

WHAT IS BLOOD AND/OR BREATH ALCOHOL CONCENTRATION

The definition of blood alcohol content is the concentration of alcohol in one's bloodstream, expressed as a percentage. Blood alcohol content, or BAC, is used to determine whether a person is legally intoxicated, especially under a driving while intoxicated law. Breath alcohol concentration is also used to determine whether someone is legally intoxicated.

In the field of traffic safety, BAC is expressed as the percentage of alcohol in deciliters of blood—for example, 0.10 percent. A 160-pound man, for instance, will have a BAC of approximately 0.04 percent 1 hour after consuming two 12-ounce beers or two other standard drinks on an empty stomach. All State Laws have specific driver BAC limits, which vary by State. According to these laws, operating a vehicle while having a BAC over the given limit is illegal.

In Kansas a persons blood and breath alcohol concentrations are set by statute to mean either:

1. The number of grams of alcohol per 100 milliliters of blood; or
2. The number of grams of alcohol per 210 liters of breath.

This is commonly referred to as the blood to breath partition ration, and is used in virtually all breath alcohol detection devises. Of these two, blood is by far the most accurate. All breath testing devices use a 2100 to 1 ratio, to determine a persons blood alcohol content or concentration.

In Kansas that legal limit depends on certain variables the various limits, set by statute are as follows:

1. If you are 21 years old or older, operating a non-commercial motor vehicle .08
See K.S.A. 8-1567, which is the statute that sets this limit for Kansas.
2. If you are 21 years of age or older, hold a commercial driver's license, and you are operating a commercial vehicle. .04
3. Special rules for person's under 21 years of age
 - A. Under 21 years of age legal limit is .02

However, you will not receive a citation or be arrested on the charge of "Driving While Under the Influence of Alcohol or Drugs," or be "criminally prosecuted for a DUP" because of this, unless your blood alcohol level is in excess of .08. See K.S.A. 8-1567. However, if your blood alcohol level is between .02 and .079, you will be subject to suspension of your driving privileges and possible charges

of having consumed alcoholic beverages while under 21 years of age. This is discussed in greater detail in the section entitled, "Consequences for Minors Possessing or Consuming Alcohol."