**Section 1001.650 Rebuttable Presumption**

a) It is presumed that any petitioner who registers a BAC which is 0.02 or more, at the time of the arrest in question, will not be considered as an exception under paragraph (e) of Section 11-501.8 of the Code. Any petitioner who claims the religious or medical exception under these circumstances must rebut the presumption with clear and convincing evidence.

b) Such evidence shall include, but not be limited to, the following:

1) the evidentiary requirements of Sections 1001.630 and 1001.640 of this Subpart F; and

2) written verification or testimony from a medical or pharmacological expert which must include, at a minimum, the following information:

A) what, if any, alcohol concentration the alcohol, used in a religious ceremony, or medicine, taken in its prescribed or recommended dosage, would produce in the petitioner's blood or breath within the time frame of first ingestion to the time of the taking of the BAC test, given the petitioner's body weight at the time of the issuance of the traffic citation; and

B) given the BAC reading of the petitioner following the arrest in question, what dosage or amount of alcohol/medicine would have to be ingested by the petitioner to achieve such a reading; and

C) how the expert determined or formulated the above opinions, i.e., what formulae, treatises, or other sources were used.

c) In determining if the petitioner presented clear and convincing evidence to rebut the presumption that the exception does not apply, the Secretary will consider all of the evidence presented as well as treatises and reference manuals used and/or written by forensic scientists on the subject of the pharmacological and toxicological aspects of the ingestion of ethyl alcohol.

(Source: Added at 19 Ill. Reg. 6667, effective May 1, 1995)