



FORCE MANAGEMENT
POLICY

ASSISTANT SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

APR 25 1997



MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Sacramental Use of Peyote by Native American Service Members

This is to provide interim guidance concerning the sacramental use of peyote by Native American Service members for bona fide traditional religious ceremonial purposes. Department of Defense Directive 1300.17, *Accommodation of Religious Practices Within the Military Services* (February 3, 1988), is under revision to include provisions implementing the American Indian Religious Freedom Act Amendments of 1994 (42 U.S.C. 1996a, as amended by Pub. L. No. 103-344). Until DoDD 1300.17 is reissued, the following applies:

a. In accordance with the American Indian Religious Freedom Act Amendments of 1994, 42 U.S.C. 1996a, Armed Forces personnel who are members of Indian tribes as defined in that statute may use, possess, or transport the peyote cactus as a religious sacrament in connection with the bona fide practice of a traditional Indian religion, and shall not be penalized or discriminated against on the basis of such use, possession, or transportation. However, pursuant to 42 U.S.C. 1996a(b)(7), reasonable limitations on the use, possession, transportation, or distribution of peyote may be imposed to promote military readiness, safety, or to comply with international law or laws of other countries.

b. The Military Departments shall impose such limitations, which will include, but are not necessarily limited to, the following:

(1) Peyote shall not be used on duty or within 24 hours before scheduled military duty.

(2) Peyote may be possessed in amulet form, not for ingestion, and such an amulet may be worn as an item of religious apparel subject to Service uniform regulations. Otherwise, peyote shall not be used, possessed, distributed, or introduced aboard military vehicles, vessels, or aircraft or, except when permitted by the installation commander, on military installations.

(3) A Service member who has used peyote shall promptly notify his or her commander upon return to duty after such use. The Military Departments may require pre-use notification for Service members performing designated duties when it is in the interest of military readiness or safety to notify commanders of a member's intent to use peyote. Upon notification of use or intended use of peyote, the member's commander shall verify the member is an enrolled member of an Indian tribe, as defined by 42 U.S.C. 1996a(e)(2).

OPTIONAL FORM 99 (7-90)

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To: Service Program MANAGERS	From: CAPT Semionek
MILITARY DRUGS	Phone # 693-1917
Dept./Agency	Fax # 703 614 2561
Fax #	
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(4) Peyote shall not be used, possessed, transported, or distributed when such would violate international law or the laws of other countries.

c. The Secretaries of the Military Departments may impose additional limitations with approval by the Assistant Secretary of Defense for Force Management Policy (ASD(FMP)). Such limitations are subject to compliance with the Religious Freedom Restoration Act of 1993, 42 U.S.C. 2000bb et seq. Before approving any such limitations, ASD(FMP) will consult with representatives of traditional Indian religions for which the sacramental use of peyote is integral to their practice, as required by 42 U.S.C. 1996a(b)(7).


F. Pang