

**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

The Racing Control Act of 1987 created the State Racing Commission and authorized a form of gambling, pari-mutuel betting, on horse racing. *See* Tenn. Att’y Gen. Op. 98-045, at 2 (Feb. 17, 1998). The Racing Commission terminated on June 30, 1997; it ceased to exist one year later, and its rules expired. *See* Tenn. Att’y Gen. Op. 06-143 (Sept. 19, 2006). When the Commission ceased to exist, so too did legalized betting on horse racing. *See* Tenn. Att’y Gen. Op. 98-045, at 4 (“[T]he Racing Control Act makes an otherwise illegal activity legal when conducted under the Commission’s supervision [P]ari-mutuel wagering on horse racing may not be conducted legally in Tennessee after June 30, 1998.”). In order to re-establish the State Racing Commission, “the Legislature must pass an act accomplishing this goal.” Tenn. Att’y Gen. Op. 06-143, at 1.

The Racing Control Act did not authorize betting on dog racing, which is likewise illegal. *See* Tenn. Code Ann. § 39-17-501(1) (defining “gambling”). Tenn.

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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