

40:35-1-1. Purpose

The rules in this Chapter concern analysis of alcohol in specimens of blood under the provisions of Title 47 O.S., Sections 751-761 and 3 O.S., Section 303 and 63 O.S., Section 4210A, Oklahoma Statutes. They include designation by the Board of approved methods and procedures for blood-alcohol analysis, and apply to analysis of the State's blood specimens and to retained blood specimens. All forensic laboratories and facilities that are ISO/IEC (International Organization of Standards/International Electrotechnical Commission) 17025 accredited, or as defined in 74 O.S. § 150.37 (Forensic Laboratory Accreditation Act) are exempt from these rules.

[Source: Amended at 14 Ok Reg 1535, eff 7-1-97; Amended at 37 Ok Reg 1000, eff 9-11-20]

40:35-1-2. Approved methods for blood-alcohol analysis

The Board of Tests for Alcohol and Drug Influence hereby declares the following, identified by reference sources and successors thereto incorporated herein by reference, to be satisfactory techniques for performance of chemical tests for alcohol in specimens of blood.

(1) **The Wallace and Dahl gas chromatographic method.** Wallace, J. E. And Dahl, E. V., Rapid Vapor Phase Method for Determining Ethanol in Blood and Urine by Gas Chromatography, Am. J. Clin. Path. 46; 152-154 (1960).

(2) **The Dubowski gas chromatographic method (automated).** Dubowski, K. M.; MANUAL FOR ANALYSIS OF ETHANOL IN BIOLOGICAL LIQUIDS, Report No. DOT-TSC-NHTSA-76-4 (HS 802208), U.S. Department of Transportation, National Highway Traffic Safety Administration, Washington, D.C. 20590, January 1977. (Available from NTIS, Springfield, Virginia 22161.

(3) **The Dubowski gas chromatographic method (manual).** Dubowski, K. M.; Ethanol, in Methodology for Analytical Toxicology, I. Sunshine Ed., CRS Press, Cleveland 1979, pp. 149-154.

[Source: Amended at 14 Ok Reg 1535, eff 7-1-97; Revoked at 20 Ok Reg 2257, eff 7-11-03; Added at 21 Ok Reg 37, eff 10-8-03 (emergency); Added at 21 Ok Reg 2656, eff 7-11-04]

40:35-1-3. Analysis of blood specimens for alcohol

(a) **Methods and procedures.** Analysis of State's or retained blood specimens for alcohol may be carried out by any method or procedure approved by authority of the Board of Tests for Alcohol and Drug Influence.

(b) **Laboratory and analyst.** Analysis of a State's or retained blood specimen shall be carried out only and in its entirety in the Forensic Alcohol Laboratory, approved by the Board of Tests for Alcohol and Drug Influence, to which such retained blood specimen was originally sent or delivered by the law enforcement agency responsible for its collection. Such analysis shall be performed by a person holding a currently valid Forensic Alcohol Analysis Permit, issued by authority of the Board of Tests for Alcohol and Drug Influence.

(c) **Reporting results.** The results of analyses for alcohol of State's or retained blood specimens shall be reported in terms of the concentration of alcohol in the subject's blood, in grams per one hundred (100) milliliters of blood (g/100 mL), and shall be stated to the second or third decimal place (0.XX g/100 mL or 0.XXX g/100mL). Results of analyses of retained blood specimens which are within three-hundredths (0.030) grams of alcohol per one hundred (100) milliliters of blood of the results of the corresponding analysis performed upon the State's blood specimen obtained from the same subject shall be deemed confirmatory and substantiative of such blood-alcohol analysis results on the State's blood specimen, as a scientifically acceptable tolerance.

[Source: Amended at 14 Ok Reg 1535, eff 7-1-97; Amended at 33 Ok Reg 1190, eff 9-11-16]