OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

READINESS AND FORCE
MANAGEMENT

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.

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)