



THE SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

DEC 28 1981

MEMORANDUM FOR Secretaries of the Military Departments
Directors of the Defense Agencies

SUBJECT: Alcohol and Drug Abuse

References: (a) through (h) (Enclosure 1).
(i) DoD Directive 1010.4, Alcohol and Drug
Abuse by DoD Personnel

Alcohol and drug abuse by members of the armed forces is a continuing problem that has an adverse impact on military readiness. Various surveys have demonstrated the serious nature of this problem. We must take immediate action to reduce the effects of drug and alcohol abuse on our forces.

Previous issuances on alcohol and drug abuse (references (a) through (h)) are rescinded or modified as provided in Enclosure 1. This action eliminates the prohibition against use in disciplinary proceedings of evidence obtained from compulsory urinalysis as provided in Enclosure 2 to this memorandum. The Assistant Secretary of Defense (Health Affairs) will promulgate a DoD Instruction incorporating those policies contained in references (a) through (h) that are consistent with this memorandum, and such other matters as are necessary to fulfill the objectives of this memorandum and DoD Directive 1010.4 (reference (i)). This memorandum is rescinded upon issuance of the Instruction by the Assistant Secretary of Defense (Health Affairs).

Department of Defense policies have been designed to attack successfully the problem of drug and alcohol abuse. The tools needed to complete this task are available to the military departments. Please insure that drug and alcohol abuse control continues to receive emphasis, with specific attention to the problem of on-duty abuse.

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Deputy Secretary of Defense

Enclosures

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ENCLOSURE 1

The memoranda listed below are rescinded immediately, except as otherwise indicated.

- a. Deputy Secretary of Defense memorandum, dated July 7, 1971, Subject: Rehabilitation of Drug Abusers, is rescinded.
- b. Section IV.a.3. of DoD Instruction 1010.1, dated April 4, 1974, subject: Department of Defense Drug Abuse Testing Program, is rescinded.
- c. Assistant Secretary of Defense (Health and Environment) memorandum, subject: Change to Department of Defense Urinalysis Test Program, dated 25 April 1974, is rescinded.
- d. Deputy Secretary of Defense memorandum, dated 7 January 1975, subject: Department of Defense Drug Abuse Testing Program, is rescinded.
- e. Deputy Secretary of Defense memorandum, dated July 11, 1978, subject: Improvement in Drug and Alcohol Abuse Control Policy and Programs, Enclosure 7, is rescinded.
- f. Deputy Secretary of Defense memorandum, dated 24 July 1979, subject: Improved Measures for Drug Abuse Identification, is rescinded.
- g. Deputy Secretary of Defense memorandum, dated 5 November 1979, subject: DoD Policy Regarding Cannabis Use, is rescinded, as follows: The paragraph in the Enclosure to referenced memorandum entitled "Identification of Users" is rescinded immediately. The entire memorandum is rescinded, effective upon issuance by the Assistant Secretary of Defense (Health Affairs) of a DoD Instruction concerning the subject of said memorandum.
- h. Assistant Secretary of Defense (Health Affairs) memorandum, subject: Urine Testing for Cannabis in the Department of Defense, dated 28 August 1981. The entire memorandum is rescinded, effective upon issuance by the Assistant Secretary of Defense (Health Affairs) of a DoD Instruction concerning the subject of said memorandum. Effective immediately, the provisions of paragraph two of said memorandum which prohibit use of urine testing for cannabis for disciplinary purposes, will not apply to the results of testing from laboratories certified as acceptable by the Assistant Secretary of Defense (Health Affairs). Such certification will be announced expeditiously when a laboratory demonstrates acceptable quality control performance.

ENCLOSURE 2

URINE TESTING PROCEDURES

1. General Guidance. Urinalysis for the purpose of testing for controlled substances may be used for a number of distinct purposes. First, it may be used to identify personnel for referral to counseling, treatment, and rehabilitation programs. Second, it may be used as evidence in actions under the Uniform Code of Military Justice in accordance with Section 2. Evidence of drug abuse that is produced in such tests also may be used in administrative actions as provided in this Enclosure.

2. Guidelines for Use of Urinalysis for Drug Testing

a. Mandatory urinalysis testing for controlled substances may be conducted during --

(1) An inspection under Military Rule of Evidence 313;

(2) A search or seizure under Military Rules of Evidence 311-317;

(3) An examination for a valid medical pur-pose under Military Rule of Evidence 312(f) to determine a member's fitness for duty; to ascertain whether a member requires counseling, treatment, or rehabilitation for drug abuse; or in conjunction with a member's participation in a DoD drug treatment and rehabilitation program; or

(4) Any other examination for a valid medical purpose under Military Rule of Evidence 312(f).

b. Subject to limitations in Section 3, the results of mandatory urinalysis may be used to refer a member to a DoD treatment and rehabilitation program, to take appropriate disciplinary action, and to establish the basis for a separation and characterization in a separation proceeding in accordance with DoD Directives 1332.14 and 1332.30. The results of mandatory urinalysis may be used in other administrative determinations except as otherwise limited in this Enclosure or under rules issued by the Department of Defense or the military departments.

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3. Limitations on Use of Urinalysis Results.

a. Results obtained from urinalysis under Section 2.a.(3) may not be used against the member in actions under the Uniform Code of Military Justice and on the issue of characterization in separation proceedings.

b. A member's voluntary submission to a DoD treatment and rehabilitation program, and evidence provided voluntarily by the member as part of initial entry into such a program, may not be used against the member in an action under the Uniform Code of Military Justice or on the issue of characterization in a separation proceeding.

c. Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States may not be introduced against the patient in a court-martial except as authorized by a court order issued under the standards set forth in 21 U.S.C. 1175(b)(2)(C).

d. The limitations in this Section do not apply to --

(1) The introduction of evidence for impeachment or rebuttal purposes in any proceeding in which the evidence of drug abuse (or lack thereof) has been first introduced by the member; and

(2) Disciplinary or other action based on independently derived evidence, including evidence of drug abuse after initial entry into the treatment and rehabilitation program.