

R 051455Z FEB 13

ALCOAST 043/13

COMDTNOTE 5810

SUBJ: USE OF MARIJUANA, SPICE, AND BATH SALTS UNDER THE UCMJ

A. Coast Guard Drug and Alcohol Abuse Program, COMDTINST M1000.10 (series)

B. Uniform Code of Military Justice, 10 U.S.

C. Ch. 47 (2012) C. COMDT COGARD WASHINGTON DC 222045Z DEC 10/ALCOAST 605/10

D. COMDT COGARD WASHINGTON DC 191443Z MAY 09/ALCOAST 297/09

E. COMDT COGARD WASHINGTON DC 220024Z DEC 11/ALCOAST 575/11

F. COMDT COGARD WASHINGTON DC 272152Z DEC 12/ALCOAST 546/12

1. Drug abuse undermines morale, mission performance, safety, and health and will not be tolerated within the Coast Guard. The use, possession, manufacture, and distribution of marijuana, synthetic marijuana ("spice"), and synthetic designer drugs known as "bath salts" by servicemembers constitutes a serious breach of discipline, violates Coast Guard policy, and is illegal under the Uniform Code of Military Justice (UCMJ) IAW Refs (a)-(c).

2. This past election season, voters in the States of Washington and Colorado approved ballot initiatives to legalize the use and possession of small amounts of marijuana in those jurisdictions. Seventeen other states have legalized marijuana use for medical purposes. Regardless of these state measures, using, growing, selling, distributing, or possessing any amount of marijuana remains illegal under the UCMJ. Active duty servicemembers are subject to the UCMJ at all times, regardless of leave status or geographic location. Reservists on active duty are also subject to the UCMJ. A servicemember who uses marijuana purportedly in compliance with state or foreign law is nevertheless still in violation of Art. 112a, UCMJ, and may face adverse administrative or disciplinary action to include separation from the service and/or trial by court-martial. The maximum punishment for a single specification of marijuana use is five years confinement and a dishonorable discharge.

3. Servicemembers are also reminded that the unauthorized use of any intoxicating substance, other than the lawful use of alcohol or tobacco products, that is inhaled, injected, consumed, or introduced into the body in any manner to alter mood or function is prohibited IAW Ref (a). These substances include, but are not limited to, controlled substance analogues as per Ref (c) (e.g., "bath salts", which is the street name for the group of synthetic drugs packaged similarly to common household bath salts, the ingestion of which is for the intended purpose of causing a mind altering high, designer drugs such as spice that are not otherwise controlled substances), inhalants, propellants, solvents, household chemicals, and other substances used for huffing, prescription or over-the-counter medications when used in a manner contrary to their intended medical purpose or in excess of the prescribed dosage, and naturally occurring intoxicating substances as per Ref (d) (e.g., Salvia divinorum). The possession of any intoxicating substance described in this paragraph, if done with the intent to use in a manner that would alter mood or function, is also prohibited. Both use and possession of such substances is a violation of the punitive lawful general order issued by the Commandant in Ref (c) and recapitulated in Refs (e) and (f). Violation of Ref (c) is punishable at court-martial under Art. 92(1), UCMJ, and carries a maximum penalty of two years confinement and a dishonorable discharge.

4. Questions about disciplinary options under the UCMJ should be directed to your servicing legal office.

5. POC: LT Amanda Lee, COMDT (CG-0946), Amanda.M.Lee(at)uscg.mil or (202)372-3811.

6. RADM F. J. Kenney, Judge Advocate General, sends.

7. Internet release authorized.