



DEPARTMENT OF THE NAVY

COMMANDING OFFICER
NAVAL BASE SAN DIEGO
3455 SENN ROAD
SAN DIEGO, CALIFORNIA 92136-5084

NAVBASESANDIEGOINST 5356.1D
NO0MH

SEP 17 2010

NAVBASE SAN DIEGO INSTRUCTION 5356.1D

Subj: POLICY GUIDANCE ON MANAGEMENT RESPONSIBILITIES INVOLVING
SERVING AND SALE OF ALCOHOLIC BEVERAGES

Ref: (a) Navy Regulations 1990, Article 1162
(b) OPNAVINST 1700.16
(c) NAVBASESANDIEGOINST 5450.4H

Encl: (1) California Business and Professions Code, Section
25602

1. Purpose. To promulgate information, guidance and policy regarding the authorized serving or sale of alcoholic beverages onboard Naval Base San Diego (NBSD).

2. Cancellation. NAVSTASANDIEGOINST 5356.1C. This is a complete revision and should be read in its entirety.

3. Background. References (a) through (c) regulate and control the selling and serving of alcoholic beverages. Reference (a) authorizes personal consumption and sale of alcoholic beverages, however, as outlined in references (b) and (c) use must be balanced with the need for military readiness, discipline, and community safety.

4. Policy

a. The goal of this policy is to monitor sales and consumption of alcohol to reduce risk. Increased awareness is essential as we all work to reduce alcohol abuse and eliminate driving under the influence. We should not encourage or promote the excessive drinking of alcoholic beverages, and when alcohol is authorized we must ensure those responsible for sales and serving, along with leadership, take an active role in keeping the events safe and well orchestrated.

b. It is the command's responsibility to exercise risk management to prevent overindulgence of alcoholic beverages and potential impaired driving. All employees in a position to serve or sell alcohol will ensure appropriate action is taken to guarantee no one event involves an excessive amount of alcohol and no one serving, serves any individual to the point of

SEP 17 2010

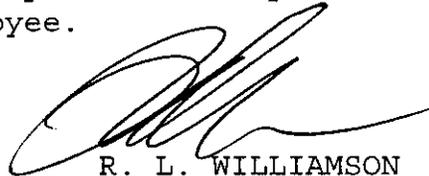
inebriation. The objective is to take from possible precautionary measure to prevent anyone from operating a vehicle while under the influence. The goal is to prevent accidents and save lives.

5. Action. The verbiage below will be posted in a frame at all bars/areas where alcohol is served. Post in a conspicuous place where patrons can read it clearly:

"IT IS THE POLICY OF THE COMMANDING OFFICER, NAVAL BASE SAN DIEGO THAT PATRONS WILL NOT BE SOLD OR SERVED ALCOHOLIC BEVERAGES WHEN TO DO SO, IN THE OPINION OF EMPLOYEE(S), WOULD BE IN VIOLATION OF THE CALIFORNIA BUSINESS AND PROFESSIONS CODE: Section 25602. (IF YOU CHOOSE TO DRINK--THINK FIRST AND DRINK RESPONSIBLY.) BY ORDER OF THE COMMANDING OFFICER."

a. To provide a clear basis for employees understanding their responsibilities, it shall be a corollary policy that in the event a patron is inebriated on the premises and thereafter served a drink, the individual serving alcohol or that individual in charge will take appropriate corrective action. Further, should a patron be cited for Driving While Intoxicated (DWI) (legally determined) or involved in an accident attributed to DWI as a result of overindulgence, an investigation will be ordered and if a determination is made that the overindulgence occurred at a NBSD activity, the employee(s) involved will be subject to appropriate disciplinary action.

b. The entirety of this instruction will be explained to each employee who is involved in sales or service to patrons by the manager or his/her assistant manager, and a copy will be made available to each employee. A copy of enclosure (1) will be acknowledged in the space provided and placed in the personnel file of each employee.



R. L. WILLIAMSON

Distribution:
www.navbasesd.navy.mil/index.htm

SEP 17 2010

CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 25602

1. The following is quoted from the California Business and Professions Code 25602.

a. Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any habitual or common drunkard or to any obviously intoxicated person is guilty of a misdemeanor.

b. No person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage pursuant to subdivision (a) of this section shall be civilly liable to any injured person or the estate of such person for injuries inflicted on that person as a result of intoxication by the consumer of such alcoholic beverage.

c. The Legislature hereby declares that this section shall be interpreted so that the holdings in cases such as Vesely v. Sager (5 Cal. 3d 153), Bernhard v. Harrah's Club (16 Cal. 3d 313) and Coulter v. Superior Court (21 Cal. 3d 144) be abrogated in favor of prior judicial interpretation finding the consumption of alcoholic beverages rather than the serving of alcoholic beverages as the proximate cause of injuries inflicted upon another by an intoxicated person."

I have had NAVBASESANDIEGOINST 5356.1D explained to me and I have received a copy. I understand its meaning and intent.

Date	Employee's Signature	Date	Manager/Asst. Manager's Signature
------	----------------------	------	-----------------------------------