



## Military and Naval Affairs

KATHY HOCHUL  
Governor  
Commander-in-Chief

RAYMOND F. SHIELDS, JR.  
Major General  
The Adjutant General

MNAG-TAG

13 JAN 2023

### MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Distribution and Consumption of Alcoholic Beverages in the Division of Military and Naval Affairs' (DMNA) Facilities

1. Applicability: This policy is applicable to all members assigned to the New York State's Organized Militia, including the New Army National Guard, New Air National Guard, New York Naval Militia, New York Guard, and all State and Federal employees of the DMNA and Joint Force Headquarters-New York.
2. References:
  - a. New York State Military Law.
  - b. The Governor's Office of Employee Relations policy memorandum, "Policy on Alcohol and Controlled Substances in the Workplace and Information on the Federal Drug-Free Workplace Act."
  - c. The Federal Drug-Free Workplace Act of 1988.
3. This memorandum sets forth the official policy of DMNA regarding the sale, distribution and/or consumption of alcoholic beverages within DMNA. The DMNA facilities include all facilities as defined in DMNA Regulation 420-1. This memorandum supersedes any previously issued policy letters.
4. Alcoholic beverages, including wine, spirituous and malt liquors, are banned from DMNA's facilities and workplaces. This prohibition does not apply to civil associations or clubs, caterers or licensees, lessees, concessionaires, or certain social activities of organizations of the organized militia under specific conditions as outlined in paragraph six.
5. Violation of this policy places the entire chain of command, military and civilian, at great risk. Violators will be disciplined to the fullest extent possible.

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6. The following are the specific terms and conditions under which exceptions to this policy are authorized:

a. Civil association or club. Alcoholic beverages may be served within the confines of a fully licensed and insured clubroom in accordance with the organization's bylaws approved by The Adjutant General. If the club is to serve as the "caterer" for any event, such as a Non-military Use event or activity in an area other than the clubroom, the club must obtain a temporary liquor/wine permit for each event/distribution point.

b. Social activities of the organized militia or other DMNA element:

(1) Without a licensed caterer, alcohol may be served at social activities such as retirement parties, change of command ceremonies, and other such celebratory events only with prior approval of the first O6 in the chain of command and the Officer in Charge and Control (OIC&C) of the facility. The unit commander and the OIC&C shall be responsible for ensuring proper conduct at the event and shall be held accountable for same.

(2) With a licensed caterer, permission to have alcoholic beverages served by a licensed caterer at social functions requires advance approval using the same process as described above. The caterer must possess a current New York State liquor license and permits to serve at the location of the event. A separate permit must be posted at each point of distribution of alcoholic beverages. The unit commander and OIC&C will still remain responsible and accountable.

c. Non-military use events:

(1) The sale, distribution, or consumption of alcoholic beverages in conjunction with a Non-military Use Agreement will be subject to approval in advance. The Application for Non-military Use of DMNA Facility, DMNA Form 210-1, or any other letter of application for a Non-military Use Agreement must indicate if alcohol is to be used or sold. The DMNA reserves the right to deny approval to serve alcoholic beverages at any event when it would serve the best interests of DMNA and the State.

(2) Private, social, Non-military Use event. This type of rental includes birthday parties, anniversary parties, wedding receptions, showers, retirement parties and other small events of a strictly private, invitation-only nature. In some cases, individuals hosting these events may wish to serve alcoholic beverages and food, but are not using

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the services of a caterer. Alcohol may be served and consumed, but not sold, by the individuals at private social events under an approved and executed Non-military Use Agreement with appropriate liability insurance coverage. Alcohol may not be sold by anyone or any organization without a permit from the New York State Liquor Authority. If a licensed caterer or restaurateur is serving alcoholic beverages at a private function, under an approved and executed Non-military Use Agreement, said caterer or restaurateur is responsible for having the appropriate license and insurance as applicable under New York State Alcoholic Beverage Control Law.

(3) At all other Non-military Use events, the sale or distribution of alcohol may be accomplished only by a fully insured caterer or restaurateur possessing the appropriate alcohol permit. The applicable permit must be posted at each distribution point as required by law.

7. Questions concerning the proper use of alcoholic beverages in DMNA facilities may be addressed to the Office of Legal Affairs, MNLA, at 518-786-4541. Questions concerning rental events should be addressed to the office of Facilities Management and Engineering, MNFE-NMU, at 518-786-4648.



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