

Student Workbook

BUI: Regulation, Policy, Physiology and Stressors



Maritime Law Enforcement Academy

Federal Law Enforcement Training Center
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References

Maritime Law Enforcement Manual, COMDTINST M16247.1(series) - <http://cgweb.comdt.uscg.mil/g-opl/MLEM/MLEM.htm>

United States Code – <http://www.uscg.mil/hq/g-o/mlea/links.shtm>

Code of Federal Regulations – <http://www.gpoaccess.gov/cfr/>

Boarding Officer Job Aid Kit - <http://cgweb.comdt.uscg.mil/g-opl/Policy/BOJAK.htm>

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Objective(s)

BUI: Regulations and Policy

1. **STATE** the applicability of BUI Regulations.
2. **DEFINE** the elements of BUI regarding recreational operations.
3. **DEFINE** the elements of BUI regarding commercial operations.
4. **STATE** the federal standard for recreational vessels.
5. **STATE** the federal standard for commercial vessels.
6. **LIST** the procedures for determining impaired operation.
7. **STATE** the procedures for the disposition of intoxicated operators.
8. **STATE** the Commandant's policy concerning BUI enforcement.

In accordance with MLEM Chapter 11.

BUI: Physiology and Stressors

1. **EXPLAIN** Physiology as it relates to alcohol, to include absorption, distribution, and elimination.
2. **STATE** the factors that affect an individual's Blood Alcohol Concentration (BAC).
3. **IDENTIFY** observable effects expected at different levels of impairment.
4. **EXPLAIN** stressors as they relate to behavioral observations, to include Medical, Environmental, Daytime and Nighttime.

Reading Assignment

Step	Action
1	Read the following pages of the MLEM prior to attending class: <ul style="list-style-type: none"> • Chapter 11, Sections C.5. (page 11-9) through C.5.f. (page 11-12)
2	Read the Boating Under the Influence Regulations Supplemental Reading, found in this workbook, prior to attending class.



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Supplemental Information

BUI: Regulations Supplemental Reading

BUI Regulations, Definition of Terms

In order to enforce the Boating Under the Influence (BUI) regulations, the Boarding Officer must know the following definitions of terms.

Drinking

Drinking is any ingestion of alcohol.

Alcohol

Any form or derivative of ethyl alcohol.

Drug

Any substance that has a known mind-function altering effect on a person, including but not limited to controlled substances.

Intoxicant

Any form of drugs or alcohol or combination thereof.

Blood Alcohol Concentration

Blood Alcohol Concentration (BAC) is a legal term, which describes the proportion of alcohol in a person's blood in grams of alcohol per 100 milliliters of blood or 210 liters of breath.

Behavioral Standard

This is when, in the judgment of the Boarding Officer, the individual is intoxicated based on the person's disposition, appearance, muscular movement and speech.

Elements of the BUI Regulations

Regulation Reference

BUI regulations are found in 33 CFR Part 95.



To Whom BUI Regulations Apply

The BUI regulation applies to:

- All vessels within U.S. waters
- All U.S. vessels on the high seas

The regulation makes specific distinction between recreational and all other vessels.

Operation of a Recreational Vessel

BUI can only be enforced on the person or persons operating the vessel, which includes:

- The control of the vessel's propulsion systems
- The control of the vessel's navigation

Example: The person driving the vessel (control of the vessel's propulsion) is intoxicated, and the person giving the driver directions about where to go (navigate) is also intoxicated. Both individuals may be prosecuted for non-compliance with BUI regulations.

Non-Example: The operator and the engineer of a recreational vessel cannot be proven to be intoxicated. Their passengers are intoxicated. No action can be taken against the passengers because there is no federal regulation against being an intoxicated passenger on board a vessel.

Operation of Other Vessels

The regulation can be enforced on all crew members on board vessels other than recreational.

Example: You find an off-watch crew member passed out due to intoxication.

Non-Example: None of the crew members on a cruise-liner can be proven to be intoxicated. However, 20% of the passengers are intoxicated. The passengers are not part of the crew.

Ways to Determine if a Person is Intoxicated

There are two ways to determine if an individual is intoxicated for all vessels. The two ways are:

- A Blood Alcohol Concentration level
 - Behavioral observations
-



Standard for
Recreational
Vessels

The standard of intoxication for recreational vessels is:

- 0.08 Blood Alcohol Concentration (BAC)
 - Behavioral standards
-

Standard for Other
Vessels

The standard of intoxication for vessels other than recreational is:

- 0.04 BAC
 - Behavioral standards
-

Enforcement on
State Waters

The BUI regulation states that if a recreational vessel is within state waters, the state maritime standard of intoxication is applied.

Example: Within state waters of a certain state, the level of intoxication for recreational boat operators is 0.06 BAC. If you board a recreational vessel within this state's waters, you will be using 0.06 BAC as a standard of intoxication.

Evidence of
Intoxication

Evidence of intoxication for processing a violation of BUI is based on behavioral standards, which the Boarding Officer observed and/or the results of the chemical test.

Example: While on board a vessel, you observe a person with bloodshot eyes, who is unable to stand without support, and is mumbling or slurring his words. When field sobriety exercises are conducted, the person shows numerous indicators of intoxication and then registers .12% BAC on an alcohol breath test.

Refusal of a
Chemical Test

According to 33 CFR 95, "Refusal of the operator to take the chemical test can be used as evidence of the operator's intoxication in a civil proceeding, **AND THE OPERATOR WILL BE PRESUMED TO BE INTOXICATED.**"

Penalties

The penalty for BUI is either:

- \$5000 (civil) or
 - \$100,000 and/or one year in jail (criminal)
 - \$250,000 if death is incurred (criminal)
-



Coast Guard BUI Enforcement Policy

Introduction All Coast Guard units will use the enforcement policy outlined in COMDTINST 16247.1 (series), Maritime Law Enforcement Manual.

Spirit of the Law The spirit of the BUI regulation is to prevent/minimize the possibility that an intoxicated person will operate a vessel, and to discourage the operator from operating a vessel while intoxicated in the future by processing the case in either civil or criminal court.

Enforcing the BUI regulation is only one part of our many missions and is conducted during the course of normal operations.

Chemical Tests Units will be issued an initial set-up of intoximeter(s) and calibration equipment by their district offices.

Enforcement on Recreational Vessels When dealing with a recreational vessel, the Boarding Officer should use the following procedures for BUI regulation enforcement.

Step	Action
1	Identify the operator of the vessel.
2	Determine reasonable suspicion that the operator may be intoxicated.
3	Administer a battery of field sobriety exercises.
4	Document the results of the field sobriety exercises.
	If the person is found to be intoxicated, then. . .
5	Inform OPCON.
6	Take the appropriate enforcement option.



Enforcement on Other Vessels

For all other vessels, if the Boarding Officer has reasonable suspicion that the operator or any other member of the crew is intoxicated, the following steps are taken:

Step	Action
1	Identify the operator and crew members of the vessel.
2	Determine reasonable suspicion that the operator or crew members may be intoxicated.
3	Administer a battery of field sobriety exercises.
4	Document the results of the field sobriety exercises.
	If the person is found to be intoxicated, then. . .
5	Inform OPCON.

Physiology of Alcohol

Introduction

Section B contains information on the definition of alcohol and how alcohol affects, is processed, and eliminated from the body.

Objectives

At the conclusion of this section, you will be able to describe physiology, as it pertains to alcohol and its effects on the body.

Definitions

Alcohol Defined

Alcohol is a term, which describes a particular type of chemical compound, which affects the mental and physical functions of the body. Some characteristics of alcohol are:

- Alcohol is soluble (will mix readily) with water.
- Alcohol is toxic (poisonous) and can cause death if too much is consumed.



Ethanol Defined Ethanol is the specific alcohol present in alcoholic beverages. Some of its traits are:

- It is a colorless liquid in its purest state.
- Pure ethanol or grain alcohol possesses an odor similar to ether or can be odorless and produces a burning taste sensation.

Odors in alcoholic beverages are the result of different production processes and/or mixers.

Types of Alcoholic Beverages

Types of Alcoholic Beverages Alcoholic beverages can be divided into three general categories, depending on how they are produced and their characteristics. The three categories are:

- Beer
 - Wine
 - Distilled spirits
-

Beer Beer is produced by the fermentation of hops and barley. Beer usually contains 5% alcohol by volume.

Wine Wine is produced by the fermentation of grapes or other fruit. Wine usually contains 12% alcohol by volume.

Distilled Spirits Distilled spirits, sometimes called "hard liquor," may contain up to 90% alcohol by volume.

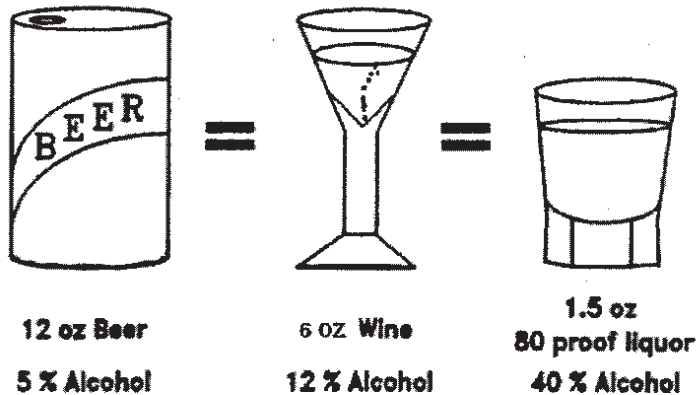


**Alcohol
Concentration**

The alcohol concentration depends on the concentration of ethanol in an alcoholic beverage. For purposes of this text, each of the three beverages below are referred to as a standard drink and have the same alcohol concentration of approximately .02% BAC.

Standard Drinks

Each Contains 0.6 oz of Pure Alcohol



Physiology

Introduction

The physiology of alcohol is how the human body processes alcohol. There are three steps to the physiology of alcohol. These three steps are:

- Absorption
- Distribution
- Elimination

What is Absorption

Absorption is the passage of alcohol from an outside source into the bloodstream.



How Alcohol Enters the Body

Alcohol is typically ingested through the mouth. However, alcohol can also be absorbed through:

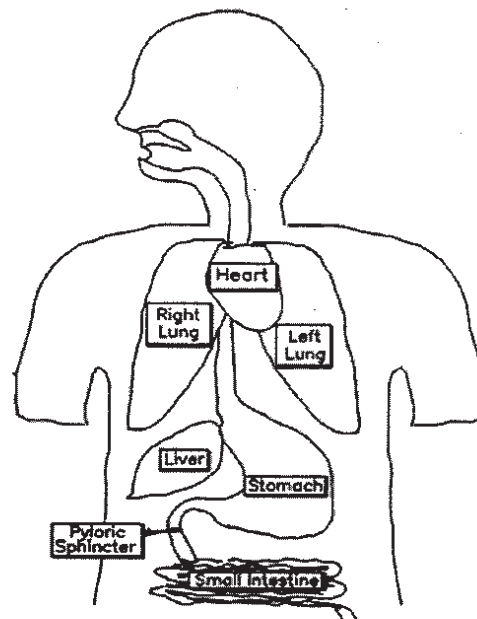
- Inhalation
- Insertion
- Injection
- Skin contact

How Alcohol is Absorbed

After alcohol is ingested, alcohol absorption begins immediately through the mucous membranes that line the mouth. The alcohol then travels from the mouth to the stomach. In the stomach, about 20% of the alcohol passes directly through the stomach lining and into the bloodstream. The remaining 80% flows to the small intestine. In the small intestine, the rest of the alcohol is absorbed into the bloodstream.

Diagram of the Body

The diagram of the body below shows the major organs, which absorb, distribute, and eliminate alcohol.



Distribution Process

The distribution process is the flow of alcohol in the blood to all tissues and organs of the body. This process begins as soon as the alcohol is absorbed.



How Alcohol is Distributed

Studies show that, on average, the body is 83% water. The distribution of alcohol is equal throughout the body and is based on the water content of the tissue or organ.

The greater the water percentage of the tissue, the greater the alcohol concentration of that tissue.

Relationship Between the Distribution Process and Chemical Tests

The fact that alcohol is equally distributed to all parts of the body allows the determination of Blood Alcohol Concentration in an individual by checking the amount of alcohol in the blood, breath, urine or other bodily fluids.

Elimination Process Defined

The elimination process is the passage of alcohol out of the body.

How Alcohol is Eliminated

Alcohol is eliminated by two methods. They are:

- Excretion
 - The body's metabolism
-

Excretion

Less than 10% of the chemically unchanged alcohol passes out of the body in expired breath, in urine and in various other waste products (perspiration, tears, etc.).

Metabolism

The rest of the alcohol in the body (90%) is eventually destroyed through metabolism. In metabolism, alcohol is oxidized (burned) in the liver.

The Oxidation Process

As blood-containing alcohol is transported through the body, it passes through the liver many times. During each pass, a portion of the alcohol is broken down into simpler chemical compounds. Eventually, the alcohol is broken down into carbon dioxide and water.



The Rate of Elimination

The average elimination rate for an individual is about one drink per hour. This is approximately .015% to .020% BAC per hour.

If alcohol is absorbed more quickly than it is eliminated, the blood begins to accumulate alcohol and the blood alcohol concentration rises.

As the BAC rises, the alcohol begins to affect the brain and central nervous system.

Factors That Affect Blood Alcohol Concentration

Factors that Affect BAC

The BAC of an individual depends upon many factors. These factors include:

- Weight and physical state
 - Contents of the stomach
 - Amount and type of beverage consumed
 - Time period over which alcohol is consumed
-

Weight and Physical State of the Contents of the Stomach

Fatty tissue does not contain as much water as muscle tissue. The higher the fat content, the higher the blood alcohol concentration. The rate of flow from the stomach into the small intestine is controlled by the pyloric sphincter (pylorus), based on the contents of the stomach.

Food, especially complex proteins like meats, will slow the passage of alcohol from the stomach and into the bloodstream. If the stomach is empty, the alcohol will speed to the blood almost immediately. The fuller the stomach, the slower the absorption of any alcohol into the bloodstream.

Amount and Type of Beverage Consumed

The more the individual drinks, the more concentrated the blood alcohol concentration. Carbonated mixers (ginger ale, soda water) usually speed up the passage of alcohol from the stomach into the bloodstream.

Time Period over which Alcohol is Consumed

The slower the individual drinks the alcoholic beverages, the more time the body has to eliminate the alcohol.

The faster the individual drinks the alcoholic beverages, the less time the body has to eliminate the alcohol.



The Effects of Alcohol on the Brain

Introduction

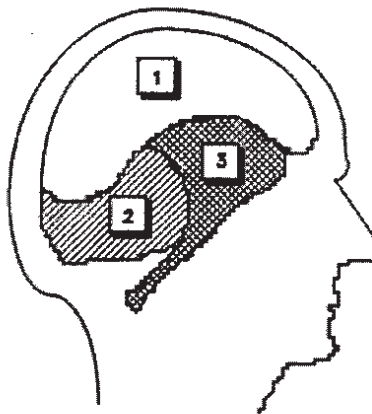
Alcohol reduces the physical and mental abilities of an individual.

General Effects of BAC

Alcohol is a central nervous system depressant. It slows down or blocks the processes of the brain. There are three general effects of alcohol on the brain. The table below shows the effects of alcohol on the brain.

If BAC is. . .	Alcohol effects the part of the brain that controls:
.01-.08	Clear thinking, morals, judgement, and inhibitions.
.08-.40	Vision, muscle coordination, and voluntary movements.
.40-.50	Vital functions such as the heartbeat and respiration.

Alcohol and the Brain



- 1—Judgement, Inhibitions
Morals
- 2—Vision, Coordination
Balance
- 3—Vital Functions



The Effects of Alcohol on the Body

Progressive Effects of Alcohol This section describes in detail the effects of alcohol on the body shown by the different levels of BAC.

BAC of .03% Reactions are measurably slowed by the time BAC reaches 0.03%.

BAC of .04% At .04% BAC, the individual has difficulty dividing attention.

Example: Individuals have difficulty doing two simple tasks simultaneously. They have trouble listening to instructions and performing a task at the same time.

BAC of .05% At .05% BAC, the individual's judgment and inhibitions are measurably impaired. Individuals may take risks that they would ordinarily avoid.

Studies conducted at two universities have shown over 60% of attacks on law enforcement officers are by individuals who are intoxicated above .05% BAC.

BAC of .08% At .08% BAC, the individual's vision is impaired. The individual may lose peripheral vision or have difficulty focusing.

BAC of .10% At .10% BAC, the individual's motor coordination is significantly impaired. It may be seen in the small muscles, such as the fingers, or in the larger muscles, such as legs and arms.

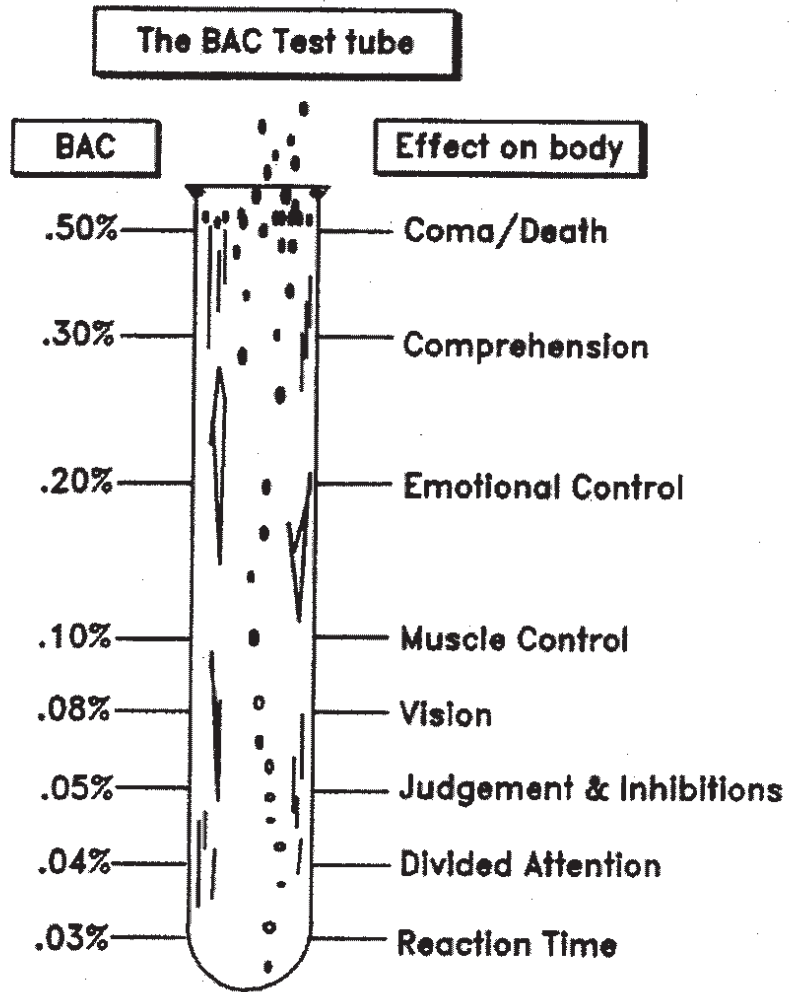
BAC above .10% Above .10% BAC, the individual may show a progressive deterioration of emotional control, lack of comprehension of time and place, and false perception of objects and people.

BAC .40-.50% Above .40% BAC, a person will become unconscious and comatose. If the BAC continues to rise, vital functions, such as respiration and heartbeat, stop around .50%.



The BAC
Thermometer

Alcohol affects individuals differently. The BAC test tube below gives general effects for individuals at various blood alcohol levels.





Stressors

Introduction This section contains the definition, types, and results of stressors as they pertain to the body.

Objectives Upon completion of this section, you will be able to differentiate between the two categories of stressors and the effects of alcohol on the body.

Stressors Defined A stressor is a stimulus that causes stress. Stressors:

- Are common in boating
 - Affect people differently
 - Add to the effects of alcohol
 - Mimic intoxication
-

Categories of Stressors

There are two major categories of stressors. They are:

- Medical
 - Environmental
-

Types of Medical Stressors

Types of medical stressors include, but are not limited to:

- Insulin shock
 - Speech disorders
 - Head injuries
 - Kidney ailments
 - Mental disorders
 - Vertigo
 - Seasickness
-

Types of Environmental Stressors

Environmental stressors are divided into two general types:

- Daytime
 - Nighttime
-



Types of General Stressors General types of stressors may be encountered at any time of day and are associated with the operation of boats.

Important Note If you are in doubt as to whether the individual's condition is caused by a medical stressor or is, in fact, intoxication, consult a proper medical authority.

Types of General Stressors

Fatigue Fatigue due to long hours of being in a boat results in slowed reactions and reasoning ability. Studies show that a fatigued operator operating at a speed of 30 MPH will travel 70 feet further in reacting to visual stimulus than a rested operator.

Noise The adverse effects of noise begin at the 80 dB range (about the level produced by outboard engines).

Noise creates changes in the heart rate and blood flow which can result in:

- Loss of balance
 - Tunnel vision
 - Decrease in mental performance
 - Interference with verbal communications
-

Shock (not the First Aid definition) Shock is caused by G-Forces exerted as the boat's hull bounces on the water. The average outdrive unit undergoes a minimum of two Gs when riding on calm water. The forces increase as wave height increases. This can cause motion sickness which leads to decreased reaction time.

Vibration Vibration produces effects similar to those caused by shock.

Coast Guard Presence The presence of a Coast Guard Boarding Team can be a stressor. Think of the last time you may have been stopped by a police officer while driving a vehicle. Did the presence of the officer create stress for you?



Types of Daytime Stressors

Heat The detrimental effects of heat increase in the presence of salt and water, which is a typical combination in a maritime environment.
The table below shows the effects of heat on an individual.

Outside Temperature	Results on Boater
76 - 86 F	Divided attention is affected
84 - 90 F	Decrease in perception/response and auditory functions
Over 91 F	Dexterity and motor functions affected

Sun Glare Sun glare causes the eyes to constrict, producing eyestrain, which reduces the ability to see and slows reaction time.

Time Pressure The pressure of needing to be some place at a certain time causes increased respiration and leads to similar symptoms of those caused by noise.

Types of Nighttime Stressors

Types of Nighttime Stressors Nighttime and daytime stressors are nearly identical. However, operating at night adds additional stressors.

Background Lighting Background lights affect the boater's navigation by "hiding" other vessels or navigational aids. The strain of trying to pick out objects at night results in increased respiration and in severe cases, panic may set in.

Unfamiliar Surroundings If not experienced in the area, the lack of prominent daytime landmarks and unfamiliar objects causes an increased concern for safety.



Conclusions

There is one major point that the Boarding Officer must understand when dealing with stressors;

- **Stressors affect an individual's behavior and reaction times, which slows response to emergency situations.**

This will make a person under the effects of stressors appear to be intoxicated even though they may not have had anything to drink.

When added to the use of drugs or alcohol, stressors can have an additive effect on an individual.

Detection of the Intoxicated Boater

Overview of the Detection Phases

To pursue a BUI violation, an officer must make behavioral observations of the person that support his/her suspicions.

Detecting the intoxicated operator is based on three distinct and separate phases.

- **Phase I** - Observing the vessel's operation
 - **Phase II** - Observing the operator's behavior
 - **Phase III** - Administering standard field sobriety tests
-

The Detection Process

Detection begins when the Boarding Officer develops the first suspicion that a BUI violation may exist and ends when the Boarding Officer decides there is or is not a violation.

At the conclusion of each phase, the Boarding Officer must decide to continue to the next phase or to stop.

The following table describes the three BUI detection phases and the decisions the Boarding Officer makes between each phase.



Phase	Action Taken/Decision Made by the Officer
I	Observing the operation of the vessel in motion for clues of intoxication. <i>Is there a reason to stop the vessel?</i>
II	Observing the operator during the course of a boarding for clues of intoxication. <i>Is there a reason to administer field sobriety tests?</i>
III	Administration of field sobriety tests to confirm the Boarding Officer's suspicions. <i>Is the individual intoxicated?</i>

Detection Phase I - Vessel in Motion

Description of Phase I

Phase I - "Vessel in Motion," is the officer's observations of the vessel that are conducted as part of routine operations. Observations could include:

- Identifying the operator of a vessel can be made by either visual means or even by radio contact. This step is crucial on recreational vessels because federal BUI regulations can only be applied to the operator.
- Identifying observable violations of federal law or regulations will assist the Boarding Officer in determining cause for a vessel stop.

Examples: A vessel being operated in a negligent manner; a vessel with an improper display of numbers.

- The consumption of alcoholic beverages by the operator and occupants. This may also alert the Boarding Officer to use a higher degree of risk during the boarding.
- The behavior of the operator and occupants.

Examples: Loud or boisterous, quiet and subdued, calm and relaxed, or any combination of the above.

- Observe the piloting of the vessel after the operator is told to stop. How does the vessel maneuver or moor?



Absence of Phase I When arriving on scene at a marine accident or other reason, there may be an absence of the Phase I process. This is not a factor in the development of a BUI case. In fact, very few BUI violations are detected using Phase I alone.

Detection Phase II - Personal Contact

Description of Phase II

Phase II - Personal contact is conducted during the course of the Boarding. Studies have been made which identify some symptoms exhibited by individuals who are intoxicated. These symptoms or clues are found in the:

- Odor of alcoholic beverage
 - Cover up odor
 - Subject's face
 - Eyes
 - Speech
 - Behavior
-

Odor of Alcoholic Beverage

When reporting an odor of alcoholic beverage, be specific in noting the location and strength of the odor. Is it due to having been spilled on clothing, sweating profusely, oil, the breath, or due to the proximity of a beverage spilled in the area or on the subject? Generally, the odor can be described as:

- Faint
- Moderate
- Strong

The odor will vary with the type and amount of alcoholic beverage.

Example: An individual may drink a great deal of vodka and have little odor on the breath; whereas a person may drink a small amount of beer and have a strong odor on the breath.



Cover Up Odor

If no odor is detected, the subject can still be under the influence. A lack of odor may be due to the method of alcohol ingestion or the use of:

- Mouthwash
 - Breath mints
 - Tobacco to cover the odor of the beverage
-

Subject's Face

A blushed and sagging face may indicate intoxication. The facial muscles may be completely relaxed, which gives the appearance of the face losing its shape. It is most noticeable in the area of the cheeks and mouth.

In smokers, this effect is identifiable by a cigarette that appears to be dangling from the mouth. Due to the anesthetizing effect of alcohol, they may not feel a cigarette between the lips.

Subject's Eyes

A combination of bloodshot appearance in the eyes, pupil size and reaction to light can assist in determining if the individual is under the influence of alcohol, drugs or a combination.

Bloodshot eyes have many causes. If the cause is alcohol intoxication, most or all of the whites of the eyes will be covered with a red-pink color.

Marijuana use causes vivid red streaks zigzagging in the whites of the eyes. A red-pink color with streaks of red can be due to a combination of both marijuana and alcohol.

Slightly dilated pupils can be a sign of alcohol intoxication or drug use. Alcohol also causes the pupils to be slow, sluggish or not visibly reactive to light. Use a sober person's eyes for comparison.



Subject's Speech Slurred speech can be a symptom of intoxication or simply an inability to correctly pronounce words.

The anesthetic effects of alcohol cause the tongue to feel thickened, producing an elongation of syllables. This is similar to the Novocain feeling one gets when visiting the dentist.

A change in speech patterns may indicate a person is under the influence. Speech may change from:

- Rapid to slow
- Loud to soft
- Articulate to confused or
- All three factors combined

Subject's Behavior The Boarding Officer should notice not only the type of attitude, but also notice changes in the individual's behavioral patterns.

Examples could include:

- Cooperative to uncooperative
- Cooperative to threatening
- Threatening to pleading

The individual may not be responsive to surrounding situations. There may also be mood changes.

Examples could include:

- Serious to silly
- Happy to depressed
- Caring to uncaring

Officer Objectivity It is vital that officers remain objective during the observation period.

Officer Subjectivity Some or all of these symptoms will be apparent by observing the behaviors of the individual. It is important for the Boarding Officer to remember that only one symptom is not enough to make a determination of intoxication. The longer the subject is observed, the easier it will be to differentiate between symptoms and stressors.



**Relationship
between Symptoms
and Stressors**

Your observations made during Phase II must be noted for use in your statements. These observations should be attributed to intoxication or stressors. A determination to continue with field sobriety tests is based on all of the observations made and the use of questions throughout the boarding.



Practice

Key Points

1. Who does the BUI regulation apply to?
 -
 -
 2. What is the standard of intoxication for a recreational vessel?
 -
 3. What is the standard of intoxication for a commercial vessel?
 -
 4. What are the three elements of the physiology of alcohol in the human body?
 -
 -
 -
 5. What are the five ways alcohol enters the body?
 -
 -
 -
 -
 -
 6. What are some of the factors that also affect the person's BAC?
 -
 -
 -
 -
 -
 -
 7. At what BAC level are 60% of officers attacked?
 -
 8. Stressors are divided into what two groups?
 -
 -
-



**Additional
Resources**

No additional resources are provided at this time.



Notes



Notes

