

## **New “Per se” Toxicology Testing Policy for Charges Included in ORC § 4511.19 (OVI)**

Effective June 1, 2015, the Toxicology Department of the Cuyahoga County Regional Forensic Science Laboratory (CCRFSL) is instituting a new alcohol and drug testing policy in support of charges under ORC § 4511.19 Operating vehicle under the influence of alcohol or drugs (OVI). The new blood and urine “per se” alcohol and drug policy is consistent with comparable CCRFSL drug testing policies employed in other Departments as well as with policies at other forensic toxicology laboratories within the state. The policy applies **only to OVI offenses** pursuant to ORC § 4511.19(A)(1) and does not include drug facilitated sexual assaults (DFSA) investigations. The policy for **alcohol (ethanol)** is:

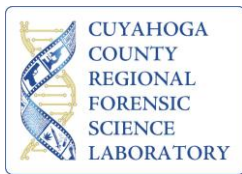
*All cases with a positive ethanol concentration equal to or exceeding the higher tier “per se” level of 0.170 g/dL in whole blood, 0.204 g/dL in serum/plasma or 0.238 g/dL in urine will cause all in progress drugs of abuse screening to cease unless the case involves a possible felony charge due to a fatality, serious bodily injury or substantial property damage, in which instance, the screening for drugs of abuse will continue to be performed regardless of the ethanol concentration. When circumstances arise where the ethanol concentration result meets or exceeds these “per se” levels and the yielded drug screen is still required, an e-mail requesting the additional testing must be sent to the CCRFSL Toxicology Department at [tox-admin@cuyahogacounty.us](mailto:tox-admin@cuyahogacounty.us).*

The following disclaimer will be included on all Toxicology Reports involving a positive ethanol concentration equal to or exceeding the “per se” level:

*The person whose specimen has been submitted for this case has tested positive for an ethanol concentration equal to or exceeding the higher tier “per se” level of 0.170 g/dL in whole blood, 0.204 g/dL in serum/plasma or 0.238 g/dL in urine; therefore, any additional tests requested have been halted due to the presence of an ethanol concentration at or above a prohibited level. An e-mail requesting the completion of these additional analyses must be sent to the CCRFSL Toxicology Department at [tox-admin@cuyahogacounty.us](mailto:tox-admin@cuyahogacounty.us).*

The policy for all “per se” **drugs**, which according to ORC § 4511.19 include: Amphetamine, Cocaine, Cocaine Metabolite, Heroin, Heroin Metabolite (6-monoacetylmorphine, 6-MAM), L.S.D., Marijuana, Marijuana Metabolite, Methamphetamine, Phencyclidine and Salvia Divinorum is:

*All cases with a positive “per se” drug concentration equal to or exceeding the corresponding “per se” levels in whole blood, serum, plasma or urine will cause all drugs of abuse screening to cease unless the case involves a possible felony charge due to a fatality, serious bodily injury or substantial property damage, in which instance, all requested tests for drugs of abuse will continue to be performed. According to ORC § 4511.19 “per se” drugs include: Amphetamine,*



*Cocaine, Cocaine Metabolite, Heroin, Heroin Metabolite (6-monoacetylmorphine, 6-MAM), L.S.D., Marijuana, Marijuana Metabolite, Methamphetamine, Phencyclidine and Salvia Divinorum. When circumstances arise where a “per se” drug concentration result meets or exceeds the “per se” level and the yielded drug screening is still required, an e-mail requesting any extra analyses must be sent to the CCRFSL Toxicology Department at [tox-admin@cuyahogacounty.us](mailto:tox-admin@cuyahogacounty.us).*

The following disclaimer will be included on all Toxicology Reports involving a positive “per se” drug concentration equal to or exceeding the “per se” level:

*The person whose specimen has been submitted for this case has tested positive for a drug which has a concentration equal to or exceeding the corresponding “per se” level in whole blood, serum, plasma or urine pursuant to ORC § 4511.19(A)(1)(j)(i – x); therefore, any additional tests requested have been halted due to the presence of a “per se” drug with a concentration at or above a prohibited level. This report may include unconfirmed positive drug testing results which were also halted due to the presence of a “per se” drug with a concentration at or above a prohibited level. An e-mail requesting the completion of these yielded tests or any confirmation analyses must be sent to the CCRFSL Toxicology Department at [tox-admin@cuyahogacounty.us](mailto:tox-admin@cuyahogacounty.us).*

Please direct any comments or questions regarding this new policy to the Toxicology Department at 216-707-1178 or [tox-admin@cuyahogacounty.us](mailto:tox-admin@cuyahogacounty.us)