

**139.498 Exemption for sale of admissions and fundraising event sales by nonprofit organizations.**

- (1) (a) For nonprofit civic, governmental, or other nonprofit organizations, except as described in KRS 139.495 and 139.497, the taxes imposed by this chapter do not apply to:
    1. The sale of admissions, including the sales of admissions to a golf course when the admission is the result of a fundraising event. All other sales of admissions to a golf course by these organizations are not exempt from tax under this section; or
    2. a. Fundraising event sales.
      - b. For the purposes of this paragraph, "fundraising event sales" does not include sales related to the operation of a retail business, including but not limited to thrift stores, bookstores, surplus property auctions, recycle and reuse stores, or any ongoing operations in competition with for-profit retailers.
  - (b) For nonprofit civic or other nonprofit organizations, except as described in KRS 139.495 and 139.497, that operate fundraising events solely with volunteers, the taxes imposed by this chapter also do not apply to sales of:
    1. Concessions for leisure, recreational, or athletic fundraising purposes; or
    2. Leisure, recreational, or athletic services.
  - (c) The exemption provided in subparagraph 1. of paragraph (a) of this subsection shall not apply to the sale of admissions to a public facility that qualifies for a sales tax rebate under KRS 139.533.
- (2) All other sales made by organizations referred to in subsection (1) of this section are taxable.

**Effective:** March 24, 2023

**History:** Amended 2023 Ky. Acts ch. 92, sec. 15, effective March 24, 2023. -- Amended 2020 Ky. Acts ch. 91, sec. 41, effective August 1, 2020. -- Created 2019 Ky. Acts ch. 151, sec. 29, effective March 26, 2019.

**Legislative Research Commission Note** (3/24/2023). 2023 Ky. Acts ch. 92, sec. 57, provides that the amendments to this statute in that Act apply retroactively to January 1, 2023, and notwithstanding KRS 131.183, interest shall not be allowed or paid on a refund related to those amendments.

**Legislative Research Commission Note** (3/26/2019). Section 82 of 2019 Ky. Acts ch. 151 states that this statute, which was created in Section 29 of that Act, applies to transactions occurring on or after July 1, 2019.