

III Corps & Fort Hood Regulation 210-65

**Installation
Alcoholic Beverages**

**Department of the Army
Headquarters, III Corps and Fort Hood
Fort Hood, TX 76544
3 March 2017**

UNCLASSIFIED

SUMMARY of CHANGE

III Corps & Fort Hood Regulation 210-65
Alcoholic Beverages

This revision is dated: 3 March 2017

- Administrative format change from bullets to paragraphs (throughout)
- Change youth activities centers to Child, Youth and School Services Centers
- Add Soldiers can purchase alcoholic beverages by the drink while in uniform on Thursday beginning at 1500
- Change Breathalyzer Test for Military Personnel to Nonevidentiary Test for Military Personnel
- Change reason for commanders to conduct alcohol testing for Soldiers from Command – Directed to Competence for duty
- Add Evidentiary Test for Military Personnel
- Change Community Recreation Division to Directorate of Family, Morale, Welfare, and Recreation Business Division
- Delete Anderson Golf Course
- Change Clear Creek Golf Course to Courses of Clear Creek
- Change Albee Lanes to Phantom Warrior Lanes
- Delete Bowlers' Green
- Change Appendix A from Schedule for Sale of Alcoholic Beverages to Appendix A References
- Add Appendix B Schedule for Sale of Alcoholic Beverages
- Add Appendix C Procedures to Request Military Police Alcohol Breath Testing
- Add Appendix D Example Request for Command Directed Breath Alcohol Test

**DEPARTMENT OF THE ARMY
HEADQUARTERS, III CORPS AND FORT HOOD
FORT HOOD, TEXAS 76544-5000
3 MARCH 2017**

***III CORPS & FH REG 210-65**

Installation
ALCOHOLIC BEVERAGES

History. This update supersedes III Corps and Fort Hood Regulation 210-65, dated 1 May 1995 and Change 1 dated 15 April 2000.

Summary. This regulation prescribes policy, procedures, and restrictions concerning the sale, purchase, possession, consumption and control of alcoholic beverages on Fort Hood. It imposes penalties for violations of these standards, including the full range of statutory and regulatory sanctions, and is a lawful general order that, if not obeyed, constitutes a violation of the Uniform Code of Military Justice (UCMJ), Article 92. Alcoholic beverages for medical and religious purposes are excluded according to Texas State law.

Applicability. (1) This regulation applies to all organizations, units, detachments, tenant units and activities, and personnel assigned or

attached to units within the geographical limits of Fort Hood. (2) This regulation also applies to Army Civilians (including those employed by Nonappropriated Funds instrumentalities) employed on Fort Hood and military Family members.

Changes. Changes to this regulation are not official unless they are authenticated by the Directorate of Human Resources (DHR).

Suggested Improvements. The proponent for this regulation is the DHR, Army Substance Abuse Program. Users are invited to send comments and suggest improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to Commander, US Army Garrison, ATTN: IMHD-HRS, Fort Hood, Texas 76544-5000.

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* Supersedes III Corps & FH Reg 210-65, dated 1 May 1995 and Change 1, dated 15 April 2000

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Chapter 1 Overview

1-1. Purpose

This regulation prescribes policy, procedures, and restrictions concerning alcoholic beverage:

- a) Sales
- b) Purchases
- c) Possession
- d) Consumption
- e) Control

1-2. References

Required and related publications are listed in Appendix A

1-3. Abbreviations and Terms

The glossary explains abbreviations and terms used within the regulation

Chapter 2 Policy

2-1 Alcoholic Beverage Consumption

The following applies to consumption:

- a) Alcoholic beverages may be consumed in moderation at the places and times permitted by this regulation in Appendix B.
- b) Commanders and Civilian supervisors are to deglamorize the use of alcoholic beverages.
- c) Nonalcoholic beverages are to be available in any place alcoholic beverages are being served.

2-2 Commanders

Commanders, in the form of a written order, disseminated as part of the in-processing procedure for all newly assigned Soldiers, determine the amount of alcoholic beverages that may be possessed and consumed in enlisted barracks. Commanders will post their barracks alcohol policy in the barracks, at battalion, in separate companies, and detachment level.

Chapter 3 Prohibited Activities

3-1 Consumption Restrictions

The following restrictions apply to all persons on Fort Hood. Alcoholic beverages may not be consumed in, on, or at:

- a) Army aircraft, vessels, or vehicles.
 - b) Skill development facilities that operate as Non Appropriated Fund (NAF) activities under the control of Directorate of Family and Morale, Welfare, and Recreation (DFMWR):
 - 1) Arts and crafts, auto repair, etc.
 - 2) Child, Youth, and School Services Centers (except in conjunction with a unit or DFMWR sponsored social event).
 - 3) Athletic fields (except in conjunction with a unit or DFMWR sponsored social event).
 - c) Consuming alcoholic beverages or possessing an open container as an operator or passenger of a:
 - 1) Military vehicle on or off Fort Hood.
 - 2) Privately owned vehicle (POV) on Fort Hood.
- NOTE:** This applies to moving or stationary vehicles.
- d) Consuming alcoholic beverages on:
 - 1) Any road, street, alley, or other roadway.
 - 2) Parking lot.
 - 3) Outside any building on Fort Hood except In Accordance With (IAW) paragraph 8-1.

3-2 Consumption During Duty Hours

Soldiers, except as provided in paragraph 8-1 below, are prohibited from:

- a) Having a blood alcohol level of .05% or above during duty hours, except when a Soldier did not know, or have reasonable expectation prior to becoming impaired that they had duties to perform.
- b) Consuming alcoholic beverages during the Soldier's duty hours, including mealtimes during that period.
- c) Purchasing alcoholic beverages by the drink while in uniform prior to 1630 on duty days (except on Thursday beginning at 1500).
- d) Serving alcoholic beverages during duty hours at association gatherings (e.g. luncheons or meetings).
- e) Possessing or consuming alcoholic beverages while on any training or field exercise.

Civilian employees, except as provided in paragraph 8-1, are prohibited from:

- a) Purchasing alcoholic beverages by the drink while in a duty status.
- b) Drinking alcoholic beverages while on duty or reporting for duty with sufficient alcohol in their system to:
 - 1) Interfere with the proper performance of duty.
 - 2) Be a menace to safety.
 - 3) Be otherwise prejudicial to the maintenance of discipline.

3-3 Sale or Possession of Beverages

Soldiers under 21 years of age are prohibited from buying, possessing, or consuming alcoholic beverages unless the requirements of paragraph 5-1 are met.

- a) All persons subject to this regulation are prohibited from:
- 1) Employing or engaging any person under the age of 18 to prepare, sell, serve, or otherwise handle alcoholic beverages.
 - 2) Permitting anyone under 21 years of age to buy, possess, transport, or consume alcoholic beverages on Fort Hood.
 - 3) Bringing any privately owned alcoholic beverages into any Fort Hood facility that sells alcoholic beverages.

Soldiers are prohibited from purchasing for or giving alcoholic beverages to any person under 21 years of age on Fort Hood except as specifically authorized in this regulation or Army Regulation (AR) 215-1.

Civilian personnel and Military Family members under 21 years of age are not permitted to purchase, possess, or consume alcoholic beverages on Fort Hood, except with parental consent in quarters.

All other persons (e.g. unaffiliated persons, Military Family members, etc.), except as provided in paragraph 8-1 below, are governed by the restrictions as described in paragraph 3-1 while on Fort Hood.

3-4 Off-Post Offenses

It is a violation of state law and this regulation:

a) For anyone under 21 years of age to possess, consume, or purchase any alcoholic beverages off-post.

b) For a person to purchase an alcoholic beverage for or give or knowingly make available an alcoholic beverage to anyone under 21 years of age.

These offenses may be prosecuted in a state or local court. Soldiers committing these offenses or otherwise permitting a Soldier under 21 years of age to buy, possess, transport, or consume alcoholic beverages, may be subject to military jurisdiction for a violation of this regulation.

Chapter 4

Prosecution of Violators

Commanders may elect to proceed against violators under this regulation or any other appropriate UCMJ article.

- a) Violations of any of the aforementioned prohibitions constitute:
- 1) Violation of a lawful general order.
 - 2) Violation of state or federal law.
 - 3) Violation of UCMJ Article 92, 111, 112, 133, and/or 134.
- b) Violations may be prosecuted in United States Magistrate Court or state court.
- c) Violations may be a basis for administrative sanctions or discipline.

Chapter 5

Soldiers Under Legal Drinking Age

Soldiers under 21 years of age may not consume alcoholic beverages. As an exception to this policy, the garrison commander may authorize the serving of alcoholic beverages:

- a) To Soldiers under 21 years of age on infrequent, non-routine military occasions which foster camaraderie and friendship in a military environment.
- b) When a unit, as a group, observes at Fort Hood, an unusual military occasion such as the conclusion of arduous military duty or the anniversary of the establishment of a military service or organization.

NOTE: The responsible commander will ensure that appropriate controls are in place to prevent endangering Soldiers or the surrounding community. All requests for exception will comply with these standards. If applicable, the requirement in paragraph 8-1 of this regulation for approval of authorized activities involving alcoholic beverages must also be met.

Chapter 6

Military Alcohol Testing

6-1 Nonevidentiary Test for Military Personnel

Commanders may use nonevidentiary alcohol screening devices to determine if Soldiers are maintaining proper standards of readiness, and are fit and ready for duty. Alcohol results received with these devices cannot be used in any administrative action until the Soldier's test is confirmed with an evidentiary alcohol breath measuring device or through a legal blood alcohol test. Commanders may request nonevidentiary screening devices from the Army Substance Abuse Program (ASAP's) Drug Testing Coordinator.

- a) Positive screening is considered .04 or higher
 - 1) Positive screening will be referred to the commander for probable cause and further search.
 - 2) Soldiers that screen positive will not drive any personal or military vehicle until identified as not impaired or until the next day.
- b) When tested, the Soldier must have known that they were scheduled to be on duty at the time of the test. It is recommended that commanders consider testing during/after first formation, after lunch, or for shift workers, immediately after reporting for duty. Commanders may conduct alcohol testing for Soldiers under the following circumstances:
 - 1) Inspection. Commanders may, in an examination of a unit, or part thereof conducted as a function of command, make a breathalyzer test as part of such inspections for the purpose of which is to ensure security, military fitness, or good order and discipline of the unit.

2) Search or seizure/probable cause. The commander has a reasonable belief that a Soldier is on duty with alcohol in their system. When a test is ordered on the basis of probable cause, the commander may take a Soldier to a medical facility and direct the involuntary drawing of the Soldier's blood to determine if the Soldier has alcohol in their system.

3) Competence for duty. Commanders may direct alcohol testing to determine the Soldier's competence for duty or need for counseling, rehabilitation, or medical treatment when the commander has reason to question the Soldier's competence based on aberrant, bizarre, or uncharacteristic behavior; breaches of discipline; or other similar behavior.

4) Consent. A specimen for alcohol testing may be provided voluntarily by a Soldier as part of a consent search conducted in accordance with Military Rules of Evidence 314(e).

a) Consent must be given voluntarily.

b) Consent may be limited in any way by the person granting consent, including limitations in terms of time, place, or property, and may be withdrawn at any time.

c) If later challenged, willful consent is determined from all circumstances.

6-2 Evidentiary Test for Military Personnel

Commanders should request evidentiary tests through Directorate of Emergency Services (DES) currently referred to as the Military Police (MP) or their Medical Treatment Facility (MTF). See Appendix C for detailed instructions to request MP support to conduct an evidentiary test. See Appendix D for sample Request for Command Directed Breath Alcohol Test.

Chapter 7 Civilian Alcohol Testing

7-1 Breathalyzer Test for Army and NAF Civilian Employees

While operating vehicles:

a) MP may stop and offer a breathalyzer test to civilian employees whom they have probable cause to believe are under the influence of alcohol.

b) Declining the breathalyzer test may result in suspension of on-post driving privileges.

When safety considerations so require, MPs may detain the civilian employee and impound the vehicle while arrangements are being made for employee's safe transportation.

If the civilian employee is in a duty status at the time they are stopped, the MP report and breathalyzer test results (if consented) may be used as evidence in appropriate disciplinary action.

7-2 Duty Status for Army and NAF Civilian Employees

Supervisors who have probable cause may order an employee to report for a fitness for duty examination under the following circumstances:

- a) Drunk on duty.
- b) Impaired on duty.
- c) Endangering safety.
- d) Creating an adverse effect on discipline.

As part of the fitness for duty examination, the medical officer may offer the employee a voluntary

- a) Breathalyzer test.
- b) Blood alcohol test.

Expert testimony from the medical officer and results of the voluntary tests may be used as evidence in appropriate disciplinary actions.

NOTE: A supervisor who believes a subordinate has an alcohol abuse problem, which is impacting their on-duty conduct or behavior, will offer the employee the services of the Employee Assistance Program (EAP).

7-3 Others

Other persons (e.g. unaffiliated persons, Military Family members, etc.) may be offered breathalyzer tests under the same procedures as described in paragraph 7-1 above.

Chapter 8

Authorized Activities Involving Alcoholic Beverage Consumption

8-1 Authorized Activities

Alcohol may be served and consumed:

- a) During unit sponsored social events provided:
 - 1) The battalion level commander in the unit chain of command, with the concurrence of the garrison commander or designated representative authorizes this exception.
 - 2) The alcohol beverages are not served prior to 1100.
 - b) In and around family quarters, as long as related activities do not disturb surrounding residents.
 - c) At designated recreation areas (lakes and parks) when not on duty.
 - d) During the Thanksgiving and Christmas holiday seasons, in offices or designated work areas for sponsored social events.
 - 1) III Corps and Fort Hood staffs must obtain prior written approval from the directorate level.
 - 2) Authority to approve such requests in Major Subordinate Commands (MSC) and tenant units is delegated to MSC and tenant unit commanders
- Alcoholic beverages may be consumed:

- a) Outside barracks in areas designated by the unit commander.
- b) By Soldiers during normal duty hours when they:
 - 1) Have been released from duty for the remainder of the duty day.
 - 2) Are on leave or pass.
 - 3) Are on training holiday.
 - 4) Are otherwise absent from duty with proper authority.

Wine and malt beverages may be served in chapels at private receptions in conjunction with religious activities.

Recreation centers, community theaters, and music centers may serve wine and malt beverages during dinner-theater productions provided they are held after duty hours.

The DFMWR Business Division may serve malt beverages during special events (concerts, wrestling, etc.) held at Hood Stadium and Physical Fitness Centers provided they are held after 1630 on duty days, and during normal operating hours on weekends and holidays.

Troop dining facilities may serve wine or malt beverage products as part of the holiday season to include Thanksgiving, Christmas, and New Year's Day.

8-2 Purchase of Alcoholic Beverages

Appendix B contains a schedule for the sale and purchase of alcoholic beverages in Fort Hood facilities.

a) The Courses of Clear Creek, Phantom Warrior Lanes, and civilian post restaurants may sell individual servings of malt beverages to personnel in civilian clothes during normal operating hours.

b) Soldiers in uniform may not purchase individual servings of alcoholic beverages prior to 1630 on duty days (except on Thursday beginning at 1500).

c) All eligible individuals may purchase individual servings of alcoholic beverages during normal operating hours on Saturday, Sunday, and holidays.

d) During the announced III Corps and Fort Hood holiday season (half-day schedule), alcoholic beverages may be sold and served in all facilities commencing at 1200 to customers in civilian clothes and military uniform.

Appendix A References

Section I Required Publications

AR 215-1 Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities cited in para 10

AR 600-85 The Army Substance Abuse Program, cited in para 3

Manual for Courts-Martial (Part III; Part IV)

Rule 314(e)-Consent searches

Article 92-Failure to obey order or regulation

Article 111-Drunken or reckless operation of vehicle, aircraft, or vessel

Article 112-Drunk on duty

Article 133-Conduct unbecoming an officer and gentleman

Article 134-General Article (Disorderly conduct, drunkenness)

Article 134-General Article (Drunkenness-incapacitation for performance of duties through prior wrongful indulgence in intoxicating liquor or any drug)

Section II Prescribed Forms

FH Form 1853 S, Distribution, cited pg i

**Appendix B
Schedule for Sale of Alcoholic Beverages**

ACTIVITY	FACILITY	BLDG NO.	NOTE
Morale, Welfare, and Recreation (MWR)	The Courses of Clear Creek	52381	1
	Phantom Warrior Lanes	49010	1
Military Lounge	Backbone NCO Lounge	194	2
	Legends Pub	5764	2
Civilian Restaurant	Chili's Grill & Bar	50	3
	Chipotle Mexican Grill	4250	3
Fort Hood Exchange	1st Calvary Mini-Mall Express	33012	1
	19th St Express	9401	1
	37th St Express	325	1
	67th St Express	39014	1
	Clear Creek Class Six	50006	1
	Clear Creek Express	50008	1
	Comanche Express	52021	1
	III Corps Express	1002	1
	Kouma Express	48830	1
	North Fort Hood Express	56426	1
	Pershing Park Express	5488	1
	Warrior Way Express	85001	1
	West Fort Hood Express	70012	1
West Fort Hood Troop Store	91071	1	

NOTE

1. Alcoholic beverages may be sold to eligible personnel during normal operating hours.
2. Alcoholic beverages may be sold beginning at 1630 on weekdays (except on Thursday beginning at 1500) and during normal operating hours on weekends and holidays. Exception is a Commander requested/approved early bar opening in DFMWR Business Facilities.
3. Alcoholic beverages may be sold only to personnel in civilian attire beginning at 1000 on weekdays. Soldiers in uniform may purchase alcoholic beverages at 1630 weekdays (except on Thursday beginning at 1500). Alcoholic beverages may be sold during normal operating hours on weekends and holidays.

Appendix C

Procedures to Request MP Alcohol Breath Testing

1. The Commander/Supervisor must have probable cause to suspect the Soldier/Civilian employee is drunk on duty. (Odor of Alcohol if under age, observed consuming alcohol on duty, staggering, falling down, etc.)
2. The Commander/Supervisor completes a memorandum requesting a command directed breath alcohol test (see example on B-2).
3. The Soldier/Civilian is escorted to the MP Station
 - a. The Soldier:
 1. is escorted by a Staff Sergeant (SSG) or above with the signed request.
 2. must have his/her Military Identification (ID) Card and driver's License.
 3. will follow instructions of the alcohol screening device operator whom will take two (2) samples of breath.
 4. The escort receives the breath sample findings for use by the Commander in disciplinary action(s).
 - b. The Civilian
 1. is escorted by a supervisor with the signed request.
 2. must have his/her Common Access Card (CAC) and driver's license.
 3. is asked by the MP Desk Sergeant (SGT) if they are willing to provide a breath sample to determine the level of alcohol in their system for the purpose of determining if the civilian is drunk on duty.
 - a. If the civilian consents, the breath sample is taken and results are provided to the supervisor for further action.
 - b. If the civilian does not consent, the breath sample is not taken and the supervisor is referred to legal and/or Civilian Personnel Advisory Center (CPAC) for further action.

**Appendix D
Sample
Request for Command Directed Breath Alcohol Test**

MEMORANDUM FOR: Directorate of Emergency Services, ATTN: Station Commander, Fort Hood Military Police, Fort Hood, Texas 76544

FROM: _____
(Commander's or Supervisor's Name, Rank and Unit)

SUBJECT: Request for Command Directed Breath Alcohol Test

The undersigned requests a Command Directed Breathalyzer test be performed on the following Soldier who is suspected of being drunk on duty IAW Article 112, UCMJ and FHR 210-65

NAME: _____
(Last, First, MI)

RANK: _____

DoD ID NO: _____

DOB: _____

UNIT ASSIGNED: _____

Probable cause for the Soldier being drunk on duty is as follows:

Commander's or Civilian Employees
Supervisor Signature Block: _____

Glossary

Section I

Abbreviations

AR

Army Regulation

ASAP

Army Substance Abuse Program

ATTN

Attention

AUSA

Association of the United States Army

CPAC

Civilian Personnel Advisory Center

DFMWR

Directorate of Family, Morale, Welfare, and Recreation

DES

Directorate of Emergency Services

DHR

Directorate of Human Resources

DOB

Date of Birth

DoD ID NO

Department of Defense Identification Number

EAP

Employee Assistance Program

EDRE

Emergency Deployment Readiness Exercise

IAW

In Accordance With

ID

Identification

MP

Military Police

MSC

Major Subordinate Command

MTF

Military Treatment Facility

MWR

Morale, Welfare, and Recreation

NAF

Nonappropriated Fund

NTC

National Training Center

OCONUS

Outside Contiguous United States

POV

Privately Owned Vehicle

SGT

Sergeant

SSG

Staff Sergeant

UCMJ

Uniform Code of Military Justice

Section II

Terms

Alcoholic Beverage

Potable beverage containing any amount of ethyl alcohol. This includes wines, malt beverages, and distilled spirits.

Arduous Military Duty

Training exercise beyond the scope of normal training, such as Emergency Deployment Readiness Exercise (EDRE), MSC or Corps level training, National Training Center (NTC) exercise, Outside Contiguous United States (OCONUS) exercises, etc.

Association Gatherings

Meetings or social events of private organizations authorized to meet on the installation, i.e. Association of the United States Army (AUSA), etc.

Deglamorize

It is Army policy to maintain a workplace free from alcohol. Alcohol will not become the purpose for, or the focus of, any social activity. At all levels, alcohol will not be glamorized nor made the center of attention at any military function.

Duty Hours

The duty day extends from 0630-1700 on Monday, Tuesday, Wednesday, and Friday. On Thursdays, the duty day extends from 0630-1500.

Moderation

Drinking small amounts of alcohol at a level and frequency resulting in no pathological behavior or consequence.

Open Container

A bottle, can, or other receptacle that contains any amount of alcoholic beverage and that is open, that has been opened, that has a broken seal, or the contents of which are partially removed.