



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
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OPNAVINST 5350.8
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OPNAV INSTRUCTION 5350.8

From: Chief of Naval Operations

Subj: USE OF HAND-HELD ALCOHOL DETECTION DEVICES

Ref: (a) SECNAVINST 5300.28E
(b) 33 CFR §95.020
(c) 14 CFR §91.17
(d) OPNAVINST 5350.4D

1. Purpose. To establish policies and procedures for the use of hand-held alcohol detection devices (ADD) to promote safety, education and training.

2. Applicability

a. This instruction applies to all Navy active-duty military personnel and reservists in a drilling active-duty status and to non-Navy military personnel assigned to a Navy unit in any capacity (e.g., permanent change of station, temporary duty, temporary duty under instruction).

b. This instruction does not apply to non-Navy units embarked on a Navy vessel or attached to a Navy base.

c. This instruction does not apply to the use of ADDs or breathalyzers by commands outside the United States as part of a program to support the foreign relations of the United States, such as the liberty risk program. The use of ADDs under those circumstances will be determined by the cognizant Navy service component commander.

d. This instruction addresses hand-held ADDs distributed to the unit level. The policy governing the use of breathalyzers for the detection and deterrence of impaired driving is contained in reference (a).

3. Background

a. This instruction is supplemented by the hand-held ADD operators guide (OPGUIDE) and educational materials, which will be posted to the Navy Alcohol and Drug Abuse Prevention (NADAP) Office Web site at <http://www.nadap.navy.mil>. These educational materials will include, among other information, charts that show the effects of alcohol consumption and impairment. For example, if a 180-pound male consumes 6 to 8 alcoholic drinks (1-1/4 ounces of liquor, 12 ounces of beer or 4 ounces of wine) from 2000 to midnight, his blood alcohol concentration (BAC) at 0600 would be 0.02. A 140-pound female who consumes 3 to 5 alcoholic drinks in the same time period would have a 0.02 BAC at 0600.

b. The use of ADDs is intended to promote safety and provide education and awareness that complements other unit efforts to promote responsible use of alcohol and deter alcohol abuse. The ADD is a tool that can assist with identifying Service Members who may require support before an incident occurs due to the irresponsible use of alcohol. These devices will enhance command awareness of the crew's culture of alcohol use; educate Service Members on the effects of their alcohol use decisions and self-impairment; and support unit safety. Results of ADD testing are not to be used as a basis for disciplinary measures.

c. This instruction is not meant to limit or diminish existing tools that commanders, commanding officers (CO), and officers in charge currently use to detect and deter substance or alcohol abuse. Commanders may take appropriate action, such as ordering a competence for duty examination or probable cause search, should a Service Member's manner, disposition, speech, muscular movement, general appearance or behavior, or other evidence reasonably suggest incapacity to perform military duties due to alcohol or drug use.

4. Policy. The use of ADDs is authorized as a complement to a command's initiatives to deter irresponsible use of alcohol and to assist with identifying Service Members who may require support and assistance with alcohol use decisions. Any action taken in response to ADD results shall be at the discretion of

the CO subject to the limits stated in paragraph 5 and should focus on safety, training, counseling and education on self-impairment and the responsible use of alcohol.

a. The decision to inspect and how to organize the random testing is at the discretion of the CO, subject to the guidance contained in this instruction and any supplemental guidance issued by superior authority. Generally, an unpredictable testing pattern will produce a more accurate indicator of the command's alcohol use culture. A sample standard operating procedure is available on the NADAP Web site at <http://www.nadap.navy.mil>.

b. Random ADD inspections are authorized for those Service Members who are on duty and during normal working hours. It is not the intent or purpose of ADDs to test those in an authorized leave or liberty status.

c. When an inspection is approved or directed by the CO, an inspecting officer's order to provide a breath sample in conjunction with the inspection is a lawful order and refusal to submit to an ADD test may subject the member to appropriate disciplinary or administrative action.

d. Inspections that include the use of an ADD must be random. Random testing may include a unit or sub-unit sweep. Examples of random sampling may include, but are not limited to:

(1) Duty section sweeps;

(2) Service Members reporting to work after a designated time (late arrival);

(3) Random sampling of Service Members in a duty status and during their assigned work day similar to the urinalysis program;

(4) Special unit evolutions (i.e., weapons handling);

(5) During reserve drill periods.

e. References (b) and (c), which relate to the safe operation of vessels and aircraft, contain suitable standards for executing Navy's alcohol education and awareness program and

align closely with a Service Member's myriad responsibilities. As a benchmark, a BAC reading of 0.04 percent is established in references (b) and (c) as the limit for determining readiness to safely operate non-recreational, private and commercial vessels and aircraft.

(1) A Service Member whose ADD-indicated reading is 0.04 percent BAC or greater shall be presumed to be not ready to safely perform duties, and shall be relieved of duty and retained on board the command in a safe and secure environment until the ADD-indicated reading is not detectable. For any reading of 0.04 percent BAC or greater, a command referral to the drug and alcohol program advisor (DAPA) is appropriate. Per reference (d), command referrals are not considered alcohol-related incidents. Additional non-punitive action focused on safety, training, counseling and education may be implemented at the discretion of the CO.

(2) A Service Member who has previously completed alcohol rehabilitation treatment and has an ADD indicated reading of 0.02 percent BAC or greater shall, at a minimum, be referred to the DAPA.

(3) A Service Member who is under the minimum legal drinking age and has an ADD-indicated reading of 0.02 percent BAC or greater shall, at a minimum, be referred to the DAPA.

(4) In cases where the ADD reading is 0.02 percent BAC or greater, the Service Member should be retested after a 20-minute waiting period to allow the effect of mouthwash, breath mints, gum, or breath sprays that may produce a detectable indicator of alcohol, to clear. An ADD reading of less than 0.02 percent shall be considered a negative result.

5. Use of ADD Results. Results indicated from these devices shall be used to enhance command awareness of the unit's alcohol use culture and to educate Service Members on the responsible use of alcohol and the effects of self-impairment.

a. COs may use ADD results as follows:

(1) As a basis to further evaluate a Service Member's fitness for duty through the use of a competence for duty examination; and or

(2) Removal from duty section status or from the performance of assigned tasks; and or

(3) Education and counseling for the member by command-designated leaders; and or

(4) Command referral to the DAPA for additional assistance through the substance abuse rehabilitation program, including alcohol abuse and dependency education and counseling; and or

(5) To provide the foundation for a probable cause search when considered along with other evidence of intoxication, including, but not limited to, bloodshot eyes, slurred speech, muscular movement, general appearance or behavior, and or an admission of alcohol use by the Service Member or statements of other witnesses.

b. COs may not use ADD results for the following:

(1) As evidence for disciplinary proceedings;

(2) As a basis for adverse administrative action against a Service Member;

(3) As a basis to document counseling Service Members as a consequence of irresponsible use of alcohol in official military personnel records, such as with NAVPERS 1070/613 Administrative Remarks, fitness reports, or enlisted performance evaluations.

6. Device Operation. The ADDs shall be operated per the instructions and guidelines contained in the ADD OPGUIDE.

7. Action and Responsibilities

a. Echelon 2 commanders shall provide oversight of ADD implementation to subordinate units, including the establishment of criteria for appointing individuals to administer the ADD testing program and adjudication of policy waivers if required.

b. Commanders and unit COs shall:

(1) Implement the use of hand-held ADDs as a supplement to the command's responsible use of alcohol initiatives, per this instruction.

(2) Familiarize themselves with the contents of the ADD OPGUIDE that is posted on the NADAP Web site at <http://www.nadap.navy.mil>.

8. Records Management. Records created as a result of this instruction, regardless of media or format, shall be managed per Secretary of the Navy Manual 5210.1 of January 2012.



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