



READINESS AND FORCE  
MANAGEMENT

**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE**

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WASHINGTON, D.C. 20301-4000

FEB 4 2013

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY FOR MANPOWER AND  
RESERVE AFFAIRS  
ASSISTANT SECRETARY OF THE NAVY FOR MANPOWER AND  
RESERVE AFFAIRS  
ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER  
AND RESERVE AFFAIRS  
ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS  
CHIEF, NATIONAL GUARD BUREAU

**SUBJECT:** Prohibition on the Use of Marijuana by Military Service Members and Department  
of Defense Civilian Employees

**REFERENCES:** DoD Instruction 1010.01, 'Military Personnel Drug Abuse Testing Program'  
Uniform Code of Military Justice, Article 5 and Article 112a  
Title 10, United States Code, Chapter 47  
DoD Instruction 1010.09, 'DoD Civilian Employee Drug-Free Workplace  
Program'

This memorandum reaffirms the Federal prohibitions on the use of marijuana by military personnel at all locations in accordance with Article 5, Uniform Code of Military Justice (UCMJ). The provisions of the UCMJ apply regardless of State, District or Territorial Legislation permitting the use of marijuana, to include medical use. Military personnel are subject to prosecution and administrative action for marijuana use, possession or distribution under Article 112a of the Uniform Code of Military Justice (UCMJ). Federal Law supersedes the legislative initiatives of the State, District or Territories of the United States. Legislative initiatives of States, District, or Territories are not binding on the military in the administration of military justice under Chapter 47 of title 10, United States Code.

DoD Civilian Federal employees are subject to restrictions governing drug use contained in DoD Instruction 1010.09 and applicable Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Guidelines.

For additional information, please contact CAPT Kevin Klette at [kevin.klette@osd.mil](mailto:kevin.klette@osd.mil).

A handwritten signature in black ink, appearing to read "F. Vollrath", with a long horizontal line extending to the right.

Fredrick E. Vollrath  
Principal Deputy Assistant Secretary of Defense  
(Readiness and Force Management) Performing  
the Duties of the Assistant Secretary of Defense  
(Readiness and Force Management)