

DEPARTMENT OF THE ARMY
U.S. ARMY GARRISON-KWAJALEIN ATOLL
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USAG-KA REGULATION 210-21

CONTROL OF ALCOHOLIC BEVERAGES AND INTOXICANTS ON USAG-KA



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Chapter 1

GENERAL

1-1 Purpose. This regulation supersedes all previous editions. To regulate the good order, discipline, and health at USAG-KA, as provided for in Article XIII of the Status of Forces Agreement. This regulation further prescribes the policy and procedures for the control of alcoholic beverages on this installation to include subordinate organizations and tenant activities. The introduction, sale, possession, use, and transportation of alcoholic beverages are permitted on the installation only to the extent and in such a manner as is authorized by this regulation and AR 215-1. Additionally, this regulation balances the general well-being and quality of life of the personnel and dependents at USAG-KA with safety, good order and discipline. Violations of this regulation are unlawful and may subject the offender to adverse administrative action, or prosecution under Hawaii State Law or the Uniform Code of Military Justice (UCMJ). Adverse administrative action may be formal or informal and may include sanctions ranging from a warning to barment from USAG-KA. It may also include adverse personnel actions against civilian and contracted employees.

1-2 References. Required and related publications; and, prescribed and referenced forms are listed in Appendix A.

1-3 Abbreviations and Terms. Abbreviations and terms used in this regulation are explained in Appendix C, Glossary.

Chapter 2

RESPONSIBILITIES

2-1 USAG-KA Installation Commander. The term Garrison Commander is synonymous with the Installation Commander who has exclusive authority to approve exceptions to this regulation.

a. Ensure military, government and contractor employees from USAG-KA, tenant commands and other organizations are aware of the provisions contained within this regulation.

b. Dispense appropriate administrative action against individuals engaging in activities that directly or indirectly violate the provisions of this regulation.

c. Encourage moderation and deglamorize alcohol.

2-2 Post Exchange Manager.

a. Prohibit alcoholic beverage sales to individuals under 21 years of age, and non K-Badge holders. Require identification of customers for all transactions.

b. Ensure that personnel employed to sell and serve alcoholic beverages in the Exchange system are at least 21 years of age.

- c. Display required signs in those facilities authorized to sell alcoholic beverages.

2-3 Director of Family, Morale, Welfare and Recreation (DFMWR).

- a. Ensure that contractor is following the approved alcohol serving procedures that incorporate AR 215-1 and IMCOM G9 Business Operating Standards (codified in IMCOM Regulation 215-1-1).
- b. Ensure that personnel employed to sell and serve alcoholic beverages are at least 21 years of age.
- c. Display appropriate signs in those facilities authorized to sell alcoholic beverages.

2-4 Program Managers and Supervisors: Military, Department of the Army Civilian (DAC), and Contractor.

a. All leaders are required to understand and enforce the provisions set forth within this regulation. The Provost Marshal Office is too small to be the only element responsible for enforcement. "See something, say something" is an all-hands responsibility that leaders shall stress. In that role, it is expected that all leaders/managers do the following:

(1) Ensure that subordinate personnel are fully aware of and abide by all aspects of this regulation.

(2) Conduct applicable activities so as to comply with this regulation.

(3) Encourage moderation and deglamorize alcohol.

(4) Expeditiously and properly execute administrative action on those found responsible for violations. Properly remove from USAG-KA those violators that have received an administrative bar action.

2-5 Individuals.

a. Exercise appropriate responsibility and behavior in compliance with this regulation.

b. Ensure sponsored guests and underage family members follow the provisions of this regulation and take appropriate measures to prohibit underage drinking. Sponsors will be held liable for the actions of their guests/family members, or anyone else whom they provide alcoholic beverages.

Chapter 3

AUTHORIZATION TO PURCHASE, POSSESS, OR CONSUME ALOHOLIC BEVERAGES

3-1 Age Requirements.

a. The minimum age for any individual to purchase, possess, or consume alcoholic beverages on USAG-KA is 21 years of age.

b. Religious ceremonies are exempt to age requirements through norms of the church (communion, sacraments, rites, and ordinances). Personnel under 21 years of age may consume alcohol only when participating in religious services where alcohol is a necessary component of the service, provided a Garrison-approved Chaplain directly performs, authorizes, and supervises any alcohol consumption.

3-2 Alcohol consumption during normal duty hours. Requests to serve alcohol at social gatherings during normal duty hours (9 a.m. – 5 p.m.) will require authorization from the Installation Commander. Requests will be submitted utilizing the format in Appendix B.

3-3 Privately purchased alcoholic beverages. Individuals will not bring privately purchased alcoholic beverages into any on-post facility, or FMWR event where alcohol is sold by the drink. Additionally, individuals will not resell privately-owned beverages, and will be responsible for monitoring the consumption of individuals whom they give alcoholic beverages.

3-4 Prohibited Acts. The following acts are prohibited on USAG-KA, for which violations are unlawful and may subject the offender to adverse administrative action, punishment under the UCMJ, and/or civil and criminal penalties as provided by Hawaii State and Federal laws.

a. Possession of alcoholic beverages by any person ineligible to purchase them.

b. Introducing, possessing, or consuming alcoholic beverages not IAW consumption areas outlined in Chapter 4.

c. Operating a motor vehicle/vessel (gas, or electric power), or a bicycle while consuming an alcoholic beverage, or while under the influence of alcohol.

d. Sale or transfer of alcoholic beverages to any underage person.

e. Sale or transfer of alcoholic beverage to anyone demonstrating irresponsible behavior.

f. Consumption of alcoholic beverages by military, civilian, and contracted personnel in a duty status during their official tours of duty. See normal duty hours request for exception in Appendix B.

g. All personnel on USAG-KA will comply with Federal and Hawaii State Law in regard to alcohol consumption during the operation of water craft.

h. Public Intoxication, and other offenses such as Drunk and Disorderly.

3-5 Military, DAC, and Contracted Employees.

a. No employee assigned to USAG-KA shall present himself or herself for duty while voluntarily under the influence of drugs or an alcoholic beverage. A state of intoxication shall mean that an individual is not able to operate in the sound mental or physical capacity required for his or her position. An employee may be considered intoxicated by default if he or she has a blood alcohol content (BAC) of .02 or above. To violate this provision, the employee must have known, or should reasonably have known, prior to voluntarily consuming an alcoholic beverage, that he or she had duties to perform that would be fundamentally hampered by their consumption.

b. Supervisors of civilian employees who suspect their employee of being intoxicated should immediately contact an employee relations specialist in CPAC or contracted organization's Human Resources for advice and assistance when dealing with an employee who is apparently under the influence or intoxicated at work. He or she should also contact their servicing legal office.

c. Consumption of an alcoholic beverage while in an on-duty status (during the work shift or tour of duty) is prohibited, unless approved IAW paragraph 3-2. On-duty status is determined by a commander, director, or supervisor and is not necessarily related to uniform wear or the normal duty hours of an installation command or directorate.

Chapter 4

AUTHORIZED PUBLIC CONSUMPTION AREAS

4-1 Locations.

a. Authorized clubs and private organizations with physical buildings or structures. The club president may limit drinking to certain hours and locations within limits set forth by the Garrison Commander.

b. Water Craft, excluding boat operators and non-recreational marine vessels. Boat operators will be responsible for their passengers, to include their consumption of alcoholic beverages. To ensure safe operations of the watercraft, boat operators must carefully monitor how alcohol is consumed while they are in control of the boat.

c. Kwajalein and Roi Dining Facilities (Holiday meals and special events only).

d. Private catered events conducted by the Logistics Contractor (invitees only).

e. Chapel or religious events, as part of authorized religious services.

f. Small Boat Marina picnic areas.

g. Golf Courses and Bowling Alleys.

h. Leased boat yards (invitees only).

i. Adult Pool picnic areas.

j. Sports playing fields (spectators in spectator areas only) on Roi-Namur and those fields south of 6th Street on Kwajalein.

k. Emon Beach, Coral Sands, Camp Hamilton, and all lagoon beach areas on Roi Namur.

l. Other locations and special events with prior approval from the Installation Commander, or designee.

4-2 Approved Areas for Consumption: Authorized Residents and their guests, and U.S. Government TDY Personnel or U.S. Government Contractor on official orders.

a. Perimeter beach areas of Kwajalein and Roi-Namur, which includes Perimeter Road from the Boat Lots to Coral Sands Beach.

b. Theaters, during authorized events and film showings.

c. Adult Recreation Center and Unaccompanied Personnel Housing barbeque areas.

4-3 Approved Areas for Consumption: Authorized Residents and their guests.

a. Unaccompanied Personnel Housing (excluding Transient Lodging).

b. All areas north of 6th Street, but not allowed around the elementary school, high school, Child Development Center, Surfway, Corlett Recreation Center, Youth Center, gymnasium, or the family pool. Exceptions can be authorized for certain events and approved by FMWR.

**CHAPTER 5
ALCOHOL SALES PROCEDURES**

5-1 Procedures.

a. Packaged alcoholic beverages sold will be for the personal use of authorized patrons. An authorized patron may purchase packaged alcoholic beverages for another authorized patron or may purchase it as a gift to another eligible patron. Under no circumstances will any person sell or give the packaged beverages to any person who is ineligible to purchase them. Do not construe the foregoing statement to prohibit furnishing beverages by the drink to bona fide guests.

b. It is prohibited to purchase, sell, or provide alcoholic beverages to non K-Badge holders, unless physically located at a place of business that sells alcoholic beverages by the drink, or unless the supervisor of the non K-Badge holder is present for the duration of the event and IAW limitations described in Paragraph 4. It is the supervisor's responsibility to ensure the safe and responsible consumption of alcoholic beverages.

5-2 Employment of Personnel. The following applies to the employment of individuals who handle, sell, and/or serve alcoholic beverages.

a. Individual must be at least 21 years of age.

b. Do not assign military personnel a military duty to handle or serve alcoholic beverages in club facilities. Enlisted personnel may be employed as Non-Appropriated Fund Instrumentalities personnel during off-duty hours IAW AR 215-3, Non-Appropriated Fund Personnel Policy.

CHAPTER 6 PENALTIES

6-1 Penalties. It is the responsibility of all supervisors to ensure employees adhere to and abide by all provisions outlined within this regulation. Individuals who violate the provisions of this regulation may be subject to adverse administrative action including, but not limited to: non-judicial punishment, informal administrative action, formal administrative action, suspension of privileges, loss of privileges, forfeiture of pay, labor termination, debarment from USAG-KA, and prosecution under Federal and/or Hawaii State Law.

THOMAS S. PUGSLEY
COL, FA (FA 40)
Commanding

APPENDIX A REFERENCES

AR 215-1

Morale, Welfare, and Recreation Activities and Non-Appropriated Fund Instrumentalities

AR 215-3

Non-Appropriated Funds Personnel Policy

AR 190-5

Motor Vehicle Traffic Supervision

U.S. Public Law (PL) 99-239

Title I, Compact of Free Association Act of 1985, as amended

USAG-KA Regulation 190-10

Entry and Exit Control (Official and Unofficial Visitors/Guests)

USAG-KA Regulation 190-50

Administrative Bar Actions

APPENDIX B

Request for Exception to Policy to Consume Alcoholic Beverages During Installation's Normal Duty Hours

(Organization Letterhead)

Unit Office Symbol

date

MEMORANDUM FOR Commander, USAG-Kwajalein Atoll, APO AP 96555-0003

SUBJECT: Request for Exception to Policy to Consume Alcoholic Beverages during Installation's Normal Duty Hours

1. References.

a. USAG-KA Regulation 210-21, Control of Alcoholic Beverages and Intoxicants on USAG-KA

2. (Name of Organization) requests exception to policy to consume alcoholic beverages during Installation's normal duty hours. Information is the following:

a. Event: XXXX, Location: XXXX, Date: DDMMYY, Timeframe: XXXX – XXXX.

b. Type of alcoholic beverages to be served: (ex: beer/wine/hard liquor).

c. Brief description of event:

3. Controls include: (Add more)

a. Will not serve alcohol to patrons under 21 years of age at this event.

b. Will not allow alcohol to be sold to, purchased by, or purchased for patrons under 21 years of age from Installation establishments that sell alcohol by the drink.

c. Personnel whom consume alcohol will not operate motorized vehicles.
Government vehicles will not be used to transport individuals whom consume alcohol.

d. The senior person present will ensure that all controls are met.

4. Point of contact for this event is (name, telephone, email).

Requesters Name
Organization
Position

APPENDIX C

GLOSSARY

Terms

Alcoholic Beverage

Portable beverage containing any amount of ethyl alcohol (wines, coolers, malt beverages, mead, and distilled spirits).

Packaged Alcoholic Beverages

Malt beverages or coolers sold by the multiple bottle or can (six-pack or case) and bottled wines, and/or distilled spirits.

By-the-Drink Sales

Malt beverages sold in an opened bottle or can, pitcher, glass or cup; coolers sold by glass or open bottles; wines sold by the glass, cup or carafe; and distilled spirits apportioned by the glass or cup in either a pure or mixed form for on-the-premise consumption at the facility where the beverage was purchased.

Bona fide Guest

A person who is a house guest or a person whose presence as a guest is in response to an invitation for a specific occasion and for whom the host is willing to assume responsibility, including payment for services and products received. Bona fide guest also includes guests sponsored onto USAG-KA through community exchange programs and 480 sponsorships.

Quarters

Installation living accommodations, including but not limited to: bachelor quarters, family housing, Life Support Areas (LSAs), and lodging facilities provided for transients.

Curtilage

Land, not necessarily enclosed, around or adjacent to a defined location or structure that is generally associated with the location or structure.

Public Place

Any place within USAG-KA to which the public or a group of persons has access, but not including a personal residence or its curtilage, or lodging room.

Public Intoxication

When an individual appears in any public place manifestly under the influence of alcohol, narcotics, other drugs or intoxicant to the degree that the individual constitutes a danger to themselves or others, or a nuisance to society.

Drunk and Disorderly

A person, while under the influence of an intoxicant (substance that causes a psychoactive effect) with purpose to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof or recklessly creating a risk there of: (1) Engages in fighting or threatening, or in violent or tumultuous behavior; or (2) Makes unreasonable noise or offensively coarse utterance, gesture or display, or addresses abusive language to any person present; or (3) Subjects another person to offensively coarse behavior or abusive language which is likely to provoke a violent response; or (4) Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor; or (5) impedes or obstructs, for the purpose of begging or soliciting alms, any person in any public place or any place open to the public.

Tour of Duty

Duty status for military personnel includes those duty hours established by supervisors and/or commanders and includes the meal period. Military personnel in uniform prior to 1630 on duty days are presumed to be on duty for purposes of this regulation. However, on-duty status is determined by a Soldier's commander and is not necessarily related to uniform wear or the normal duty hours of an installation. For civilian employees, duty status includes those hours of their daily tour of duty, "on the clock."