

OCCUPATIONS CODE

TITLE 13. SPORTS, AMUSEMENTS, AND ENTERTAINMENT

SUBTITLE A-1. TEXAS RACING ACT

CHAPTER 2023. COMMISSION AND RACE MEETING OFFICIAL POWERS AND
DUTIES

SUBCHAPTER A. REGULATION, SUPERVISION, AND LICENSING RELATING TO
HORSE RACING AND GREYHOUND RACING

Sec. 2023.001. LICENSING, REGULATION, AND SUPERVISION OF HORSE RACING AND GREYHOUND RACING. (a) Notwithstanding any contrary provision in this subtitle, the commission may license and regulate all aspects of horse racing and greyhound racing in this state, regardless of whether that racing involves pari-mutuel wagering.

(b) The commission, in adopting rules and in the supervision and conduct of racing, shall consider the effect of a proposed commission action on the state's agricultural, horse breeding, horse training, greyhound breeding, and greyhound training industry.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.002. REGULATION AND SUPERVISION OF WAGERING AT RACE MEETINGS. (a) The commission shall regulate and supervise each race meeting in this state that involves wagering on the result of horse racing or greyhound racing. Each person and thing relating to the operation of a race meeting is subject to regulation and supervision by the commission.

(b) The commission shall adopt rules, issue licenses, and take any other necessary action relating exclusively to horse racing or greyhound racing.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.003. OTHER LICENSING AND REGULATION: RULES AND FEES. (a) The commission may adopt rules for the licensing and

regulation of races and workouts at tracks that do not offer pari-mutuel wagering and for workouts at training facilities to secure past performances and workouts to:

- (1) protect the health, safety, and welfare of race animals and participants in racing;
- (2) safeguard the interest of the general public; and
- (3) promote the orderly conduct of racing in this state.

(b) The commission may charge an annual fee for licensing and regulating a track that does not offer pari-mutuel wagering or a training facility in a reasonable amount that may not exceed the actual cost of enforcing rules adopted for the licensing and regulation of races and workouts at such a facility.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.004. COMMISSION RULES. (a) The commission shall adopt:

- (1) rules for conducting horse racing or greyhound racing in this state that involves wagering; and
- (2) rules for administering this subtitle in a manner consistent with this subtitle.

(b) The commission may establish separate sections to review or propose commission rules.

(c) The commission or a commission section shall hold a meeting on a proposed rule before the commission publishes the proposed rule in the Texas Register.

(d) The commission shall post at each racetrack notice of a meeting under Subsection (c) that includes an agenda of the meeting and a summary of the proposed rule.

(e) A copy of a proposed rule published in the Texas Register shall be posted concurrently at each racetrack.

(f) The commission or a commission section may appoint a committee of experts, members of the public, or other interested parties to advise the commission or section about a proposed commission rule.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01,

eff. April 1, 2019.

Sec. 2023.005. LIMITATION ON RULES RESTRICTING COMPETITIVE BIDDING OR ADVERTISING. The commission may not adopt rules restricting competitive bidding or advertising by a license holder except to prohibit false, misleading, or deceptive practices. Commission rules to prohibit false, misleading, or deceptive practices may not:

- (1) restrict the use of any medium for advertising;
- (2) restrict the use of a license holder's personal appearance or voice in an advertisement;
- (3) relate to the size or duration of an advertisement by the license holder; or
- (4) restrict the license holder's advertisement under a trade name.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.006. CONSIDERATION OF PAST PERFORMANCE OF RACETRACK ASSOCIATION. In considering a pleading of a racetrack association, the commission shall take into account the operating experience of the racetrack association in this state, including:

- (1) the financial condition of the racetrack;
- (2) the regulatory compliance and conduct; and
- (3) any other relevant matter concerning the operation of a racetrack.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.007. RIGHT OF ENTRY. A commission member, an authorized commission agent, a commissioned officer of the Department of Public Safety, or a peace officer of the local jurisdiction in which a racetrack association maintains a place of business may enter any part of a racetrack or any other place of business of a racetrack association at any time to enforce and administer this subtitle.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01,

eff. April 1, 2019.

Sec. 2023.008. TESTIMONY AND SUBPOENA POWER. (a) For purposes of this section, "agent" means an appointed agent of the commission.

(b) A commission member or an agent, while involved in carrying out functions under this subtitle, may:

- (1) take testimony;
- (2) require by subpoena the attendance of a witness;

and

(3) require the production of books, records, papers, correspondence, and other documents that the commission considers advisable.

(c) A subpoena must be issued under the signature of the commission or an agent. A person designated by the commission must serve the subpoena.

(d) A commission member or an agent may administer an oath to a witness appearing before the commission or an agent.

(e) If a subpoena issued under this section is disobeyed, the commission or an agent may invoke the aid of a Travis County district court in requiring compliance with the subpoena. A Travis County district court may issue an order requiring the person to appear and testify and to produce books, records, papers, correspondence, and documents. Failure to obey the court order shall be punished by the court as contempt.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.009. JUDICIAL REVIEW OF COMMISSION ORDER. (a) Judicial review of a commission order is under the substantial evidence rule.

(b) Venue for judicial review of a commission order is in a district court in Travis County.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

SUBCHAPTER B. GENERAL POWERS AND DUTIES

Sec. 2023.051. RECOGNITION OF ORGANIZATION. (a) The commission by rule shall adopt criteria to recognize an organization to represent members of a segment of the racing industry, including owners, breeders, trainers, kennel operators, or other persons involved in the racing industry, in any interaction between the members of the organization and a racetrack association or the commission.

(b) The commission may recognize an organization that meets the criteria adopted under Subsection (a).

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.052. SECURITY FOR FEES AND CHARGES. The commission may require a racetrack association to post security in an amount and form determined by the commission to adequately ensure the payment of any fee or charge due to this state or the commission relating to pari-mutuel racing, including a charge for drug testing.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.053. TEXAS RACING COMMISSION FUND; ADDITIONAL APPROPRIATIONS. (a) The commission shall deposit the money it collects under this subtitle in the state treasury to the credit of a special fund to be known as the Texas Racing Commission fund.

(b) The Texas Racing Commission fund may be appropriated only for the administration and enforcement of this subtitle.

(c) Any unappropriated money exceeding \$750,000 that remains in the fund at the close of each state fiscal biennium shall be transferred to the general revenue fund and may be appropriated for any purpose.

(d) The legislature may appropriate money from the general revenue fund for the administration and enforcement of this subtitle.

(e) Any amount of general revenue appropriated for the administration and enforcement of this subtitle in excess of the

cumulative amount deposited in the Texas Racing Commission fund shall be reimbursed from the Texas Racing Commission fund not later than the first anniversary of the date the general revenue funds are appropriated, with 6.75 percent interest. All payments made under this subsection are first attributable to interest accumulated under this subsection.

(f) This section does not apply to money deposited into the Texas-bred incentive fund established under Section [2028.301](#).

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. [1969](#)), Sec. 1.01, eff. April 1, 2019.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1366 (H.B. [3366](#)), Sec. 1, eff. September 1, 2019.

Sec. 2023.054. COMMISSION STANDARDS ON GREYHOUND FARMS AND FACILITIES. The commission shall adopt standards relating to the operation of greyhound farms or other facilities where greyhounds are raised for pari-mutuel racing.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. [1969](#)), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.055. REPORT OF VIOLATION. The commission's rules must allow anonymous reporting of a violation of this subtitle or of a commission rule.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. [1969](#)), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.056. COOPERATION WITH LAW ENFORCEMENT. (a) The commission shall cooperate with a district attorney, a criminal district attorney, a county attorney, the Department of Public Safety, the attorney general, or a peace officer in enforcing this subtitle.

(b) The commission, under commission authority to obtain criminal history record information under Section [2023.057](#), shall maintain and exchange pertinent intelligence data with other states and agencies.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. [1969](#)), Sec. 1.01,

eff. April 1, 2019.

Sec. 2023.057. ACCESS TO CRIMINAL HISTORY RECORDS. The commission may obtain criminal history record information that relates to each applicant for employment by the commission and to each applicant for a license issued by the commission and that is maintained by the Department of Public Safety or the Federal Bureau of Investigation Identification Division. The commission may refuse to recommend an applicant who fails to provide a complete set of fingerprints.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.058. COST OF CRIMINAL HISTORY RECORD CHECK. (a) The commission shall, in determining the amount of a license fee, set the fee in at least an amount necessary to cover the cost of conducting a criminal history record check on a license applicant.

(b) The commission shall reimburse the Department of Public Safety for the cost of conducting a criminal history record check under this subtitle.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.059. DISTANCE LEARNING. The commission may provide assistance to members of the racing industry who are attempting to develop or implement adult, youth, or continuing education programs that use distance learning.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.060. CERTIFIED DOCUMENTS. Instead of requiring an affidavit or other sworn statement in an application or other document that must be filed with the commission, the commission may require a certification of the document under penalty of perjury in the form prescribed by the commission.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.061. ANNUAL REPORT. (a) Not later than January 31 of each year, the commission shall file a report with the governor, lieutenant governor, and speaker of the house of representatives.

(b) The report must cover the operations of the commission and the condition of horse breeding and racing and greyhound breeding and racing during the previous year.

(c) The commission shall obtain from the Department of Public Safety a comprehensive report of any organized crime activities in this state that the department may wish to report and information concerning illegal gambling that may be known to exist in this state. The commission shall include in the annual report the department's report and any recommendations the commission considers appropriate.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

SUBCHAPTER C. EMPLOYMENT OF AND SUPERVISION BY RACE MEETING OFFICIALS

Sec. 2023.101. EMPLOYMENT OF STEWARDS AND JUDGES. (a) A horse race meeting must be supervised by three stewards, and a greyhound race meeting must be supervised by three judges.

(b) The commission shall employ each steward and judge for the supervision of a horse race or greyhound race meeting.

(c) The commission shall designate one steward or judge, as appropriate, as the presiding steward or judge for each race meeting.

(d) Following the completion of a race meeting, a racetrack association may submit to the commission for the commission's review written comments regarding the job performance of the stewards and judges. A racetrack association's comments submitted under this section are not binding, in any way, on the commission.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.102. STEWARD AND JUDGE EXAMINATIONS. (a) The commission shall require each steward or judge to annually take and pass a written examination and a medical examination.

(b) The commission by rule shall prescribe the methods and procedures for taking the examinations and the standards for passing.

(c) Failure to pass an examination is a ground for refusal to issue an original or renewal license to a steward or judge or for suspension or revocation of the license.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.103. EMPLOYMENT OF STATE VETERINARIANS. For each race meeting, the commission shall employ at least one state veterinarian.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.104. RACE MEETING OFFICIAL COMPENSATION AND FEE.

(a) The commission by rule may impose a fee on a racetrack association to offset the costs of compensating each steward, judge, and state veterinarian.

(b) The fee amount for compensating each steward, judge, and state veterinarian must be reasonable according to industry standards for the compensation of those officials at other racetracks and may not exceed the actual cost to the commission for compensating the officials.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.105. EMPLOYMENT OF OTHER RACETRACK OFFICIALS. The racetrack association shall appoint, with the commission's approval, all racetrack officials other than the officials listed in Section 2023.104. Compensation for officials not compensated by the commission is determined by the racetrack association.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01,

eff. April 1, 2019.

Sec. 2023.106. RACE MEETING OFFICIAL POWERS AND DUTIES; RULES. (a) A steward or judge may on any day exercise the supervisory authority granted the steward or judge under this subtitle or commission rule, including the performance of supervisory acts requiring the exercise of discretion.

(b) The commission shall adopt rules that specify the power and duties of each race meeting official, including the power of a steward or judge to impose penalties for unethical practices or violations of racing rules.

(c) A penalty imposed by a steward or judge may include a fine of not more than \$25,000, a suspension not to exceed five years, or both a fine and suspension.

(d) Before imposing a penalty under this section, a steward or judge shall conduct a hearing that is consistent with constitutional due process. A hearing conducted by a steward or judge under this section is not subject to Chapter 2001, Government Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.107. EXECUTIVE DIRECTOR REVIEW AND MODIFICATION OF PENALTY. (a) A decision of a steward or judge is subject to review by the executive director, who may modify the penalty.

(b) A penalty modified by the executive director under this section may include a fine of not more than \$100,000, a suspension not to exceed five years, or both a fine and a suspension.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.108. FINAL DECISION; AVAILABILITY OF APPEAL. (a) A decision of a steward or judge that is not reviewed or modified by the executive director is a final decision.

(b) Any decision of a steward or judge may be appealed under Section 2023.109 regardless of whether the decision is modified by the executive director.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.

Sec. 2023.109. APPEAL FROM DECISION OF RACE MEETING OFFICIAL; DECISIONS NOT APPEALABLE. (a) Except as provided by Subsection (b), a final decision of the stewards or judges may be appealed to the commission in the manner provided for a contested case under Chapter 2001, Government Code.

(b) A decision of the stewards or judges on a disqualification for a foul in a race or on a finding of fact regarding the running of a race is final and may not be appealed.

Added by Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 1.01, eff. April 1, 2019.