

**HEADQUARTERS, UNITED STATES ARMY, PACIFIC
Fort Shafter, Hawaii 96858-5100**

USARPAC Regulation
No. 600-6

13 May 2005

**Personnel--General
ALCOHOLIC BEVERAGES**

This revision incorporates administrative and procedural changes. Issue of supplements to this regulation are prohibited unless prior approval is obtained from HQ, USARPAC (APPE).

1. **PURPOSE.** This regulation compiles current directives and prescribes policy, procedures, and restrictions concerning the consumption and control of alcoholic beverages in US Army, Pacific (USARPAC).

2. **APPLICABILITY AND SCOPE.**

a. This regulation applies to all Department of Defense personnel, military and civilian (including those employed by nonappropriated fund instrumentalities) assigned or attached to USARPAC, to include active Army tenant units.

b. Penalties for violation of the policies contained in this regulation cover the full range of statutory and regulatory sanctions, including prosecution under the Uniform Code of Military Justice (UCMJ).

c. Alcoholic beverages consumed for medicinal and religious purposes are excluded.

3. **REFERENCES.**

a. Required publications.

(1) AR 215-1, Morale, Welfare and Recreation Activities and Nonappropriated Fund Instrumentalities.

(2) AR 600-85, Army Substance Abuse Program.

b. Related publications.

(1) AR 190-5, Motor Vehicle Traffic Supervision.

*This regulation supersedes USARPAC Reg 600-6, 18 December 1991.

(2) Uniform Code of Military Justice.

c. Prescribed form. USARPAC Form 422-R-E, Alcohol and Drug Abuse Prevention and Control Program Statistics (cited in paragraph 11).

d. Referenced forms.

(1) DA Form 3881, Rights Warning Procedure/Waiver Certificate.

(2) SF 7B, Employee Record.

4. EXPLANATION OF TERMS.

a. Alcoholic beverage. Potable beverage containing any amount of ethyl alcohol. This includes wines, wine coolers, malt beverages, and distilled spirits.

b. Impaired on duty. To be under the influence of alcohol such that the Soldier or civilian employee's motor senses (e.g., sight, hearing, balance, reaction, speech, reflex) or judgment either are, or may reasonably be presumed to be, affected.

c. On-duty status. Status is determined by a military or civilian employee's commander/supervisor and is not necessarily related to uniform standards or the normal duty hours of an installation.

d. Open container. Any vessel containing an alcoholic beverage of which the cap or top has been removed or the seal of which has been broken or removed.

5. RESPONSIBILITIES.

a. The Chief, Human Resources Division, Pacific Region Office (PARO), Installation Management Agency (IMA) maintains operational control of the Army Substance Abuse Program (ASAP) in the Pacific.

b. Major subordinate and tenant commanders/directors will implement and enforce the policies of this regulation and policies developed by installation commanders.

c. Garrison commanders will--

(1) Develop and publish procedures for the sale and purchase of alcoholic beverages applicable to their garrison area of responsibility.

(2) Use the Alcohol Sellers Intervention Program or other appropriate training program to train all employees involved in serving alcohol on the installation within 30 days of hire/assignment, and at least annually (AR 215-1, paragraph 7-14d). If supervisors of alcohol sellers use an internal non ASAP training program, documentation of employee annual training will be forwarded to the ASAP Prevention Coordinator in order to capture civilian employee substance abuse prevention training hours. Supervisors will forward a copy of the lesson plan, sign-in rosters and class critique sheets to ASAP within 10 days of the training event.

e. Installation Provost Marshals will screen all incident reports for possible alcohol or other drug abuse involvement and provide them to the Alcohol and Drug Coordinator Officer (ADCO) for review and subsequent transfer to the clinical director and others as appropriate on a daily basis (AR 600-85, paragraph 1-21 a). Extract copies of all juvenile blotter entries will also be forwarded for review and possible contact by the ASAP Adolescent Substance Abuse Counseling Service counselor.

6. PROHIBITIONS.

a. Military personnel on duty shall not have a blood alcohol level equal or greater than .05 grams of alcohol per 100 milliliters of blood. To be in violation of the provision, a soldier must have known or should reasonably have known before becoming impaired that he or she had duties to perform (AR 600-85, paragraph 1-34b). Nothing in this regulation shall be interpreted to mean that impairment does not exist if the blood alcohol level is less than .05 percent.

b. Soldiers and civilians on duty are prohibited from consuming alcoholic beverages during duty hours except as authorized in AR 215-1.

c. No person may consume alcoholic beverages in a military vehicle at any time. These prohibitions apply whether the vehicle is moving or is stationary and whether the engine is running or not.

d. Consumption of alcoholic beverages is prohibited on Army aircraft.

e. Minors are prohibited from purchasing, drinking, or possessing alcoholic beverages. This does not apply to minors who are participating in authorized religious ceremonies. On Army installations in the United States, the minimum age for purchasing, drinking, or possessing alcoholic beverages shall be consistent with the law of the State in which the installation is located. The minimum drinking age in Hawaii and Alaska is 21. When outside the United States, USARPAC Soldiers will conform to the drinking statutes and regulations of the jurisdiction in which they are located.

f. Alcohol will not be stored or consumed in the workplace at any time.

7. POLICIES.

a. Alcohol abuse and resulting misconduct will not be condoned. Rehabilitation is an effective method of dealing with problem drinkers. An administrative action will be initiated and processed to the separation authority for decision of Soldiers involved in two serious incidents of alcohol-related misconduct in a year, such as more than one instance of drunk on duty or operating a motor vehicle while intoxicated.

b. It is incumbent upon the chain of command to be proactive in the ASAP; therefore, unit commanders will interview all Soldiers who are suspected or identified as alcohol abusers, including those identified on the Military Police blotter, and refer them to ASAP for evaluation. Commanders will become involved in the rehabilitation of those Soldiers who possess potential for future Army service.

c. The first general officer in the unit chain of command, with the concurrence of the garrison commander or his or her designated representative, may authorize soldiers in uniform to consume alcohol by the drink for appropriate occasions and ceremonies, such as organizational days or promotion parties. At no time may underage soldiers consume alcoholic beverages during these occasions. Frothed general officers may exercise this authority. This authority may be further delegated to installation or community commanders (or equivalent positions) in the grade of colonel. Further delegations are not authorized. Requests for deviations from these specific requirements will be forwarded through USARPAC to U.S. Army Community and Family Support Center (ATTN: CFSC-BP) for approval.

d. All civilian employees and contractor workers working on USARPAC installations found to be impaired on duty will be subject to administrative action as deemed appropriate by the command. Army civilians who are found to be impaired on duty because of alcohol consumption will be subject to administrative action and may be subject to disciplinary action (see paragraph 8c). Supervisors are encouraged to use the Employee Assistance Program (EAP) to assist in obtaining help for civilian employees.

e. It is Army policy to maintain a workplace free from alcohol. Alcohol should not become the purpose for, or the focus of, any social or military activity. Alcoholic beverages are prohibited from being awarded as prizes or gifts at clubs or during any official party or other function.

f. Nonalcoholic beverages and food will be available at any club, commercial establishment, and unit- or staff-sponsored social events where alcoholic beverages are being served on the installation.

g. Commanders will specify in writing the amount of alcoholic beverages that may be possessed and consumed in enlisted barracks. This determination will be in the form of a written order and be disseminated as part of the in-processing procedure for all newly assigned Soldiers. Where feasible, assign soldier barracks room occupancy based on age/lifestyle appropriate for alcohol consumption.

h. Commanders and supervisors will ensure that Soldiers receive four hours and civilians receive three hours of substance abuse related prevention briefings/presentations annually. Emphasis will be on influencing responsible attitudes and behavior toward the use of alcohol and other drugs.

i. Commanders are responsible to forward to the ASAP Prevention Coordinator substance abuse awareness training documentation to include, but not limited to, a memorandum outlining the location of the training, the training topic, the name and contact telephone number of the presenter, the number of attendees and the length of the training. The training lesson plan, event sign-in roster(s) and the class critique sheets from each attendee will be attached to the memorandum.

j. Commanders will conduct annual random alcohol breath tests. Alcohol breath testing should be accomplished in conjunction with drug urinalysis testing, but is not limited to only testing when a unit urinalysis is being conducted. Commanders should employ a stand alone breath testing program to identify high risk Soldiers as the primary reason to ASAP alcohol abuse and misuse.

k. Commanders will encourage Soldiers to seek help for problems related to the use or abuse of alcohol to preclude the development of serious incidents and future health hazards. Alcohol misuse seriously negates individual and unit readiness.

8. PROCEDURES.

a. Commanders will take the following actions under AR 600-85, paragraph 3-7a, when referring Soldiers suspected of alcohol abuse:

(1) Coordinate with law enforcement as to whether the commander or the designated representative or law enforcement should conduct the initial interview of the alcohol abuser.

(2) When the unit commander believes the Limited Use Policy applies, the unit commander should consult with the ADCO and supporting legal advisor. The unit commander may then explain the Limited Use Policy.

(3) If law enforcement does not initiate an investigation, advise the Soldier of his/her rights under Article 31, UCMJ using a DA Form 3881 (Rights Warning Procedure/Waiver Certificate). If the Soldier elects to remain silent or requests a lawyer, there can be no further questioning or interview, and this procedure must terminate. The ASAP Counseling Center may only screen a Soldier after the Soldier

has been advised of his/her rights by either the commander or a law enforcement entity.

(4) If law enforcement does not initiate an investigation, interview the Soldier and inform him/her of the evidence, and give the Soldier the opportunity to provide additional evidence.

(5) Refer the Soldier to the ASAP Counseling Center using DA Form 8003. Commanders will refer Soldiers for an initial ASAP screening with 72 hours of notification of a Soldier's apprehension for alcohol or other drug abuse.

b. Violation of any of the prohibitions in paragraphs 6a through f may be a basis for commanders to proceed against violators under the provisions of the appropriate UCMJ article listed below (this list is not all-inclusive):

(1) Article 92 - Failure to Obey Order or Regulation.

(2) Article 111 - Drunk or Reckless Driving.

(3) Article 112 - Drunk on Duty.

(4) Article 133 - Conduct Unbecoming an Officer and Gentleman.

(5) Article 134 - Incapacitating Oneself for Performance of Duties Through Prior Indulgence in Intoxicating Liquors.

c. Supervisors will take action when an Army civilian is reasonably suspected of being impaired on the job. Impairment may take the form of one or more of the following: uncoordinated movement, slurred speech, inappropriate thought processes, the odor of alcohol, etc. The following actions are appropriate:

(1) Immediately ask the employee about his or her physical condition.

(2) Contact the installation Army Civilian Personnel Administrative Center (CPAC), the Staff Judge Advocate (SJA), and the installation Employee Assistance Program Coordinator (EAPC) to obtain guidance in this matter.

(3) Escort the employee to the servicing health facility for a medical evaluation. If the medical evaluation supports his or her determination of impairment or intoxication, the supervisor will--

(a) Place the employee on administrative leave and arrange for transportation to the employee's home or to their private physician or health clinic.

(b) Request assistance in documenting the incident and guidance on any disciplinary or other corrective actions.

(c) When the employee returns to work, formally refer the employee to the EAPC for evaluation.

(d) Proceed with appropriate corrective action based on the EAPC's evaluation, the employee's choice of options, and coordination with CPAC.

(e) If a medical evaluation is not possible or the employee refuses, make the determination that the employee is impaired and cannot remain at the worksite and proceed with provisions of (a) and (b) above.

(f) Within the limits of authority, ensure that an employee suspected of being under the influence of alcohol does not operate a motor vehicle or other dangerous machinery. If the employee disregards the request that he or she not drive, the supervisor will notify the appropriate law enforcement agency.

(g) Notify the appropriate law enforcement agency to remove a troubled employee from the worksite if he/she refuses to leave after being placed on administrative leave or becomes combative or at any time the supervisor fears for his/her safety and the safety of other employees.

(4) Upon the employee's return to work, conduct an interview with the employee focusing on work performance and inform the employee of available EAP services, if poor performance is caused by a personal or health problem. Document all offers for EAP services and place the memorandum in the employee's file.

(5) If the employee refuses help and performance continues to be unsatisfactory, provide the employee with a firm choice between accepting assistance through the EAP or the immediate consequences provided for unsatisfactory performance.

(6) Note the incident on SF 7-B (Employee Record).

9. USE OF BREATH TESTING DEVICES.

a. The primary purpose of on-duty breath testing is to determine a Soldier's/civilian's fitness for duty and the need for counseling, rehabilitation, or other medical treatment.

b. The Army Center for Substance Abuse Programs recommends that the chain of command ensure that there are designated drivers available to assist Soldiers in returning home, that food is served at the function, that non alcoholic beverages are readily available during the function and that Soldiers are always encouraged to consume in a responsible manner.

c. Annual alcohol breath testing is required. Alcohol breath tests should be conducted in conjunction with, although not necessarily at the same time as the urinalysis testing. Breath testing of suspected intoxicated soldiers is mandatory. Soldiers may be given a direct order to take a breath test, and the process for civilians is spelled out in 8c above.

d. The use of portable breath-testing devices will be for identification and referral to the ASAP. Before a commander decides to initiate administrative or disciplinary action based on the screening results, obtain an evidentiary quality, quantitative confirmatory blood alcohol test from a medical treatment facility or an evidentiary quality alcohol breath measuring device operated by certified law enforcement personnel to support the legal standard of proof.

10. LOCATIONS WHERE ALCOHOLIC BEVERAGES MAY BE CONSUMED ON THE INSTALLATION. See AR 215-1, paragraph 7-9.

11. REPORTING.

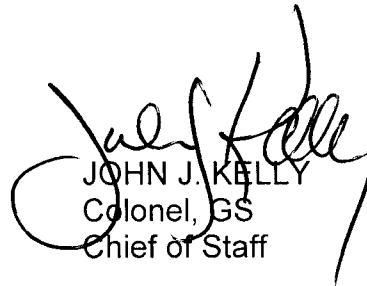
a. Installation ASAPs will collect and provide to the PARO ADCO (SFIM-PA-HR) statistics on alcohol incidents, client caseload, and other information pertaining to the alcohol and other drug climate in the command by the 25th day following the reporting month (use USARPAC Form 422-R (Army Substance Abuse Program Statistics) for reports). A copy of USARPAC Form 422-R is at Appendix A for reproduction purposes. Locally reproduce this form as needed on 8 1/2- by 11-inch paper.

b. This publication established RCS APPE-CFA-2 (Army Substance Abuse Program Statistics).

(APPE)

FOR THE COMMANDER:

OFFICIAL:



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Appendix A – USARPAC Form 422-R-E

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