

This is a discussion on the use of alcohol within a Minnesota Masonic Lodge building, prepared by the ad hoc committee appointed by Grand Master Thomas C. Jackson to look into these issues. Uploaded to the website on December 19, 2008.

Summary

A memorandum from legal counsel has summed up:

“The bottom line is that, pursuant to Minnesota law, a Lodge must obtain a State Permit from the Minnesota Commissioner of Public Safety before members or bona fide guests consume alcohol on the premises and local (government) consent is required.”

A lodge should check with local governments, as some (e.g., Minneapolis) may not issue permits, or may have restrictions which are different from the Commissioner of Public Safety.

“[d]espite the possession of a permit or a license, a lodge may still be subject to social host liability if it knows, or reasonably should know, that consumption or possession of alcohol will occur to persons under the age of 21.”

Several issues arise when discussing the propriety of alcohol use and consumption within a lodge hall. These include

1. Is a permit or license required to serve or provide alcohol in a lodge building?
2. When is a liquor license required? When might lodges sell/provide alcohol in violation of Minnesota law?
3. What liability is there to the lodge, the brothers, the Grand Lodge for damages that may occur due to alcohol consumption in a lodge?
4. Is such consumption of alcohol UnMasonic conduct?
5. How does alcohol consumption square with Minnesota Masonry’s Mission Statement and Statement of Values?

Is a permit or license required to serve or provide alcohol in a lodge building?

Minnesota Statutes Section 340A.414, “Consumption and Display Permits” provides in part:

Subdivision 1. Permit required.

No business establishment or club which does not hold an on-sale intoxicating liquor license may directly or indirectly allow the consumption and display of alcoholic

beverages or knowingly serve any liquid for the purpose of mixing with intoxicating liquor without first having obtained a permit from the commissioner.

Minnesota Statutes Section 340A.101, Subd. 7 defines “Club” as follows:

Subd. 7. Club.

"Club" is an incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which:

(1) has more than 30 members;

(2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members;

(3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.

From this definition, it is clear that most, if not all, lodges in Minnesota are “clubs” under this statutes. I am not aware of any lodge that has an on-sale intoxicating liquor license, so it does appear that the Lodge, as a club, would need to obtain a Consumption and Display Permit from the Minnesota Commissioner of Public Safety before members or bona fide guests are allowed to consume alcohol on Lodge premises.¹

In addition to a permit from the Commissioner of Public Safety, a Lodge must obtain consent of the local governing body of the city or county where the Lodge is located. See, M.S. 340A.414, Subd. 5. Note that such a requirement may be difficult to comply with.²

The Consumption and Display Permit covers situations where the members of the Lodge bring in alcohol to be consumed on the premises. If the Lodge, itself, provides the alcohol, it is likely that an on-sale liquor license would be required.

When is a liquor license required? When might lodges sell/provide alcohol in violation of Minnesota law?

Minnesota Statutes Section 340A.702 provides in part: It is a gross misdemeanor: (1) to sell an alcoholic beverage without a license authorizing the sale...

¹ Note that even with such a permit, there are restrictions on consuming alcohol at such a club between 1:00 a.m. and 8:00 a.m. See, M.S. 340A.504, subd. 5 and M.S. 340A.414, subd. 1a.

² For instance, Minneapolis has passed an ordinance which prohibits issuance of additional bottle club permits. Minneapolis Code Section 372.70.

A gross misdemeanor carries with it a maximum penalty of one year in jail and a \$3000 fine.

This law may be applicable in situations involving table lodges. When a lodge charges for a dinner, which includes wine purchased by the lodge, it could be construed as a sale of alcohol. If the lodge does not have a liquor license, it could be construed as an *illegal* sale of alcohol.

Table lodges also may violate laws if underage persons are served alcohol as a part of the table lodge, or are involved in serving the alcohol.

One way to avoid problems would be to hold the table lodge at a facility that has its own liquor license. Such a license holder is trained to comply with laws concerning underage drinking, serving intoxicated persons, etc.

What liability is there to the lodge, the brothers, the Grand Lodge for damages that may occur due to alcohol consumption in a lodge?

There may be liability if alcohol is furnished illegally. For instance, if persons under the age of 21 are permitted to consume alcohol, it may be a violation of Minnesota Statutes 340A.503, subd. 2, which is a gross misdemeanor.³ If the underage person to whom alcohol is provided causes or suffers death or great bodily harm as the result of the intoxication, the crime becomes a felony, punishable by over one year in prison.⁴

Is such consumption of alcohol UnMasonic conduct?

Should a brother or a lodge be proven to have furnished alcohol to an underage person, that act would almost certainly be considered unmasonic conduct.⁵ This is not a minor infraction with minor consequences. The consequences are most serious and Masons must take them as such.

³ See Minnesota Statutes Section 340A.503, subdivision 2(1): It is unlawful for any person: (1) to sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age;

⁴ See Minnesota Statutes Section 340A.701, subdivision 1(4).

⁵ **SECTION C8.01** Masonic offenses and unmasonic conduct embrace all such acts of commission or omission as violate either the Masonic or Moral Law and the obligations of the Entered Apprentice, the Fellow Craft, and the Master Mason degrees, as well as such acts in derogation of the laws of the land as involve moral turpitude; and for all such violations proceedings shall be had, as are or may hereafter be provided by the General Regulations of the Grand Lodge.

How does alcohol consumption square with Minnesota Masonry's Mission Statement and Statement of Values?

At the very least alcohol consumption in connection with lodge events could be construed to be inconsistent with the public face our fraternity is promoting. The front page of our website tells the world we promote Tradition, Brotherhood, Family, Charity, Service and Heritage. There is a danger that, if Happy Hour following lodge becomes the norm, that the Brother's wife and family will associate lodge meetings with another excuse to consume alcohol.

Also, there are Brothers who are recovering alcoholics and who battle every day with the demons within. Statistics indicate that as many as 1 in 10 working Americans are alcoholics or alcohol abusers. Statistically, if there are 20 men at a lodge event, two could be chemically dependent. What shall we tell these Brothers? Don't come to lodge if you're worried about taking that first drink that leads to the last drinks?

Finally, the issue has been raised of liability of a lodge or the Grand Lodge for damages if an intoxicated guest who consumed alcohol at a lodge function suffers or causes injury. I cannot nor should not offer an opinion on that issue, as that, or a similar type of question might come before me as a District Judge. That, however, is not the most important issue. The fact that a lodge could be complicit in the injury or death of a person who consumed alcohol should be reason enough for us to be most cautious in providing or encouraging (explicitly or implicitly) the consumption of alcohol in connection with or after official lodge functions.

On the Other Hand...

Lodges have attempted to reinvigorate and reinvent themselves to be relevant to a new generation of Masons. Whether it is Gameboys and Wiis taking the place of pool tables and cribbage, or cigars and scotch in place of oyster stew and coffee, lodges are trying to distinguish themselves from other organizations and present themselves as attractive to a perceived cadre of prospects.

A conversation is desperately needed to determine whether these types of changes do appeal to prospective members. "Traditional" members need to be open to the thought that Masonic philosophy and tradition can be carried on in different manners that appeal to a new generation. And "innovative" members need to examine their new projects with a critical eye to find out if they really are necessary or even helpful in recruiting and retaining new brothers. We simply don't have the data needed now to make an educated guess.