

DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38018-0000

5350

Ser 603/00031

16 Feb 99

From: Commander, Navy Personnel Command

Subj: ADMINISTRATIVE SEPARATION FOR ABSINTHE USE

Ref: (a) DoD Directive 1332.30, Officer Separations, of 21 Dec 93
(b) DoD Directive 1332.14, Enlisted Separations, of 21 Dec 93
(c) SECNAVINST 1920.6A, Officer Separations
(d) SECNAVINST 1910.4A, Enlisted Separations
(e) OPNAVINST 5350.4B, Alcohol and Drug Abuse Prevention and Control
(f) CNO WASHINGTON DC 092030Z Feb 95 (NAVADMIN 031/95)

1. This document provides commands information on how to prevent Sailors from using Absinthe and other products that contain substances that are banned by the Food and Drug Administration. Absinthe is an alcoholic beverage containing Thujone, a psychotropic substance banned by the Federal Food, Drug, and Cosmetic Act of 1972.

2. References (a) through (d) establish criteria for separating servicemembers from the Navy by reason of misconduct due to drug abuse. Article 112a of Uniform Code of Military Justice (UCMJ) prohibits "illegal use or wrongful use or possession of controlled substance(s)." Article 112a also lists "various controlled substances, prescribed by the President for purposes of this article, and any other substance listed in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812)." The Controlled Substances Act is a consolidation of numerous laws regulating manufacture, use, and distribution of narcotics, stimulants, depressants, and hallucinogens.

3. Since Absinthe and other alcohol products containing Thujone are not listed in any of the Schedules of Controlled Substances, individuals who knowingly abuse them are not in violation of Article 112a of the UCMJ. Members who knowingly use, possess, or distribute them while outside the United States can, however, be charged with a violation of Article 134, clause 1 (Assimilated Crimes Act) or Article 92 (Dereliction of Duty). To prohibit the wrongful use of products containing Thujone, the following standing order is recommended:

"Any person subject to the UCMJ who wrongfully uses, possesses, or distributes any product containing Thujone or any substance banned by the Federal Food, Drug, and Cosmetic Act of 1972 to

create an intoxicating effect on the user's mental or physical health shall be disciplined as a courtmartial may direct. Use, possession, or distribution is wrongful if it is without legal justification or authorization."

4. With this standing order in place, commands may process for administrative separation any individual who knowingly abuses Absinthe or any other product containing Thujone for misconduct due to commission of a serious offense. Commands must ensure that any individual who abuses Absinthe or any product containing Thujone is screened for dependency, and if identified as dependent, commands must comply with the provisions of references (e) and (f) as appropriate.

5. New drugs and different forms of old drugs continue to appear, and Navy policies and enforcement techniques must adapt to these changes. Navy remains committed to "Zero Tolerance" of drug abuse. We will continue to review current policies and promulgate revised policy as necessary. NPC-6 point of contact is Mr. Flannery (NPC-603) at (DSN) 882-4400, (C) 901-874-4400, or (E-Mail) P603@PERSNET.NAVY.MIL.

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