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## Title 33 — Navigation and Navigable Waters

### Chapter I — Coast Guard, Department of Homeland Security

#### Subchapter F — Vessel Operating Regulations

#### Part 95 — Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug

**Authority:** 33 U.S.C. 2071; 46 U.S.C. 2302; Department of Homeland Security Delegation No. 0170.1.

**Source:** CGD 84-099, 52 FR 47532, Dec. 14, 1987, unless otherwise noted.

#### § 95.010 Definition of terms as used in this part.

**Alcohol** means any form or derivative of ethyl alcohol (ethanol).

**Alcohol concentration** means either grams of alcohol per 100 milliliters of blood, or grams of alcohol per 210 liters of breath.

**Blood alcohol concentration level** means a certain percentage of alcohol in the blood.

**Chemical test** means a test which analyzes an individual's breath, blood, urine, saliva and/or other bodily fluids or tissues for evidence of drug or alcohol use.

**Controlled substance** has the same meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedules I through V as they may be revised from time to time (21 CFR Part 1308).

**Drug** means any substance (other than alcohol) that has known mind or function-altering effects on a person, specifically including any psychoactive substance, and including, but not limited to, controlled substances.

**Intoxicant** means any form of alcohol, drug or combination thereof.

**Law enforcement officer** means a Coast Guard commissioned, warrant, or petty officer; or any other law enforcement officer authorized to obtain a chemical test under Federal, State, or local law.

**Marine employer** means the owner, managing operator, charterer, agent, master, or person in charge of a vessel other than a recreational vessel.

**Recreational vessel** means a vessel meeting the definition in 46 U.S.C. 2101(25) that is then being used only for pleasure.

**State** means a State or Territory of the United States of America including but not limited to a State of the United States, American Samoa, the Commonwealth of the Northern Marianas Islands, District of Columbia, Guam, Puerto Rico, and the United States Virgin Islands.

**Under the influence** means impaired or intoxicated by a drug or alcohol as a matter of law.

**Underway** means that a vessel is not at anchor, or made fast to the shore, or aground.

**Vessel** includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

**Vessel owned in the United States** means any vessel documented or numbered under the laws of the United States; and, any vessel owned by a citizen of the United States that is not documented or numbered by any nation.

*Waters subject to the jurisdiction of the United States* means those waters described in § 2.38 of this chapter.

[CGD 84-099, 52 FR 47532, Dec. 14, 1987; CGD 84-099, 53 FR 13117, Apr. 21, 1988, as amended by USCG-1998-4593, 66 FR 1862, Jan. 10, 2001; USCG-2001-9044, 68 FR 42601, July 18, 2003]