STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL

September 30, 2014

Opinion No. 14-91

Dog Racing and the Racing Control Act of 1987

QUESTIONS

1. Is it permissible to conduct dog-racing activities under the Racing Control Act of 1987, Tenn. Code Ann. §§ 4-36-101 to -402?

2. Are dog-racing activities subject to regulation or licensing by any state governmental entity?

3. Is legislation required in order to re-establish the State Racing Commission?

OPINIONS

1. No.

2. Yes. As with horse racing, betting on dog racing is illegal.

3. Yes.

ANALYSIS


Code Ann. § 4-36-102 does broadly state the legislature’s intent to encourage “legitimate sporting events with pari-mutuel wagering in this state” and to vest the State Racing Commission with power “to control and regulate racing in Tennessee.” But in Tenn. Att’y Gen. Op. 93-055 (Aug. 25, 1993), this Office specifically considered whether the Act applied to greyhound races and opined, based on a reading of the Racing Control Act as a whole, that “the Act concerns only horse racing and pari-mutuel wagering thereon. . . . [R]acing of animals other than horses for purposes of wagering within Tennessee is not permitted under the Act.” Op. 93-055, at 2. See, e.g., Tenn. Code Ann. § 4-36-103(12) (defining a “live race” as a “horse race”); id. § 4-36-401 (requiring passage of a local referendum on whether to permit “pari-mutuel wagering on horse racing”).

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