urine and other bodily substances tests for drugs of abuse shall be performed in a laboratory by an individual who has a laboratory director's permit or, under his or her general direction, by an individual who has a laboratory technician's permit. General direction does not mean that the laboratory director must be physically present during the performance of the test. Laboratory personnel shall not perform a technique or method of analysis that is not listed on the laboratory director's permit.
- (1) An individual who is employed by a laboratory, which has successfully completed a proficiency examination administered by a national program for proficiency testing for the approved technique or method of analysis for which the permit is sought, who possesses at least two academic years of college chemistry and meets one of the following requirements shall meet the qualifications for a laboratory director's permit:
- (a) Has at least five years of experience in a clinical or chemical laboratory and possesses a minimum of a bachelor's degree in laboratory sciences;
 - (b) Has at least three years of experience in a clinical or chemical laboratory and possesses a minimum of a master's degree; or
 - (c) Has at least two years of experience in a clinical or chemical laboratory and possesses a minimum of an earned doctoral degree.
- (2) An individual who is employed by a laboratory, which has successfully completed a proficiency examination administered by a national program for proficiency testing for the approved technique or method of analysis for which the permit is sought, has been certified by the designated laboratory director that he or she is competent to perform all procedures contained in the laboratory's procedure manual for testing specimens and meets one of the following requirements shall meet the qualifications for a laboratory technician's permit:
- (a) Has a bachelor's degree in laboratory sciences from an accredited institution and has one year experience in laboratory testing;
 - (b) Has an associate's degree in laboratory sciences from an accredited institution or has completed sixty semester hours of academic credit including six semester hours of chemistry and two years experience in laboratory testing;
 - (c) Is a high school graduate or equivalent and has successfully completed an official military laboratory procedures course of at least fifty weeks duration and has held the military enlisted occupational specialty of medical laboratory specialist (laboratory technician) and two years experience in laboratory testing; or
 - (d) Is a high school graduate or equivalent and was permitted on or before July 7, 1997.

(C) Breath tests used to determine 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 shall be performed by a senior operator or an operator. A senior operator shall be responsible for the care, maintenance and instrument checks of the approved evidential breath testing instruments listed in paragraphs (A)(1), (A)(2) and (B) or rule 3701-53-02 of the Administrative Code. Representatives of the director shall be responsible for the instrument certifications on approved evidential breath testing instruments listed under paragraph (A)(3) of rule 3701-53-02 of the Administrative Code.

(D) An individual meets the qualifications for a senior operator's permit by:

- (1) Being a high school graduate or having passed the "General Education Development Test";
- (2) Being a certified law enforcement officer sworn to enforce 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, or a certified corrections officer, and;
- (3) Having demonstrated that he or she can properly care for, maintain, perform instrument checks upon and operate the evidential breath testing instrument by having successfully completed a basic senior operator, upgrade or conversion training course for the type of approved evidential breath testing instrument for which he or she seeks a permit.

(E) An individual meets the qualifications for an operator's permit by:

- (1) Being a high school graduate or having passed the "General Education Development Test";
- (2) Being a certified law enforcement officer sworn to enforce 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, or a certified corrections officer, and;
- (3) Having demonstrated that he or she can properly operate the evidential breath testing instrument by having successfully completed a basic operator or conversion training course for the type of approved evidential breath testing instrument for which he or she seeks a permit.

Effective: 01/08/2009

3701-53-08
Surveys and proficiency examinations

- (A) Individuals desiring to function as laboratory directors and laboratory technicians who apply for or are issued permits under paragraph (A) of rule 3701-53-09 of the Administrative Code shall be subject to surveys and proficiency examinations by representatives of the director of health. A survey or proficiency examination may be conducted at the director's discretion.
- (1) A survey shall consist of a review of the permit holder's, applicant's or laboratory's compliance with the requirements of this chapter.
- (2) A proficiency examination shall consist of an evaluation of the permit holder's, applicant's or laboratory's ability to test samples provided by a representative of the director, or has successfully completed a proficiency examination administered by a national program for proficiency testing using the techniques or methods for which the permit is held or sought. Proficiency examination samples may be:
- (a) Mailed to the facility at which the permit holder or applicant uses or plans to use the permit; or
- (b) Presented in person by a representative of the director at the facility where the permit holder or applicant uses or plans to use the permit.
- (B) During proficiency examinations, laboratory directors, laboratory technicians and applicants shall accept samples, perform tests, and report all test results to a representative of the director or the national program that administered the proficiency testing. During surveys and proficiency examinations, permit holders, applicants and laboratories shall grant the director's representatives access to all portions of the facility where the permit is used or is intended to be used and to all records relevant to compliance with the requirements of this chapter.
- (C) Individuals desiring to function as senior operators and operators who apply for or are issued permits under paragraph (B) of rule 3701-53-09 of the Administrative Code, shall be subject to surveys and proficiency examinations conducted at the director's discretion.
- (1) A survey shall consist of a review of the permit holder's or applicant's compliance with the requirements of this chapter.
- (2) A proficiency examination shall consist of an evaluation of the permit holder's or applicant's ability to test samples using the evidential breath testing instrument for which the permit is held or sought.
- (D) Individuals desiring to function as operators who apply for or are issued an operator access card under paragraph (C) of rule 3701-53-09 of the Administrative Code, shall be subject to a proficiency examination once per calendar year conducted at the director's discretion.

(E) During proficiency examinations, senior operators, operators and applicants shall accept samples, perform tests and report all results to a representative of the director or the proficiency examination administered by a national program for proficiency testing. During surveys and proficiency examinations, permit holders, applicants and laboratories shall grant the director's representatives access to all portions of the facility where the permit is used or is intended to be used, and to all records relevant to compliance with the requirements of this chapter.

Effective: 01/08/2009

3701-53-09
Permits and operator access cards

- (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. Individuals holding permits issued under this rule shall use only those evidential breath testing instruments for which they have been issued a permit.

- (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 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 operator access cards on forms prescribed and provided by the director of health. The director of health shall issue operator access cards 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. Individuals holding operator access cards issued under this rule shall use only those evidential breath testing instruments for which they have been issued an operator access card.
- (E) Operator access cards issued under paragraph (D) of this rule shall not expire unless revoked by the director under rule 3701-53-10 of the administrative Code. To retain an operator access card 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 operator access card 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.
 - (3) If the individual seeking a renewal permit currently holds an operator or senior operator permit, the permit holder shall have completed satisfactorily an in-service course for the applicable type of evidential breath testing instrument which meets the requirements of paragraph (B) of this rule, which includes review of self-study materials furnished by the director.
- (G) The director, director's designee or individuals appointed by the director of health are not required to retain permits or operator access cards while acting as representatives of the director.

Effective: 01/08/2009

3701-53-10

Revocation suspension and denial of permits or operator access cards

The director of health may deny, suspend or revoke the permit or operator access card of any permit holder or individual:

- (A) Who obtains or seeks to obtain a permit or operator access card falsely or deceitfully;
- (B) Who fails to comply with any of the provisions of rules 3701-53-01 to 3701-53-09 of the Administrative Code; or
- (C) Who:
 - (1) As a senior operator, fails to demonstrate that he or she can properly care for, maintain, perform instrument checks upon, and operate the breath testing instrument for which the permit is held;
 - (2) As an operator, fails to demonstrate that he or she can properly operate the breath testing instrument for which the permit or operator access card is held;
 - (3) As a laboratory director or laboratory technician, fails to demonstrate that he or she can properly perform the technique or method of analysis for which the permit is held; or
 - (4) As the designated laboratory director, fails to comply with paragraph (D) of rule 3701-53-06 of the Administrative Code.

Effective: 01/08/2009

OHIO ADMINISTRATIVE CODE REVIEW QUESTIONS

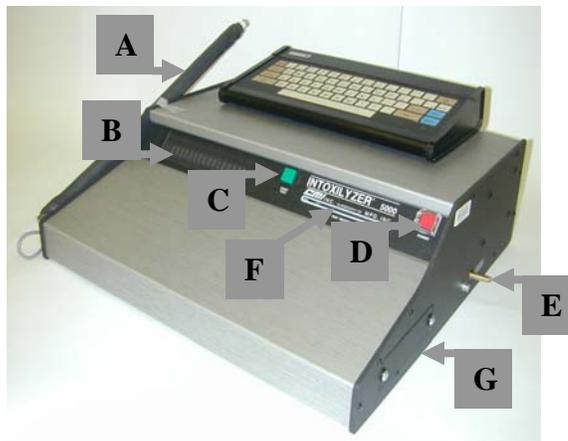
- 1) The results of breath tests are to be expressed as _____ of alcohol per _____ liters of breath.
- 2) Test results shall be retained for not less than _____ years.
- 3) T F A test report form containing the operational checklist is used each and every time the instrument is operated.
- 4) An instrument reading of .18% BAC is equivalent to _____ G/210 L.
- 5) An instrument check is required on every evidential breath testing instrument no less frequently than once every _____ days.
- 6) Who shall perform the instrument check?
- 7) An instrument check consists of: _____ & _____.
- 8) T F Instruments which fail instrument checks may be used to test subjects until the instrument can be serviced.
- 9) An operator performs _____ tests.
- 10) In addition to performing _____ tests, a senior operator shall be responsible for the _____ and _____ of the breath testing instrument.
- 11) When must a permit holder pass a proficiency test?
- 12) Breath testing permits are valid for _____ years.
- 13) A permit holder may take a written test any time after _____ months prior to current expiration date.

14) A breath testing permit may be revoked for (circle the correct answers):

- a) falsely obtaining a permit
- b) failure to seize drivers license upon refusal
- c) performing tests on an instrument for which you do not have a valid permit
- d) not advising the subject of your permit number and expiration date
- e) failing a proficiency test
- f) not reading and showing the refusal form
- g) not signing the refusal form
- h) not advising the subject of his test results
- i) not following the checklist for your instrument

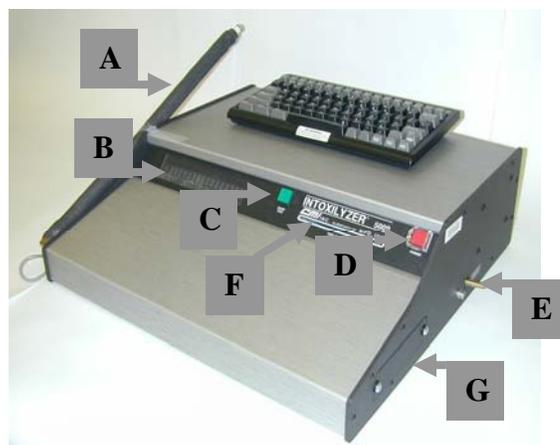
NOMENCLATURE

INTOXILYZER 5000 – FRONT VIEW



Model 66

- A. SAMPLE HOSE
- B. DISPLAY
- C. START BUTTON
- D. POWER SWITCH
- E. VAPOR FROM SIMULATOR PORT
- F. PRINTOUT CARD SLOT
- G. MODE SELECTOR SWITCHES
(Not on Model 68 EN)



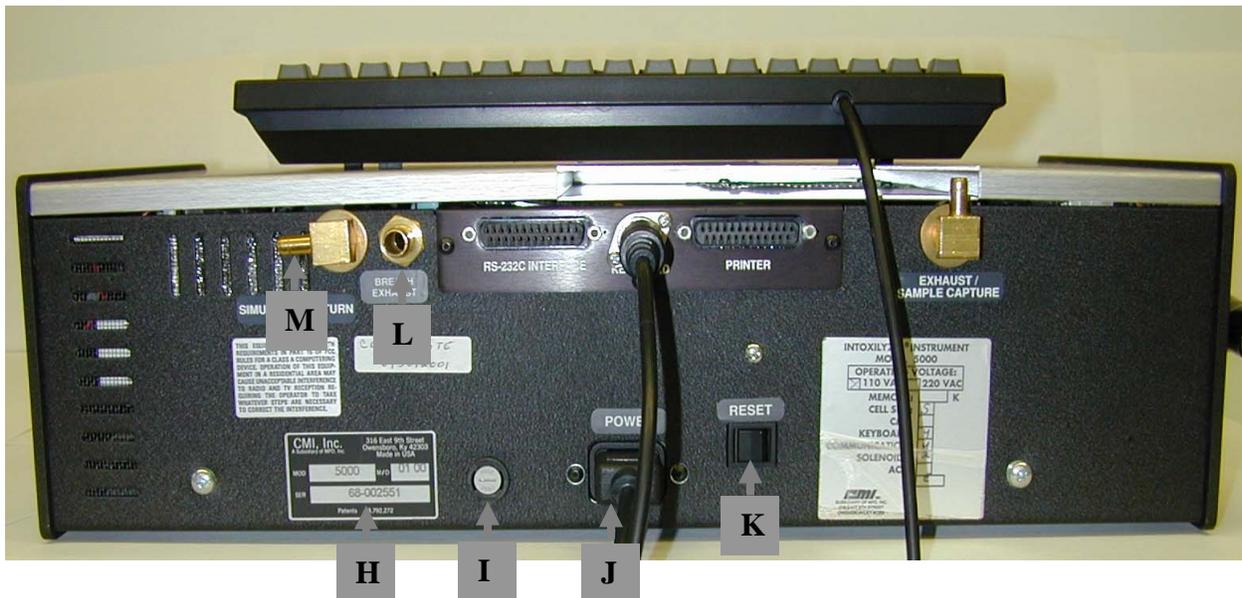
Model 68



Model 68 EN

NOMENCLATURE

INTOXILYZER 5000 - REAR VIEW



H. SERIAL NUMBER

I. FUSE

J. AC POWER RECEPTACLE

K. RESET SWITCH

L. EXHAUST

M. SIMULATOR RETURN

INTOXILYZER 5000



Bureau of Alcohol
and Drug Testing

SUBJECT TEST FORM

TEST DATE MONTH DAY YEAR			SUBJECT NAME		
DATE OF BIRTH MONTH DAY YEAR			AGE	SEX	SOCIAL SECURITY #
ADDRESS				CITY	
STATE	ZIP CODE	DRIVER LICENSE #		STATE	EXPIRES
ARRESTING OFFICER			DEPARTMENT		
UNIFORM TRAFFIC TICKET #			STATUTE / ORDINANCE		
VIOLATION				TEST SITE #	

Intoxilyzer 5000 Operational Checklist

- (1) Observe subject for twenty minutes prior to testing to prevent oral intake of any material.
- (2) Press "START" button.
- (3) Enter data as prompted by instrument display.
- (4) Take breath sample when "PLEASE BLOW" appears on display.

CHECK IF SUBJECT REFUSED TEST

TEST RESULT
0. _____ g/210L

PERMIT #	EXPIRATION DATE MONTH DAY YEAR	INSTRUMENT SERIAL #	TEST I.D. #
OPERATORS SIGNATURE		DEPARTMENT	

OPERATIONAL CHECKLIST

Intoxilyzer 5000 Model 66 & 68

1. Observe subject for twenty minutes prior to testing to prevent oral intake of any material.

This observation period is so you can be sure that the sample actually came from the subject's deep lung air, and not from something placed in the mouth.

PUSH BUTTON

2. Press "START" button.

The **START** button will initiate the testing sequence.

3. Enter data as prompted by instrument display.

A series of prompts will appear on the display which requires operator response as illustrated below.

INSERT CARD

Insert **test card** face up, bound edge first.

Intoxilyzer 5000 EN

1. Observe subject for twenty minutes prior to testing to prevent oral intake of any material.

This observation period is so you can be sure that the sample actually came from the subject's deep lung air, and not from something placed in the mouth.

PUSH BUTTON

2. Press "START" button.

The **START** button will initiate the testing sequence.

3. Enter data as prompted by instrument display.

A series of prompts will appear on the display which requires operator response as illustrated below.

INSERT CARD

Insert **test card** face up, bound edge first.

**Intoxilyzer 5000
Model 66 & 68**

Intoxilyzer 5000 EN

CITATION NO=

Enter subject's **citation number**.

SUB LAST NAME=

Enter the subject's **LAST** name. To complete your answer press **ENTER**, this will accept your response and advance you to the next prompt. If you enter a wrong character, you can correct it by using the **BACKSPACE** key and correcting before pushing **ENTER**. If you have already pressed **ENTER** you can still correct by **reviewing data** after completing all the responses.

SUB FIRST NAME=

Enter the subject's **first name**.

SUB MIDDLE NAME=

Enter in the subject's **middle name or initial**.

**Intoxilyzer 5000
Model 66 & 68**

SUB LAST NAME=

Enter the subject's **LAST** name. To complete your answer press **ENTER**, this will accept your response and advance you to the next prompt. If you enter a wrong character, you can correct it by using the **BACKSPACE** key and correcting before pushing **ENTER**. If you have already pressed **ENTER** you can still correct by **reviewing data** after completing all the responses.

SUB FIRST NAME=

Enter the subject's **first name**.

SUB MIDDLE NAME=

Enter in the subject's **middle name or initial**.

Intoxilyzer 5000 EN

SUB DOB= MMDDYY

Enter the subject's **DOB** using two digits for the **month, day** and **year**.

SUB SEX= M/F

A **Male** or **Female** response is required.

STATE OF ISSUE=

Enter the 2-letter abbreviation of the **state of issue** for the operator's license. If no license, use the state of residence.

SUB DRIV LIC=

Enter the operator's **license number**.

TEST OFF=

Enter your **last** name.

PERMIT NO=

Enter **your permit number**. The dashes at
Intoxilyzer 5000
Model 66 & 68

OPR LAST NAME=

Enter your **last** name.

OPR FIRST NAME=

Enter your **first** name.

PERMIT NO=

Enter **your permit number**. The dashes
Intoxilyzer 5000 EN

[] 4. Take breath sample when "PLEASE BLOW" appears on display.

PLEASE BLOW / R

The **audible tone** and the words **PLEASE BLOW** act as a pressure indicator. If the subject blows with sufficient pressure, the **audible tone** and **PLEASE BLOW** will remain steady, if not **PLEASE BLOW** will flash. If no sample, or a deficient sample is detected within **three minutes**, the blow phase will terminate (see section on deficient sample). In order for the subject to complete the test, the subject has to give a long steady breath of at least 4 to 5 seconds and **must not stop blowing**. The subject has completed the breath sample when the **audible tone** stops while the subject is blowing. The "R" is for a refusal. Pressing the "R" key and return will print a refusal.

SUBJECT TEST .158

The **subject test** results will be displayed at the completion of the sample.

[] 4. Take breath sample when "PLEASE BLOW" appears on display.

PLEASE BLOW / R

The **audible tone** and the words **PLEASE BLOW** act as a pressure indicator. If the subject blows with sufficient pressure, the **audible tone** and **PLEASE BLOW** will remain steady, if not **PLEASE BLOW** will flash. If no sample, or an insufficient sample is detected within **three minutes**, the blow phase will terminate (see section on insufficient sample). In order for the subject to complete the test, the subject has to give a long steady breath of at least 4 to 5 seconds and **must not stop blowing**. The subject has completed the breath sample when the **audible tone** stops while the subject is blowing. The "R" is for a refusal. Pressing the "R" key and return will print a refusal.

SUBJECT TEST .158

The **subject test** results will be displayed at the completion of the sample.

Intoxilyzer 5000 EN

AIR BLANK .000

The instrument performs another **air blank** to clean the sample chamber. The reading on the **air blank** must be **.005 or less**.

TEST COMPLETE

The **printout** begins.

PRINTING

PRESS BUTTON TO START TEST

At the conclusion of the printout the display returns to **push button** to start test.

AIR BLANK .000

The instrument performs another **air blank** to clean the sample chamber. The reading on the **air blank** must be **.005 or less**.

TEST COMPLETE

The **printout** begins.

PRINTING

PRESS BUTTON TO START TEST

At the conclusion of the printout the display returns to **push button** to start test.

**Intoxilyzer 5000
Model 66 & 68**

Intoxilyzer 5000 EN

THIS SIDE UP, THIS EDGE IN. FORM NUMBER 015010

BUREAU OF ALCOHOL AND DRUG TESTING
INTOXILYZER - ALCOHOL ANALYZER
MODEL # 5000 SN 68-002551
06/27/2002

CITATION NO= 12345
SUB NAME= DOE, JOHN, Q
SUB DOB= 05/16/53
SUB SEX= M
SUB LIC= OH/12345
TEST OFF.= FRIENDLY
PERMIT NO= 12345-S-3

TEST	%BAC	TIME
AIR BLANK	.000	10:33
SUBJECT TEST	.158	10:39
AIR BLANK	.000	10:39

=====

SUBJECT'S NAME

=====

TIME FIRST OBSERVED INSTRUMENT LOCATION

=====

OPERATOR

=====

ADDITIONAL INFORMATION AND/OR REMARKS

=====

THIS SIDE UP, THIS EDGE IN. FORM NUMBER 015010

BUREAU OF ALCOHOL AND DRUG TESTING

06/27/2002 SERIAL # 68-011210
MODEL # 5000EN

SUBJECT'S NAME: DOE / JOHN / Q

RESULTS EXPRESSED AS GRAMS OF
ALCOHOL PER 210 LITERS OF BREATH

AIR BLANK	.000	10:33
SUBJECT TEST	.158	10:39
AIR BLANK	.000	10:39

OPERATOR'S NAME - FRIENDLY / UR
PERMIT # 12345-S-3

=====

SUBJECT'S NAME

=====

TIME FIRST OBSERVED INSTRUMENT LOCATION

=====

OPERATOR

=====

ADDITIONAL INFORMATION AND/OR REMARKS

=====

THIS SIDE UP, THIS EDGE IN. FORM NUMBER 015010

BUREAU OF ALCOHOL AND DRUG TESTING
INTOXILYZER - ALCOHOL ANALYZER
MODEL # 5000 SN 68-002551
06/27/2002

CITATION NO= 12345
SUB NAME= DOE, JOHN, Q
SUB DOB= 05/16/53
SUB SEX= M
SUB LIC= OH/12345
TEST OFF.= FRIENDLY
PERMIT NO= 12345-S-3

TEST	%BAC	TIME
AIR BLANK	.000	10:33
SUBJECT TEST	REFUSED	10:39
AIR BLANK	.000	10:39

=====

SUBJECT'S NAME

=====

TIME FIRST OBSERVED INSTRUMENT LOCATION

=====

OPERATOR

=====

ADDITIONAL INFORMATION AND/OR REMARKS

=====

THIS SIDE UP, THIS EDGE IN. FORM NUMBER 015010

BUREAU OF ALCOHOL AND DRUG TESTING

08/27/2002 SERIAL # 68-011210
MODEL # 5000EN

SUBJECT'S NAME: DOE / JOHN / Q

RESULTS EXPRESSED AS GRAMS OF
ALCOHOL PER 210 LITERS OF BREATH

AIR BLANK	.000	10:33
SUBJECT TEST	REFUSED	10:39
AIR BLANK	.000	10:39

OPERATOR'S NAME - FRIENDLY / UR
PERMIT # 12345-S-3

=====

SUBJECT'S NAME

=====

TIME FIRST OBSERVED INSTRUMENT LOCATION

=====

OPERATOR

=====

ADDITIONAL INFORMATION AND/OR REMARKS

=====

INTERFERENT

Intoxilyzer 5000 Model 66 & 68

INTERFERENT

If **acetone** or other interfering substance is detected in the sample, “**INTERFERENT**” will be displayed and noted at the bottom of the printout.

Intoxilyzer 5000 EN

INTERF DETECTED

If **acetone** or other interfering substance is detected in the sample, the test will abort with a high low tone and print **interferent detected**. Press **START** to restart test.

DEFICIENT / INSUFFICIENT SAMPLE

Intoxilyzer 5000 Model 66 & 68

DEFICIENT SAMPLE

If the **three minute** time limit for **PLEASE BLOW** is exceeded, the Intoxilyzer will display and print **DEFICIENT SAMPLE**. The printout will read ***DEFICIENT SAMPLE - VALUE PRINTED WAS HIGHEST OBTAINED***.

Intoxilyzer 5000 EN

INSUFFICIENT

If the **three minute** time limit for **PLEASE BLOW** is exceeded, the Intoxilyzer will display **INSUFFICIENT SAMPLE** and print subject sample “**INCOMPLETE**”.

**Intoxilyzer 5000
Model 66 & 68**

Intoxilyzer 5000 EN

THIS SIDE UP, THIS EDGE IN. FORM NUMBER 015010

BUREAU OF ALCOHOL AND DRUG TESTING

INTOXILYZER - ALCOHOL ANALYZER
MODEL # 5000 SN 68-002551
06/27/2002

CITATION NO= 12345
SUB NAME= DOE, JOHN, Q
SUB DOB= 05/16/53
SUB SEX= M
SUB LIC= OH/12345
TEST OFF.= FRIENDLY
PERMIT NO= 12345-S-3

TEST	%BAC	TIME
AIR BLANK	.000	10:33
SUBJECT TEST	.158	10:39
INTERF DETECTED		
AIR BLANK	.000	10:39

=====

SUBJECT'S NAME

TIME FIRST OBSERVED	INSTRUMENT LOCATION

OPERATOR

=====

ADDITIONAL INFORMATION AND/OR REMARKS

THIS SIDE UP, THIS EDGE IN. FORM NUMBER 015010

BUREAU OF ALCOHOL AND DRUG TESTING

08/27/2002 SERIAL # 68-011210
MODEL # 5000EN

SUBJECT'S NAME: DOE / JOHN / Q

RESULTS EXPRESSED AS GRAMS OF
ALCOHOL PER 210 LITERS OF BREATH

INTERFERENT DETECTED

OPERATOR'S NAME - FRIENDLY / UR
PERMIT # 12345-S-3

=====

SUBJECT'S NAME

TIME FIRST OBSERVED	INSTRUMENT LOCATION

OPERATOR

=====

ADDITIONAL INFORMATION AND/OR REMARKS

THIS SIDE UP, THIS EDGE IN. FORM NUMBER 015010

BUREAU OF ALCOHOL AND DRUG TESTING

INTOXILYZER - ALCOHOL ANALYZER
MODEL # 5000 SN 68-002551
06/27/2002

CITATION NO= 12345
SUB NAME= DOE, JOHN, Q
SUB DOB= 05/16/53
SUB SEX= M
SUB LIC= OH/12345
TEST OFF.= FRIENDLY
PERMIT NO= 12345-S-3

TEST	%BAC	TIME
AIR BLANK	.000	10:33
*SUBJECT TEST	.115	10:39
AIR BLANK	.000	10:39

* DEFICIENT SAMPLE - VALUE
PRINTED WAS HIGHEST OBTAINED.

=====

SUBJECT'S NAME

TIME FIRST OBSERVED	INSTRUMENT LOCATION

OPERATOR

=====

ADDITIONAL INFORMATION AND/OR REMARKS

THIS SIDE UP, THIS EDGE IN. FORM NUMBER 015010

BUREAU OF ALCOHOL AND DRUG TESTING

08/27/2002 SERIAL # 68-011210
MODEL # 5000EN

SUBJECT'S NAME: DOE / JOHN / Q

RESULTS EXPRESSED AS GRAMS OF
ALCOHOL PER 210 LITERS OF BREATH

AIR BLANK	.000	10:33
SUBJECT TEST	INCOMPLETE	10:39
AIR BLANK	.000	10:39

OPERATOR'S NAME - FRIENDLY / UR
PERMIT # 12345-S-3

=====

SUBJECT'S NAME

TIME FIRST OBSERVED	INSTRUMENT LOCATION

OPERATOR

=====

ADDITIONAL INFORMATION AND/OR REMARKS

KEYBOARD NOTES

1. To complete responses press the **ENTER** key (**RETURN** on older keyboards.)
2. To correct a mistake prior to pressing **ENTER** / **RETURN**, use the **BACKSPACE** key to erase one character at a time. ←
3. You may still make corrections after pressing **ENTER** / **RETURN**, by reviewing data. Use **BACKSPACE** key to erase one character at a time. ←
4. The response line on the Intoxilyzer 5000 will display a limited number of characters, however all will be printed on the test card.



THEORY OF OPERATION

1. The Intoxilyzer 5000 uses the method of **infrared absorption** to analyze the breath sample.
2. The IR light source is a **quartz-iodide** lamp.
3. The peak wavelength frequency is **3.47 to 3.48 microns** for alcohol and **3.39 to 3.40 microns** for acetone or other interfering substances.
4. The decrease in intensity of the IR light due to absorption by alcohol in the breath sample is proportional to the amount of alcohol in the breath.
5. The sample chamber holds **81 cc's** of deep lung air for the analysis.

ERROR DETECTION SYSTEM

Four signs of an error being detected during the testing sequence:

1. **The test will abort**
2. **The audible signal is an alternating high-low tone for 5 seconds**
3. **The error message will be displayed**
4. **The error message will be printed**

INVALID SAMPLE

If an error is detected during testing, the test aborts, sounds the high-low tone, displays the error message and prints the error message. You may restart the test by pressing the **START** button.

ERROR MESSAGES

**INHIBITED - RFI
RFI DETECTED**

Radio transmissions too close to instrument during testing

INVALID TEST

START button pushed during a test sequence, the printout card was removed during a test sequence, or the flow from the pump was blocked or interrupted.

INVALID SAMPLE

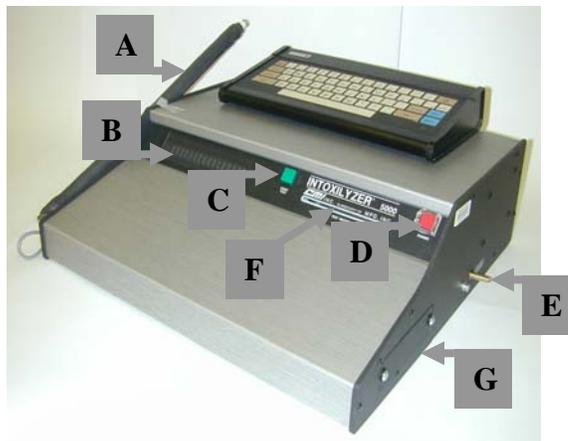
MOUTH ALCOHOL

INTOXILYZER 5000 OPERATOR REVIEW QUESTIONS

- 1) In the Intoxilyzer 5000, what technique is used to analyze the breath sample?
_____.
- 2) At what wavelength frequency does alcohol absorb light?
_____.
- 3) What is the light source? _____.
- 4) Can any other substance(s) other than alcohol be detected by the Intoxilyzer 5000? _____. If so what substance(s)? _____.
- 5) How is condensation prevented in the sample hose?
_____.
- 6) How long must a subject be observed prior to testing? _____.
- 7) How do you initiate a testing sequence? _____.
- 8) When responding to display prompts, how should you complete your answer?
_____.
- 9) Prior to completing a response, press _____ to correct an error.
- 10) After completing a response is it possible to correct an error? _____
If so, how? _____.
- 11) What is the accepted result for air blank tests? _____.
What should you do if an air blank test result is too high? _____
_____.
- 12) What is displayed to indicate the instrument is ready for the subject sample?
_____.
- 13) How much time is allotted to collect the sample? _____.
- 14) If a proper sample is not collected in time what will happen?
_____.

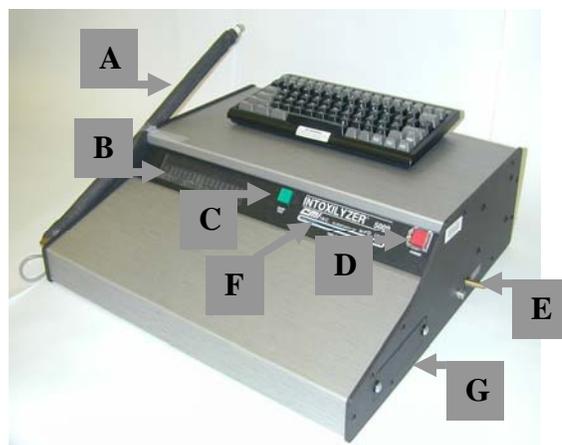
- 15) A subject blows into the instrument, when they stop “*please blow*” flashes on the display, what should you do? _____.
- 16) How can you tell if a valid sample has been given?
_____.
- 17) What will happen if *Acetone* is detected in the breath sample?
_____.
- 18) What will happen if radio frequency interference (*RFI*) is detected during the testing sequence?
_____.
- 19) What will happen if the *start* button is pushed during the testing sequence?
_____.
- 20) What causes an *invalid sample*? _____.
What will happen if an *invalid sample* occurs?
_____.

INTOXILYZER 5000 NOMENCLATURE QUESTIONS



Model 66

- ___ SAMPLE HOSE
- ___ DISPLAY
- ___ START BUTTON
- ___ POWER SWITCH
- ___ VAPOR FROM SIMULATOR PORT
- ___ PRINTOUT CARD SLOT
- ___ MODE SELECTOR SWITCHES
(Not on Model 68 EN)



Model 68



Model 68 EN

SENIOR OPERATOR SECTION

As a senior operator, you are responsible for the **care, maintenance and instrument checks** of the breath testing instrument. This section is designed to point out some of the highlights of your responsibilities, and should be used along with your instrument guide.

An instrument check is required **every seven days**, to demonstrate both the instruments ability to **detect RFI** and the **accuracy** of your breath testing equipment. The maximum interval between instrument checks is **192 hours**. Instrument checks shall be performed prior to putting a breath testing instrument into service, and after maintenance or repairs before the instrument is returned to service.

If a problem with the instrument check exists, there are four factors to consider each time a simulator test is run: the instrument check **solution**, the **simulator**, the **operational technique**, and the breath testing **instrument**. This section contains information on the simulator, the solution, and a checklist for the performance of instrument checks. If after checking these three factors, you still have a problem, refer to your instrument guide. If the instrument fails to abort the test due to RFI, the instrument should be serviced.

The Intoxilyzer 5000 is an automatic instrument, and leaves very little on which the defense may examine the operator. This may cause a more detailed examination of the instrument and its maintenance. To be prepared for this factory authorized maintenance is recommended.

INTOXILYZER 5000



Bureau of Alcohol
and Drug Testing

INSTRUMENT CHECK FORM

TEST DATE MONTH DAY YEAR			DATE OF PRIOR INSTRUMENT CHECK MONTH DAY YEAR			TEST SITE #
DATE OF FIRST USE MONTH DAY YEAR			DATE TO DISCARD MONTH DAY YEAR			TARGET VALUE 0. _____ g/210L
SOLUTION BATCH OR LOT #		BOTTLE #		EXPIRATION DATE MONTH DAY YEAR		

Intoxilyzer 5000 Instrument Checklist

- (1) Press "START" button.
- (2) Enter data as prompted by instrument display.
- (3) When instrument displays "PLEASE BLOW", transmit using hand-held radio near instrument without touching it, until RFI detector aborts the test.
- (4) With the simulator at 34 degrees \pm . 2 degrees Celsius. SIMULATOR SERIAL #
- (5) Connect "SIMULATOR OUTPUT" to the "VAPOR FROM" connection and the "SIMULATOR INPUT" to the "SIMULATOR RETURN" connection.
- (6) Press "ESCAPE" button TWICE, enter "C".
- (7) Enter data as prompted by instrument display.

INSTRUMENT CHECK RESULT

0. _____ g/210L

PERMIT #	EXPIRATION DATE MONTH DAY YEAR	INSTRUMENT SERIAL #	TEST I. D. #
SENIOR OPERATORS SIGNATURE		DEPARTMENT	

Original: Filed At Instrument Site

RULE 3701-53-04

HEA 2653

REV 8/2002

INSTRUMENT CHECKLIST

Intoxilyzer 5000 Model 66 & 68

Intoxilyzer 5000 EN

PUSH BUTTON

2. Press "START" button.
The **START** button will initiate the testing sequence.

3. Enter data as prompted by instrument display.
A series of prompts will appear on the display which requires operator response as illustrated below.

INSERT CARD

Insert **test card** face up, bound edge first.

CITATION NO=

The following information will not be printed. Enter **TEST IDENTIFICATION NUMBER** or **NA**

PUSH BUTTON

2. Press "START" button.
The **START** button will initiate the testing sequence.

3. Enter data as prompted by instrument display.
A series of prompts will appear on the display which requires operator response as illustrated below.

INSERT CARD

Insert **test card** face up, bound edge first.

**Intoxilyzer 5000
Model 66 & 68**

Intoxilyzer 5000 EN

SUB LAST NAME=

Enter **INSTRUMENT**.

SUB FIRST NAME=

Enter **CHECK**.

SUB MIDDLE NAME=

Enter **NA**.

SUB DOB= MMDDYY

Enter the **CURRENT DATE** using two digits for the **month, day** and **year**.

SUB SEX= M/F

A **Male** or **Female** response is required.

SUB LAST NAME=

Enter **INSTRUMENT**.

SUB FIRST NAME=

Enter **CHECK**.

SUB MIDDLE NAME

Enter **NA**.

STATE OF ISSUE=

Enter **OH** for Ohio.

SUB DRIV LIC=

Enter **NA**.

TEST OFF=

Enter your **last** name.

PERMIT NO=

Enter your **permit number**. The dashes are optional.

REVIEW DATA? Y / N

—

Pressing **Yes** will cause each of the previous responses to be displayed for correction.

Pressing **No** will cause the test sequence to begin.

TEST OFF=

Enter your **last** name.

PERMIT NO=

Enter your **permit number**. The dashes will automatically appear.

REVIEW DATA? Y / N

—

Pressing **Yes** will cause each of the previous responses to be displayed for correction.

Pressing **No** will cause the test sequence to begin.

**Intoxilyzer 5000
Model 66 & 68**

Intoxilyzer 5000 EN

4. **With the simulator at 34 degrees \pm . 2 degrees Celsius.**
Check the thermometer and/or indicator (heater) light for correct temperature. Using a simulator operating below 33.8 degrees Celsius will result in low readings, above 34.2 degrees Celsius will result in high readings.

RECORD SIMULATOR SERIAL NUMBER ON CHECKLIST

5. **Connect "SIMULATOR OUTPUT" to the "VAPOR FROM" connection and the "SIMULATOR INPUT" to the "SIMULATOR RETURN" connection.**

Refer to your nomenclature sections for proper connections. **Do not** proceed without the proper connections, as this will cause simulator solution to be pumped into the Intoxilyzer 5000 sample chamber.

6. **Press "ESCAPE" button TWICE, enter "C".**

7. **ENTER DATA AS PROMPTED BY INSTRUMENT DISPLAY.**

**Intoxilyzer 5000
Model 66 & 68**

4. **With the simulator at 34 degrees \pm . 2 degrees Celsius.**
Check the thermometer and/or indicator (heater) light for correct temperature. Using a simulator operating below 33.8 degrees Celsius will result in low readings, above 34.2 degrees Celsius will result in high readings.

RECORD SIMULATOR SERIAL NUMBER ON CHECKLIST

5. **Connect "SIMULATOR OUTPUT" to the "VAPOR FROM" connection and the "SIMULATOR INPUT" to the "SIMULATOR RETURN" connection.**

Refer to your nomenclature sections for proper connections. **Do not** proceed without the proper connections, as this will cause simulator solution to be pumped into the Intoxilyzer 5000 sample chamber.

6. **Press "ESCAPE" button TWICE, enter "C".**

7. **ENTER DATA AS PROMPTED BY INSTRUMENT DISPLAY.**

Intoxilyzer 5000 EN

INSERT CARD

Insert **test card** face up, bound edge first.

SOLUTION NO

Enter the **LOT** or **BATCH** number for this instrument check solution.
(LOCATED ON ODH BATCH CERTIFICATE)

SENIOR OPERATOR NAME

Enter your **LAST** name.

SENIOR PERMIT NO

Enter your **permit number**, the dashes are optional.

INSERT CARD

Insert **test card** face up, bound edge first.

SOLUTION #=

Enter the **LOT** or **BATCH** number for this instrument check solution.
(LOCATED ON ODH BATCH CERTIFICATE)

BOTTLE #=

Enter **solution bottle** number.

SENIOR OPERATOR NAME=

Enter your **LAST** name.

SENIOR PERMIT NO
— —

Enter your **permit number**, the two dashes will automatically appear in the response line.

**Intoxilyzer 5000
Model 66 & 68**

Intoxilyzer 5000 EN

AIR BLANK .000

AIR BLANK .000

The instrument tests the room/purge air.
The reading on the blank test must be
.005 or less.

The instrument tests the room/purge air.
The reading on the blank test must be
.005 or less.

TEST COMPLETE

TEST COMPLETE

The **printout** begins.

The **printout** begins.

PRINTING

PRINTING

PUSH BUTTON TO START TEST

PUSH BUTTON TO START TEST

At the conclusion of the printout the
display returns to **press button to start
test**.

At the conclusion of the printout the
display returns to **press button to start
test**.

**Intoxilyzer 5000
Model 66 & 68**

Intoxilyzer 5000 EN

THIS SIDE UP, THIS EDGE IN. FORM NUMBER 015010

BUREAU OF ALCOHOL AND DRUG TESTING

08/27/2002 SERIAL # 68-011210
MODEL # 5000

SUBJECT'S NAME: DOE / JOHN / Q

RESULTS EXPRESSED AS GRAMS OF
ALCOHOL PER 210 LITERS OF BREATH

AIR BLANK	.000	10:33
SUBJECT TEST	.158	10:39
AIR BLANK	.000	10:39

OPERATOR'S NAME - FRIENDLY / UR
PERMIT # 12345-S-3

=====

SUBJECT'S NAME

TIME FIRST OBSERVED	INSTRUMENT LOCATION
---------------------	---------------------

=====

OPERATOR

=====

ADDITIONAL INFORMATION AND/OR REMARKS

THIS SIDE UP, THIS EDGE IN. FORM NUMBER 015010

BUREAU OF ALCOHOL AND DRUG TESTING

08/27/2002 SERIAL # 68-011210
MODEL # 5000EN

SUBJECT'S NAME: Instrument check

RESULTS EXPRESSED AS GRAMS OF
ALCOHOL PER 210 LITERS OF BREATH

RFI DETECTED

OPERATOR'S NAME - FRIENDLY / UR
PERMIT # 12345-S-3

=====

SUBJECT'S NAME

TIME FIRST OBSERVED	INSTRUMENT LOCATION
---------------------	---------------------

=====

OPERATOR

=====

ADDITIONAL INFORMATION AND/OR REMARKS

THIS SIDE UP, THIS EDGE IN. FORM NUMBER 015010

BUREAU OF ALCOHOL AND DRUG TESTING

08/27/2002 SERIAL # 68-011210
MODEL # 5000

SUBJECT'S NAME: DOE / JOHN / Q

RESULTS EXPRESSED AS GRAMS OF
ALCOHOL PER 210 LITERS OF BREATH

AIR BLANK	.000	10:33
SUBJECT TEST	.158	10:39
AIR BLANK	.000	10:39

OPERATOR'S NAME - FRIENDLY / UR
PERMIT # 12345-S-3

=====

SUBJECT'S NAME

TIME FIRST OBSERVED	INSTRUMENT LOCATION
---------------------	---------------------

=====

OPERATOR

=====

ADDITIONAL INFORMATION AND/OR REMARKS

THIS SIDE UP, THIS EDGE IN. FORM NUMBER 015010

BUREAU OF ALCOHOL AND DRUG TESTING

08/27/2002 SERIAL # 68-011210
MODEL # 5000EN

INSTRUMENT CHECK

SOLUTION #: 11
BOTTLE #: 111

RESULTS EXPRESSED AS GRAMS OF
ALCOHOL PER 210 LITERS OF BREATH

AIR BLANK	.000	10:33
SUBJECT TEST	INVALID SAMPLE	10:39
AIR BLANK	.000	10:39

OPERATOR'S NAME - FRIENDLY / UR
PERMIT # 12345-S-3

=====

SUBJECT'S NAME

TIME FIRST OBSERVED	INSTRUMENT LOCATION
---------------------	---------------------

=====

OPERATOR

=====

ADDITIONAL INFORMATION AND/OR REMARKS

ESCAPE SEQUENCES

Pressing the escape key twice on the keyboard will prompt you for additional information.

Intoxilyzer 5000 Model 66 & 68

ENTER B, C, D, P, E ?

Entering a "B" would initiate a breath test sequence **not used in Ohio**.

ENTER B, C, D, P, E ?

Entering a "D" would initiate a **diagnostic test**, which checks the Intoxilyzer's system and components for proper operation.

ENTER B, C, D, P, E ?

Entering a "P" would initiate a **printer test**, which checks the range of motion of the printer.

ENTER B, C, D, P, E ?

Entering an "E" allows you to change the time, **date** and **instrument location**.

Intoxilyzer 5000 EN

ENTER B, C, D, P, E ?

Entering a "B" would initiate a breath test sequence **not used in Ohio**.

ENTER B, C, D, P, E ?

Entering a "D" would initiate a **diagnostic test**, which checks the Intoxilyzer's system and components for proper operation.

ENTER B, C, D, P, E ?

Entering a "P" would initiate a **printer test**, which checks the range of motion of the printer.

ENTER B, C, D, P, E ?

Entering an "E" allows you to change the time, **date** and **instrument location**.

**Intoxilyzer 5000
Model 66 & 68**

Intoxilyzer 5000 EN

ENTER TIME HHMM

ENTER TIME HHMM

If **time** on display is correct, press enter.
If **time** is incorrect, set time as a 24 hour
clock 4:30pm would be entered as 16:30.

If **time** on display is correct, press enter.
If **time** is incorrect, set time as a 24 hour
clock 4:30pm would be entered as 16:30.

PUSH BUTTON TO START TEST

PUSH BUTTON TO START TEST

The display returns to **press button to
start test**.

The display returns to **press button to
start test**.

SIMULATOR AND INSTRUMENT CHECK NOTES

1. The simulator was designed as a standard device (based on Henry's Law) used in conjunction with conventional breath testing systems. Two factors are critical in the simulator operation:
 - **The temperature must be within tolerance.**
The operating temperature of the simulator is **34 degrees Celsius**, which is the approximate temperature of the breath as it leaves the mouth. The allowed variance is $\pm .2$ degrees Celsius.
 - **The pressure must be stable.**
To check for a proper seal in the simulator, place your finger over the simulator output and blow into the simulator input. When sealed no bubbling will occur. **To correct leaks** replace the rubber "O" ring gasket inside the lid of the simulator, or replace hose connections that are loose.
2. The correct amount of solution is **500 milliliters** in the simulator jar.
3. **Do not operate** a simulator without solution. This may damage the heating element when exposed to open air.
4. The simulator will take approximately 10 to 20 minutes to reach operating temperature. Allowing at least **30 additional minutes** warm up time before using the simulator will help distribute heat evenly throughout the simulator.
5. Check the thermostat for a separated column of mercury, as a separation will throw the simulator temperature off.
 - **Simulator temperature too hot - high test results;**
 - **Simulator temperature too cold - low test results.**To correct a separated column of mercury, cool the thermometer or thermostat so the mercury collects in the reservoir at the bottom.
6. Make sure the output hose is free of condensation before attaching to the breath testing instrument. Keep simulator hoses as short as possible.
7. The instrument check solution **must be refrigerated** between instrument checks. If the solution is to be stored in its original container, after use, let the solution cool down to room temperature before removing the simulator top and pouring the solution back into its original container for refrigeration. **Retain the original container until the solution is discarded.** Thoroughly dry all parts of the simulator.
8. An instrument check solution expires **whichever comes first**:
 - **Three months from the bottles date of first use, or;**
 - **The manufacturer's solution expiration date.**

INTOXILYZER 5000 SENIOR OPERATOR REVIEW QUESTIONS

- 1) How often must instrument checks take place on evidential breath testing instruments? _____.
- 2) What is the maximum number of hours allowed between instrument checks?
_____.
- 3) An instrument check consists of two tests, what are they?
A _____ detector check.
A simulator test to demonstrate _____.
- 4) A simulator is based on the principle of _____.
- 5) How long is the instrument check solution good for? _____.
- 6) How much solution should you use to perform the instrument check?
_____.
- 7) T F Solutions must be stored under refrigeration while not in use.
- 8) Which button do you press to initiate the simulator test portion of the instrument check procedure? _____.
- 9) When must the simulator be hooked up to the Intoxilyzer 5000, before or after initiating the simulator test. _____.
- 10) How much can the simulator test results vary from the known (target) value for the instrument check solution? _____.
- 11) What should you check if the simulator test results are not within tolerance?

_____.
- 12) What is the simulator operating temperature? _____.

- 13) What would happen if the simulator was too cool? _____,
too hot? _____.
- 14) What test is used to determine if the Intoxilyzer 5000's components are
functioning properly? _____. How is it initiated?
_____.
- 15) What buttons are used to set the date and time? _____ And
_____.