

Host Committee Sales of Olympic Products

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon Hawkins

Senate Sponsor:

LONG TITLE**General Description:**

This bill authorizes the host committee for the 2034 Olympic and Paralympic Winter Games to charge a government Olympic services recovery fee.

Highlighted Provisions:

This bill:

- exempts certain sales of Olympic products for the 2034 Olympic and Paralympic Winter Games (games) by the host committee's affiliate from sales and use tax;
- authorizes the host committee for the games and an affiliate of the host committee to charge a government Olympic services recovery fee on the host committee's sales of certain Olympic products; and
- provides for the use of the proceeds from the government Olympic services recovery fee.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

59-12-104, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

ENACTS:

63G-28-102, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **59-12-104** is amended to read:

59-12-104 . Exemptions.

Exemptions from the taxes imposed by this chapter are as follows:

- (1) sales of aviation fuel, motor fuel, and special fuel subject to a Utah state excise tax under Chapter 13, Motor and Special Fuel Tax Act;

- (2) subject to Section 59-12-104.6, sales to the state, its institutions, and its political subdivisions; however, this exemption does not apply to sales of:
- (a) construction materials except:
 - (i) construction materials purchased by or on behalf of institutions of the public education system as defined in Utah Constitution, Article X, Section 2, provided the construction materials are clearly identified and segregated and installed or converted to real property which is owned by institutions of the public education system; and
 - (ii) construction materials purchased by the state, its institutions, or its political subdivisions which are installed or converted to real property by employees of the state, its institutions, or its political subdivisions; or
 - (b) tangible personal property in connection with the construction, operation, maintenance, repair, or replacement of a project, as defined in Section 11-13-103, or facilities providing additional project capacity, as defined in Section 11-13-103;
- (3)(a) sales of an item described in Subsection (3)(b) from a vending machine if:
- (i) the proceeds of each sale do not exceed \$1; and
 - (ii) the seller or operator of the vending machine reports an amount equal to 150% of the cost of the item described in Subsection (3)(b) as goods consumed; and
- (b) Subsection (3)(a) applies to:
- (i) food and food ingredients; or
 - (ii) prepared food;
- (4)(a) sales of the following to a commercial airline carrier for in-flight consumption:
- (i) alcoholic beverages;
 - (ii) food and food ingredients; or
 - (iii) prepared food;
- (b) sales of tangible personal property or a product transferred electronically:
- (i) to a passenger;
 - (ii) by a commercial airline carrier; and
 - (iii) during a flight for in-flight consumption or in-flight use by the passenger; or
- (c) services related to Subsection (4)(a) or (b);
- (5) sales of parts and equipment for installation in an aircraft operated by a common carrier in interstate or foreign commerce;
- (6) sales of commercials, motion picture films, prerecorded audio program tapes or records, and prerecorded video tapes by a producer, distributor, or studio to a motion picture

- exhibitor, distributor, or commercial television or radio broadcaster;
- (7)(a) except as provided in Subsection (85) and subject to Subsection (7)(b), sales of cleaning or washing of tangible personal property if the cleaning or washing of the tangible personal property is not assisted cleaning or washing of tangible personal property;
- (b) if a seller that sells at the same business location assisted cleaning or washing of tangible personal property and cleaning or washing of tangible personal property that is not assisted cleaning or washing of tangible personal property, the exemption described in Subsection (7)(a) applies if the seller separately accounts for the sales of the assisted cleaning or washing of the tangible personal property; and
- (c) for purposes of Subsection (7)(b) and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules:
- (i) governing the circumstances under which sales are at the same business location; and
- (ii) establishing the procedures and requirements for a seller to separately account for sales of assisted cleaning or washing of tangible personal property;
- (8) sales made to or by religious or charitable institutions in the conduct of their regular religious or charitable functions and activities, if the requirements of Section 59-12-104.1 are fulfilled;
- (9) sales of a vehicle of a type required to be registered under the motor vehicle laws of this state if:
- (a) the sale is not from the vehicle's lessor to the vehicle's lessee;
- (b) the vehicle is not registered in this state; and
- (c)(i) the vehicle is not used in this state; or
- (ii) the vehicle is used in this state:
- (A) if the vehicle is not used to conduct business, for a time period that does not exceed the longer of:
- (I) 30 days in any calendar year; or
- (II) the time period necessary to transport the vehicle to the borders of this state; or
- (B) if the vehicle is used to conduct business, for the time period necessary to transport the vehicle to the borders of this state;
- (10)(a) amounts paid for an item described in Subsection (10)(b) if:
- (i) the item is intended for human use; and

- 99 (ii)(A) a prescription was issued for the item; or
100 (B) the item was purchased by a hospital or other medical facility; and
101 (b)(i) Subsection (10)(a) applies to:
102 (A) a drug;
103 (B) a syringe; or
104 (C) a stoma supply; and
105 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
106 the commission may by rule define the terms:
107 (A) "syringe"; or
108 (B) "stoma supply";
109 (11) purchases or leases exempt under Section 19-12-201;
110 (12)(a) sales of an item described in Subsection (12)(c) served by:
111 (i) the following if the item described in Subsection (12)(c) is not available to the
112 general public:
113 (A) a church; or
114 (B) a charitable institution; or
115 (ii) an institution of higher education if:
116 (A) the item described in Subsection (12)(c) is not available to the general public;
117 or
118 (B) the item described in Subsection (12)(c) is prepaid as part of a student meal
119 plan offered by the institution of higher education;
120 (b) sales of an item described in Subsection (12)(c) provided for a patient by:
121 (i) a medical facility; or
122 (ii) a nursing facility; and
123 (c) Subsections (12)(a) and (b) apply to:
124 (i) food and food ingredients;
125 (ii) prepared food; or
126 (iii) alcoholic beverages;
127 (13)(a) except as provided in Subsection (13)(b), the sale of tangible personal property
128 or a product transferred electronically by a person:
129 (i) regardless of the number of transactions involving the sale of that tangible
130 personal property or product transferred electronically by that person; and
131 (ii) not regularly engaged in the business of selling that type of tangible personal
132 property or product transferred electronically;

- 133 (b) this Subsection (13) does not apply if:
- 134 (i) the sale is one of a series of sales of a character to indicate that the person is
- 135 regularly engaged in the business of selling that type of tangible personal property
- 136 or product transferred electronically;
- 137 (ii) the person holds that person out as regularly engaged in the business of selling
- 138 that type of tangible personal property or product transferred electronically;
- 139 (iii) the person sells an item of tangible personal property or product transferred
- 140 electronically that the person purchased as a sale that is exempt under Subsection
- 141 (25); or
- 142 (iv) the sale is of a vehicle or vessel required to be titled or registered under the laws
- 143 of this state in which case the tax is based upon:
- 144 (A) the bill of sale, lease agreement, or other written evidence of value of the
- 145 vehicle or vessel being sold; or
- 146 (B) in the absence of a bill of sale, lease agreement, or other written evidence of
- 147 value, the fair market value of the vehicle or vessel being sold at the time of the
- 148 sale as determined by the commission; and
- 149 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 150 commission shall make rules establishing the circumstances under which:
- 151 (i) a person is regularly engaged in the business of selling a type of tangible personal
- 152 property or product transferred electronically;
- 153 (ii) a sale of tangible personal property or a product transferred electronically is one
- 154 of a series of sales of a character to indicate that a person is regularly engaged in
- 155 the business of selling that type of tangible personal property or product
- 156 transferred electronically; or
- 157 (iii) a person holds that person out as regularly engaged in the business of selling a
- 158 type of tangible personal property or product transferred electronically;
- 159 (14) amounts paid or charged for a purchase or lease of machinery, equipment, normal
- 160 operating repair or replacement parts, or materials, except for office equipment or office
- 161 supplies, by:
- 162 (a) a manufacturing facility that:
- 163 (i) is located in the state; and
- 164 (ii) uses or consumes the machinery, equipment, normal operating repair or
- 165 replacement parts, or materials:
- 166 (A) in the manufacturing process to manufacture an item sold as tangible personal

- 167 property, as the commission may define that phrase in accordance with Title
168 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- 169 (B) for a scrap recycler, to process an item sold as tangible personal property, as
170 the commission may define that phrase in accordance with Title 63G, Chapter 3,
171 Utah Administrative Rulemaking Act;
- 172 (b) an establishment, as the commission defines that term in accordance with Title 63G,
173 Chapter 3, Utah Administrative Rulemaking Act, that:
- 174 (i) is described in NAICS Subsector 212, Mining (except Oil and Gas), or NAICS
175 Code 213113, Support Activities for Coal Mining, 213114, Support Activities for
176 Metal Mining, or 213115, Support Activities for Nonmetallic Minerals (except
177 Fuels) Mining, of the 2002 North American Industry Classification System of the
178 federal Executive Office of the President, Office of Management and Budget;
- 179 (ii) is located in the state; and
- 180 (iii) uses or consumes the machinery, equipment, normal operating repair or
181 replacement parts, or materials in:
- 182 (A) the production process to produce an item sold as tangible personal property,
183 as the commission may define that phrase in accordance with Title 63G,
184 Chapter 3, Utah Administrative Rulemaking Act;
- 185 (B) research and development, as the commission may define that phrase in
186 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 187 (C) transporting, storing, or managing tailings, overburden, or similar waste
188 materials produced from mining;
- 189 (D) developing or maintaining a road, tunnel, excavation, or similar feature used
190 in mining; or
- 191 (E) preventing, controlling, or reducing dust or other pollutants from mining; or
- 192 (c) an establishment, as the commission defines that term in accordance with Title 63G,
193 Chapter 3, Utah Administrative Rulemaking Act, that:
- 194 (i) is described in NAICS Code 518112, Web Search Portals, of the 2002 North
195 American Industry Classification System of the federal Executive Office of the
196 President, Office of Management and Budget;
- 197 (ii) is located in the state; and
- 198 (iii) uses or consumes the machinery, equipment, normal operating repair or
199 replacement parts, or materials in the operation of the web search portal;
- 200 (15)(a) sales of the following if the requirements of Subsection (15)(b) are met:

- 201 (i) tooling;
- 202 (ii) special tooling;
- 203 (iii) support equipment;
- 204 (iv) special test equipment; or
- 205 (v) parts used in the repairs or renovations of tooling or equipment described in
- 206 Subsections (15)(a)(i) through (iv); and
- 207 (b) sales of tooling, equipment, or parts described in Subsection (15)(a) are exempt if:
- 208 (i) the tooling, equipment, or parts are used or consumed exclusively in the
- 209 performance of any aerospace or electronics industry contract with the United
- 210 States government or any subcontract under that contract; and
- 211 (ii) under the terms of the contract or subcontract described in Subsection (15)(b)(i),
- 212 title to the tooling, equipment, or parts is vested in the United States government
- 213 as evidenced by:
- 214 (A) a government identification tag placed on the tooling, equipment, or parts; or
- 215 (B) listing on a government-approved property record if placing a government
- 216 identification tag on the tooling, equipment, or parts is impractical;
- 217 (16) sales of newspapers or newspaper subscriptions;
- 218 (17)(a) except as provided in Subsection (17)(b), tangible personal property or a product
- 219 transferred electronically traded in as full or part payment of the purchase price,
- 220 except that for purposes of calculating sales or use tax upon vehicles not sold by a
- 221 vehicle dealer, trade-ins are limited to other vehicles only, and the tax is based upon:
- 222 (i) the bill of sale or other written evidence of value of the vehicle being sold and the
- 223 vehicle being traded in; or
- 224 (ii) in the absence of a bill of sale or other written evidence of value, the then existing
- 225 fair market value of the vehicle being sold and the vehicle being traded in, as
- 226 determined by the commission; and
- 227 (b) Subsection (17)(a) does not apply to the following items of tangible personal
- 228 property or products transferred electronically traded in as full or part payment of the
- 229 purchase price:
- 230 (i) money;
- 231 (ii) electricity;
- 232 (iii) water;
- 233 (iv) gas; or
- 234 (v) steam;

- (18)(a)(i) except as provided in Subsection (18)(b), sales of tangible personal property or a product transferred electronically used or consumed primarily and directly in farming operations, regardless of whether the tangible personal property or product transferred electronically:
- (A) becomes part of real estate; or
 - (B) is installed by a farmer, contractor, or subcontractor; or
- (ii) sales of parts used in the repairs or renovations of tangible personal property or a product transferred electronically if the tangible personal property or product transferred electronically is exempt under Subsection (18)(a)(i); and
- (b) amounts paid or charged for the following are subject to the taxes imposed by this chapter:
- (i)(A) subject to Subsection (18)(b)(i)(B), machinery, equipment, materials, or supplies if used in a manner that is incidental to farming; and
 - (B) tangible personal property that is considered to be used in a manner that is incidental to farming includes:
 - (I) hand tools; or
 - (II) maintenance and janitorial equipment and supplies;
 - (ii)(A) subject to Subsection (18)(b)(ii)(B), tangible personal property or a product transferred electronically if the tangible personal property or product transferred electronically is used in an activity other than farming; and
 - (B) tangible personal property or a product transferred electronically that is considered to be used in an activity other than farming includes:
 - (I) office equipment and supplies; or
 - (II) equipment and supplies used in:
 - (Aa) the sale or distribution of farm products;
 - (Bb) research; or
 - (Cc) transportation; or
 - (iii) a vehicle required to be registered by the laws of this state during the period ending two years after the date of the vehicle's purchase;
- (19) sales of hay;
- (20) exclusive sale during the harvest season of seasonal crops, seedling plants, or garden, farm, or other agricultural produce if the seasonal crops are, seedling plants are, or garden, farm, or other agricultural produce is sold by:
- (a) the producer of the seasonal crops, seedling plants, or garden, farm, or other

- 269 agricultural produce;
- 270 (b) an employee of the producer described in Subsection (20)(a); or
- 271 (c) a member of the immediate family of the producer described in Subsection (20)(a);
- 272 (21) purchases made using a coupon as defined in 7 U.S.C. Sec. 2012 that is issued under
- 273 the Food Stamp Program, 7 U.S.C. Sec. 2011 et seq.;
- 274 (22) sales of nonreturnable containers, nonreturnable labels, nonreturnable bags,
- 275 nonreturnable shipping cases, and nonreturnable casings to a manufacturer, processor,
- 276 wholesaler, or retailer for use in packaging tangible personal property to be sold by that
- 277 manufacturer, processor, wholesaler, or retailer;
- 278 (23) a product stored in the state for resale;
- 279 (24)(a) purchases of a product if:
- 280 (i) the product is:
- 281 (A) purchased outside of this state;
- 282 (B) brought into this state:
- 283 (I) at any time after the purchase described in Subsection (24)(a)(i)(A); and
- 284 (II) by a nonresident person who is not living or working in this state at the
- 285 time of the purchase;
- 286 (C) used for the personal use or enjoyment of the nonresident person described in
- 287 Subsection (24)(a)(i)(B)(II) while that nonresident person is within the state;
- 288 and
- 289 (D) not used in conducting business in this state; and
- 290 (ii) for:
- 291 (A) a product other than a boat described in Subsection (24)(a)(ii)(B), the first use
- 292 of the product for a purpose for which the product is designed occurs outside of
- 293 this state;
- 294 (B) a boat, the boat is registered outside of this state; or
- 295 (C) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is
- 296 registered outside of this state;
- 297 (b) the exemption provided for in Subsection (24)(a) does not apply to:
- 298 (i) a lease or rental of a product; or
- 299 (ii) a sale of a vehicle exempt under Subsection (33); and
- 300 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
- 301 purposes of Subsection (24)(a), the commission may by rule define what constitutes
- 302 the following:

- 303 (i) conducting business in this state if that phrase has the same meaning in this
304 Subsection (24) as in Subsection (63);
- 305 (ii) the first use of a product if that phrase has the same meaning in this Subsection
306 (24) as in Subsection (63); or
- 307 (iii) a purpose for which a product is designed if that phrase has the same meaning in
308 this Subsection (24) as in Subsection (63);
- 309 (25) a product purchased for resale in the regular course of business, either in the product's
310 original form or as an ingredient or component part of a manufactured or compounded
311 product;
- 312 (26) a product upon which a sales or use tax was paid to some other state, or one of another
313 state's subdivisions, except that the state shall be paid any difference between the tax
314 paid and the tax imposed by this part and Part 2, Local Sales and Use Tax Act, and no
315 adjustment is allowed if the tax paid was greater than the tax imposed by this part and
316 Part 2, Local Sales and Use Tax Act;
- 317 (27) any sale of a service described in Subsections 59-12-103(1)(b), (c), and (d) to a person
318 for use in compounding a service taxable under the subsections;
- 319 (28) purchases made in accordance with the special supplemental nutrition program for
320 women, infants, and children established in 42 U.S.C. Sec. 1786;
- 321 (29) sales or leases of rolls, rollers, refractory brick, electric motors, or other replacement
322 parts used in the furnaces, mills, or ovens of a steel mill described in SIC Code 3312 of
323 the 1987 Standard Industrial Classification Manual of the federal Executive Office of the
324 President, Office of Management and Budget;
- 325 (30) sales of a boat of a type required to be registered under Title 73, Chapter 18, State
326 Boating Act, a boat trailer, or an outboard motor if the boat, boat trailer, or outboard
327 motor is:
- 328 (a) not registered in this state; and
- 329 (b)(i) not used in this state; or
- 330 (ii) used in this state:
- 331 (A) if the boat, boat trailer, or outboard motor is not used to conduct business, for
332 a time period that does not exceed the longer of:
- 333 (I) 30 days in any calendar year; or
- 334 (II) the time period necessary to transport the boat, boat trailer, or outboard
335 motor to the borders of this state; or
- 336 (B) if the boat, boat trailer, or outboard motor is used to conduct business, for the

337 time period necessary to transport the boat, boat trailer, or outboard motor to
338 the borders of this state;

339 (31) sales of aircraft manufactured in Utah;

340 (32) amounts paid for the purchase of telecommunications service for purposes of
341 providing telecommunications service;

342 (33) sales, leases, or uses of the following:

343 (a) a vehicle by an authorized carrier; or

344 (b) tangible personal property that is installed on a vehicle:

345 (i) sold or leased to or used by an authorized carrier; and

346 (ii) before the vehicle is placed in service for the first time;

347 (34)(a) 45% of the sales price of any new manufactured home; and

348 (b) 100% of the sales price of any used manufactured home;

349 (35) sales relating to schools and fundraising sales;

350 (36) sales or rentals of durable medical equipment if:

351 (a) a person presents a prescription for the durable medical equipment; and

352 (b) the durable medical equipment is used for home use only;

353 (37)(a) sales to a ski resort of electricity to operate a passenger ropeway as defined in
354 Section 72-11-102; and

355 (b) the commission shall by rule determine the method for calculating sales exempt
356 under Subsection (37)(a) that are not separately metered and accounted for in utility
357 billings;

358 (38) sales to a ski resort of:

359 (a) snowmaking equipment;

360 (b) ski slope grooming equipment;

361 (c) passenger ropeways as defined in Section 72-11-102; or

362 (d) parts used in the repairs or renovations of equipment or passenger ropeways
363 described in Subsections (38)(a) through (c);

364 (39) subject to Subsection 59-12-103(2)(j), sales of natural gas, electricity, heat, coal, fuel
365 oil, or other fuels for industrial use;

366 (40)(a) subject to Subsection (40)(b), sales or rentals of the right to use or operate for
367 amusement, entertainment, or recreation an unassisted amusement device as defined
368 in Section 59-12-102;

369 (b) if a seller that sells or rents at the same business location the right to use or operate
370 for amusement, entertainment, or recreation one or more unassisted amusement

- 371 devices and one or more assisted amusement devices, the exemption described in
372 Subsection (40)(a) applies if the seller separately accounts for the sales or rentals of
373 the right to use or operate for amusement, entertainment, or recreation for the assisted
374 amusement devices; and
- 375 (c) for purposes of Subsection (40)(b) and in accordance with Title 63G, Chapter 3, Utah
376 Administrative Rulemaking Act, the commission may make rules:
- 377 (i) governing the circumstances under which sales are at the same business location;
378 and
- 379 (ii) establishing the procedures and requirements for a seller to separately account for
380 the sales or rentals of the right to use or operate for amusement, entertainment, or
381 recreation for assisted amusement devices;
- 382 (41)(a) sales of photocopies by:
- 383 (i) a governmental entity; or
- 384 (ii) an entity within the state system of public education, including:
- 385 (A) a school; or
- 386 (B) the State Board of Education; or
- 387 (b) sales of publications by a governmental entity;
- 388 (42) amounts paid for admission to an athletic event at an institution of higher education
389 that is subject to the provisions of Title IX of the Education Amendments of 1972, 20
390 U.S.C. Sec. 1681 et seq.;
- 391 (43)(a) sales made to or by:
- 392 (i) an area agency on aging; or
- 393 (ii) a senior citizen center owned by a county, city, or town; or
- 394 (b) sales made by a senior citizen center that contracts with an area agency on aging;
- 395 (44) sales or leases of semiconductor fabricating, processing, research, or development
396 materials regardless of whether the semiconductor fabricating, processing, research, or
397 development materials:
- 398 (a) actually come into contact with a semiconductor; or
- 399 (b) ultimately become incorporated into real property;
- 400 (45) an amount paid by or charged to a purchaser for accommodations and services
401 described in Subsection 59-12-103(1)(i) to the extent the amount is exempt under
402 Section 59-12-104.2;
- 403 (46) the lease or use of a vehicle issued a temporary sports event registration certificate in
404 accordance with Section 41-3-306 for the event period specified on the temporary sports

event registration certificate;

- (47)(a) sales or uses of electricity, if the sales or uses are made under a retail tariff adopted by the Public Service Commission only for purchase of electricity produced from a new alternative energy source built after January 1, 2016, as designated in the tariff by the Public Service Commission; and
- (b) for a residential use customer only, the exemption under Subsection (47)(a) applies only to the portion of the tariff rate a customer pays under the tariff described in Subsection (47)(a) that exceeds the tariff rate under the tariff described in Subsection (47)(a) that the customer would have paid absent the tariff;

- (48) sales or rentals of mobility enhancing equipment if a person presents a prescription for the mobility enhancing equipment;

- (49) sales of water in a:

- (a) pipe;
- (b) conduit;
- (c) ditch; or
- (d) reservoir;

- (50) sales of currency or coins that constitute legal tender of a state, the United States, or a foreign nation;

- (51)(a) sales of an item described in Subsection (51)(b) if the item:

- (i) does not constitute legal tender of a state, the United States, or a foreign nation; and
- (ii) has a gold, silver, or platinum content of 50% or more; and

- (b) Subsection (51)(a) applies to a gold, silver, or platinum:

- (i) ingot;
- (ii) bar;
- (iii) medallion; or
- (iv) decorative coin;

- (52) amounts paid on a sale-leaseback transaction;

- (53) sales of a prosthetic device:

- (a) for use on or in a human; and
- (b)(i) for which a prescription is required; or
- (ii) if the prosthetic device is purchased by a hospital or other medical facility;

- (54)(a) except as provided in Subsection (54)(b), purchases, leases, or rentals of machinery or equipment by an establishment described in Subsection (54)(c) if the

machinery or equipment is primarily used in the production or postproduction of the following media for commercial distribution:

- (i) a motion picture;
- (ii) a television program;
- (iii) a movie made for television;
- (iv) a music video;
- (v) a commercial;
- (vi) a documentary; or
- (vii) a medium similar to Subsections (54)(a)(i) through (vi) as determined by the commission by administrative rule made in accordance with Subsection (54)(d);

(b) purchases, leases, or rentals of machinery or equipment by an establishment described in Subsection (54)(c) that is used for the production or postproduction of the following are subject to the taxes imposed by this chapter:

- (i) a live musical performance;
- (ii) a live news program; or
- (iii) a live sporting event;

(c) the following establishments listed in the 1997 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget, apply to Subsections (54)(a) and (b):

- (i) NAICS Code 512110; or
- (ii) NAICS Code 51219; and

(d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule:

- (i) prescribe what constitutes a medium similar to Subsections (54)(a)(i) through (vi); or
- (ii) define:
 - (A) "commercial distribution";
 - (B) "live musical performance";
 - (C) "live news program"; or
 - (D) "live sporting event";

(55)(a) leases of seven or more years or purchases made on or after July 1, 2004, but on or before June 30, 2027, of tangible personal property that:

- (i) is leased or purchased for or by a facility that:
 - (A) is an alternative energy electricity production facility;

- 473 (B) is located in the state; and
474 (C)(I) becomes operational on or after July 1, 2004; or
475 (II) has its generation capacity increased by one or more megawatts on or after
476 July 1, 2004, as a result of the use of the tangible personal property;
477 (ii) has an economic life of five or more years; and
478 (iii) is used to make the facility or the increase in capacity of the facility described in
479 Subsection (55)(a)(i) operational up to the point of interconnection with an
480 existing transmission grid including:
481 (A) a wind turbine;
482 (B) generating equipment;
483 (C) a control and monitoring system;
484 (D) a power line;
485 (E) substation equipment;
486 (F) lighting;
487 (G) fencing;
488 (H) pipes; or
489 (I) other equipment used for locating a power line or pole; and
490 (b) this Subsection (55) does not apply to:
491 (i) tangible personal property used in construction of:
492 (A) a new alternative energy electricity production facility; or
493 (B) the increase in the capacity of an alternative energy electricity production
494 facility;
495 (ii) contracted services required for construction and routine maintenance activities;
496 and
497 (iii) unless the tangible personal property is used or acquired for an increase in
498 capacity of the facility described in Subsection (55)(a)(i)(C)(II), tangible personal
499 property used or acquired after:
500 (A) the alternative energy electricity production facility described in Subsection
501 (55)(a)(i) is operational as described in Subsection (55)(a)(iii); or
502 (B) the increased capacity described in Subsection (55)(a)(i) is operational as
503 described in Subsection (55)(a)(iii);
504 (56)(a) leases of seven or more years or purchases made on or after July 1, 2004, but on
505 or before June 30, 2027, of tangible personal property that:
506 (i) is leased or purchased for or by a facility that:

- 507 (A) is a waste energy production facility;
- 508 (B) is located in the state; and
- 509 (C)(I) becomes operational on or after July 1, 2004; or
- 510 (II) has its generation capacity increased by one or more megawatts on or after
- 511 July 1, 2004, as a result of the use of the tangible personal property;
- 512 (ii) has an economic life of five or more years; and
- 513 (iii) is used to make the facility or the increase in capacity of the facility described in
- 514 Subsection (56)(a)(i) operational up to the point of interconnection with an
- 515 existing transmission grid including:
- 516 (A) generating equipment;
- 517 (B) a control and monitoring system;
- 518 (C) a power line;
- 519 (D) substation equipment;
- 520 (E) lighting;
- 521 (F) fencing;
- 522 (G) pipes; or
- 523 (H) other equipment used for locating a power line or pole; and
- 524 (b) this Subsection (56) does not apply to:
- 525 (i) tangible personal property used in construction of:
- 526 (A) a new waste energy facility; or
- 527 (B) the increase in the capacity of a waste energy facility;
- 528 (ii) contracted services required for construction and routine maintenance activities;
- 529 and
- 530 (iii) unless the tangible personal property is used or acquired for an increase in
- 531 capacity described in Subsection (56)(a)(i)(C)(II), tangible personal property used
- 532 or acquired after:
- 533 (A) the waste energy facility described in Subsection (56)(a)(i) is operational as
- 534 described in Subsection (56)(a)(iii); or
- 535 (B) the increased capacity described in Subsection (56)(a)(i) is operational as
- 536 described in Subsection (56)(a)(iii);
- 537 (57)(a) leases of five or more years or purchases made on or after July 1, 2004, but on or
- 538 before June 30, 2027, of tangible personal property that:
- 539 (i) is leased or purchased for or by a facility that:
- 540 (A) is located in the state;

- 541 (B) produces fuel from alternative energy, including:
542 (I) methanol; or
543 (II) ethanol; and
544 (C)(I) becomes operational on or after July 1, 2004; or
545 (II) has its capacity to produce fuel increase by 25% or more on or after July 1,
546 2004, as a result of the installation of the tangible personal property;
547 (ii) has an economic life of five or more years; and
548 (iii) is installed on the facility described in Subsection (57)(a)(i);
549 (b) this Subsection (57) does not apply to:
550 (i) tangible personal property used in construction of:
551 (A) a new facility described in Subsection (57)(a)(i); or
552 (B) the increase in capacity of the facility described in Subsection (57)(a)(i);
553 (ii) contracted services required for construction and routine maintenance activities;
554 and
555 (iii) unless the tangible personal property is used or acquired for an increase in
556 capacity described in Subsection (57)(a)(i)(C)(II), tangible personal property used
557 or acquired after:
558 (A) the facility described in Subsection (57)(a)(i) is operational; or
559 (B) the increased capacity described in Subsection (57)(a)(i) is operational;
560 (58)(a) subject to Subsection (58)(b), sales of tangible personal property or a product
561 transferred electronically to a person within this state if that tangible personal
562 property or product transferred electronically is subsequently shipped outside the
563 state and incorporated pursuant to contract into and becomes a part of real property
564 located outside of this state; and
565 (b) the exemption under Subsection (58)(a) is not allowed to the extent that the other
566 state or political entity to which the tangible personal property is shipped imposes a
567 sales, use, gross receipts, or other similar transaction excise tax on the transaction
568 against which the other state or political entity allows a credit for sales and use taxes
569 imposed by this chapter;
570 (59) purchases:
571 (a) of one or more of the following items in printed or electronic format:
572 (i) a list containing information that includes one or more:
573 (A) names; or
574 (B) addresses; or

- 575 (ii) a database containing information that includes one or more:
576 (A) names; or
577 (B) addresses; and
578 (b) used to send direct mail;
- 579 (60) redemptions or repurchases of a product by a person if that product was:
580 (a) delivered to a pawnbroker as part of a pawn transaction; and
581 (b) redeemed or repurchased within the time period established in a written agreement
582 between the person and the pawnbroker for redeeming or repurchasing the product;
- 583 (61)(a) purchases or leases of an item described in Subsection (61)(b) if the item:
584 (i) is purchased or leased by, or on behalf of, a telecommunications service provider;
585 and
586 (ii) has a useful economic life of one or more years; and
587 (b) the following apply to Subsection (61)(a):
588 (i) telecommunications enabling or facilitating equipment, machinery, or software;
589 (ii) telecommunications equipment, machinery, or software required for 911 service;
590 (iii) telecommunications maintenance or repair equipment, machinery, or software;
591 (iv) telecommunications switching or routing equipment, machinery, or software; or
592 (v) telecommunications transmission equipment, machinery, or software;
- 593 (62)(a) beginning on July 1, 2006, and ending on June 30, 2027, purchases of tangible
594 personal property or a product transferred electronically that are used in the research
595 and development of alternative energy technology; and
596 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
597 commission may, for purposes of Subsection (62)(a), make rules defining what
598 constitutes purchases of tangible personal property or a product transferred
599 electronically that are used in the research and development of alternative energy
600 technology;
- 601 (63)(a) purchases of tangible personal property or a product transferred electronically if:
602 (i) the tangible personal property or product transferred electronically is:
603 (A) purchased outside of this state;
604 (B) brought into this state at any time after the purchase described in Subsection
605 (63)(a)(i)(A); and
606 (C) used in conducting business in this state; and
607 (ii) for:
608 (A) tangible personal property or a product transferred electronically other than

- 609 the tangible personal property described in Subsection (63)(a)(ii)(B), the first
610 use of the property for a purpose for which the property is designed occurs
611 outside of this state; or
- 612 (B) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is
613 registered outside of this state and not required to be registered in this state
614 under Section 41-1a-202 or 73-18-9 based on residency;
- 615 (b) the exemption provided for in Subsection (63)(a) does not apply to:
- 616 (i) a lease or rental of tangible personal property or a product transferred
617 electronically; or
- 618 (ii) a sale of a vehicle exempt under Subsection (33); and
- 619 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
620 purposes of Subsection (63)(a), the commission may by rule define what constitutes
621 the following:
- 622 (i) conducting business in this state if that phrase has the same meaning in this
623 Subsection (63) as in Subsection (24);
- 624 (ii) the first use of tangible personal property or a product transferred electronically if
625 that phrase has the same meaning in this Subsection (63) as in Subsection (24); or
- 626 (iii) a purpose for which tangible personal property or a product transferred
627 electronically is designed if that phrase has the same meaning in this Subsection
628 (63) as in Subsection (24);
- 629 (64) sales of disposable home medical equipment or supplies if:
- 630 (a) a person presents a prescription for the disposable home medical equipment or
631 supplies;
- 632 (b) the disposable home medical equipment or supplies are used exclusively by the
633 person to whom the prescription described in Subsection (64)(a) is issued; and
- 634 (c) the disposable home medical equipment and supplies are listed as eligible for
635 payment under:
- 636 (i) Title XVIII, federal Social Security Act; or
- 637 (ii) the state plan for medical assistance under Title XIX, federal Social Security Act;
- 638 (65) sales:
- 639 (a) to a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District
640 Act; or
- 641 (b) of tangible personal property to a subcontractor of a public transit district, if the
642 tangible personal property is:

- 643 (i) clearly identified; and
644 (ii) installed or converted to real property owned by the public transit district;
- 645 (66) sales of construction materials:
- 646 (a) purchased on or after July 1, 2010;
- 647 (b) purchased by, on behalf of, or for the benefit of an international airport:
- 648 (i) located within a county of the first class; and
649 (ii) that has a United States customs office on its premises; and
- 650 (c) if the construction materials are:
- 651 (i) clearly identified;
652 (ii) segregated; and
653 (iii) installed or converted to real property:
- 654 (A) owned or operated by the international airport described in Subsection (66)(b);
655 and
656 (B) located at the international airport described in Subsection (66)(b);
- 657 (67) sales of construction materials:
- 658 (a) purchased on or after July 1, 2008;
- 659 (b) purchased by, on behalf of, or for the benefit of a new airport:
- 660 (i) located within a county of the second or third class, as classified in Section
661 17-60-104; and
662 (ii) that is owned or operated by a city in which an airline as defined in Section
663 59-2-102 is headquartered; and
- 664 (c) if the construction materials are:
- 665 (i) clearly identified;
666 (ii) segregated; and
667 (iii) installed or converted to real property:
- 668 (A) owned or operated by the new airport described in Subsection (67)(b);
669 (B) located at the new airport described in Subsection (67)(b); and
670 (C) as part of the construction of the new airport described in Subsection (67)(b);
- 671 (68) except for the tax imposed by Subsection 59-12-103(2)(d), sales of fuel to a common
672 carrier that is a railroad for use in a locomotive engine;
- 673 (69) purchases and sales described in Section 63H-4-111;
- 674 (70)(a) sales of tangible personal property to an aircraft maintenance, repair, and
675 overhaul provider for use in the maintenance, repair, overhaul, or refurbishment in
676 this state of a fixed wing turbine powered aircraft if that fixed wing turbine powered

aircraft's registration lists a state or country other than this state as the location of registry of the fixed wing turbine powered aircraft; or

(b) sales of tangible personal property by an aircraft maintenance, repair, and overhaul provider in connection with the maintenance, repair, overhaul, or refurbishment in this state of a fixed wing turbine powered aircraft if that fixed wing turbine powered aircraft's registration lists a state or country other than this state as the location of registry of the fixed wing turbine powered aircraft;

(71) subject to Section 59-12-104.4, sales of a textbook for a higher education course:

(a) to a person admitted to an institution of higher education; and

(b) by a seller, other than a bookstore owned by an institution of higher education, if 51% or more of that seller's sales revenue for the previous calendar quarter are sales of a textbook for a higher education course;

(72) a license fee or tax a municipality imposes in accordance with Subsection 10-1-203(5) on a purchaser from a business for which the municipality provides an enhanced level of municipal services;

(73) amounts paid or charged for construction materials used in the construction of a new or expanding life science research and development facility in the state, if the construction materials are:

(a) clearly identified;

(b) segregated; and

(c) installed or converted to real property;

(74) amounts paid or charged for:

(a) a purchase or lease of machinery and equipment that:

(i) are used in performing qualified research:

(A) as defined in Section 41(d), Internal Revenue Code; and

(B) in the state; and

(ii) have an economic life of three or more years; and

(b) normal operating repair or replacement parts:

(i) for the machinery and equipment described in Subsection (74)(a); and

(ii) that have an economic life of three or more years;

(75) a sale or lease of tangible personal property used in the preparation of prepared food if:

(a) for a sale:

(i) the ownership of the seller and the ownership of the purchaser are identical; and

(ii) the seller or the purchaser paid a tax under this chapter on the purchase of that

- 711 tangible personal property prior to making the sale; or
- 712 (b) for a lease:
- 713 (i) the ownership of the lessor and the ownership of the lessee are identical; and
- 714 (ii) the lessor or the lessee paid a tax under this chapter on the purchase of that
- 715 tangible personal property prior to making the lease;
- 716 (76)(a) purchases of machinery or equipment if:
- 717 (i) the purchaser is an establishment described in NAICS Subsector 713, Amusement,
- 718 Gambling, and Recreation Industries, of the 2012 North American Industry
- 719 Classification System of the federal Executive Office of the President, Office of
- 720 Management and Budget;
- 721 (ii) the machinery or equipment:
- 722 (A) has an economic life of three or more years; and
- 723 (B) is used by one or more persons who pay admission or user fees described in
- 724 Subsection 59-12-103(1)(f) to the purchaser of the machinery and equipment;
- 725 and
- 726 (iii) 51% or more of the purchaser's sales revenue for the previous calendar quarter is:
- 727 (A) amounts paid or charged as admission or user fees described in Subsection
- 728 59-12-103(1)(f); and
- 729 (B) subject to taxation under this chapter; and
- 730 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 731 commission may make rules for verifying that 51% of a purchaser's sales revenue for
- 732 the previous calendar quarter is:
- 733 (i) amounts paid or charged as admission or user fees described in Subsection
- 734 59-12-103(1)(f); and
- 735 (ii) subject to taxation under this chapter;
- 736 (77) purchases of a short-term lodging consumable by a business that provides
- 737 accommodations and services described in Subsection 59-12-103(1)(i);
- 738 (78) amounts paid or charged to access a database:
- 739 (a) if the primary purpose for accessing the database is to view or retrieve information
- 740 from the database; and
- 741 (b) not including amounts paid or charged for a:
- 742 (i) digital audio work;
- 743 (ii) digital audio-visual work; or
- 744 (iii) digital book;

- (79) amounts paid or charged for a purchase or lease made by an electronic financial payment service, of:
- (a) machinery and equipment that:
 - (i) are used in the operation of the electronic financial payment service; and
 - (ii) have an economic life of three or more years; and
 - (b) normal operating repair or replacement parts that:
 - (i) are used in the operation of the electronic financial payment service; and
 - (ii) have an economic life of three or more years;
- (80) sales of a fuel cell as defined in Section 54-15-102;
- (81) amounts paid or charged for a purchase or lease of tangible personal property or a product transferred electronically if the tangible personal property or product transferred electronically:
- (a) is stored, used, or consumed in the state; and
 - (b) is temporarily brought into the state from another state:
 - (i) during a disaster period as defined in Section 53-2a-1202;
 - (ii) by an out-of-state business as defined in Section 53-2a-1202;
 - (iii) for a declared state disaster or emergency as defined in Section 53-2a-1202; and
 - (iv) for disaster- or emergency-related work as defined in Section 53-2a-1202;
- (82) sales of goods and services at a morale, welfare, and recreation facility, as defined in Section 39A-7-102, made pursuant to Title 39A, Chapter 7, Morale, Welfare, and Recreation Program;
- (83) amounts paid or charged for a purchase or lease of molten magnesium;
- (84) amounts paid or charged for a purchase or lease made by a qualifying data center or an occupant of a qualifying data center of machinery, equipment, or normal operating repair or replacement parts, if the machinery, equipment, or normal operating repair or replacement parts:
- (a) are used in:
 - (i) the operation of the qualifying data center; or
 - (ii) the occupant's operations in the qualifying data center; and
 - (b) have an economic life of one or more years;
- (85) sales of cleaning or washing of a vehicle, except for cleaning or washing of a vehicle that includes cleaning or washing of the interior of the vehicle;
- (86) amounts paid or charged for a purchase or lease of machinery, equipment, normal operating repair or replacement parts, catalysts, chemicals, reagents, solutions, or

779 supplies used or consumed:

780 (a) by a refiner who owns, leases, operates, controls, or supervises a refinery as defined
781 in Section 79-6-701 located in the state;

782 (b) if the machinery, equipment, normal operating repair or replacement parts, catalysts,
783 chemicals, reagents, solutions, or supplies are used or consumed in:

784 (i) the production process to produce gasoline or diesel fuel, or at which blendstock is
785 added to gasoline or diesel fuel;

786 (ii) research and development;

787 (iii) transporting, storing, or managing raw materials, work in process, finished
788 products, and waste materials produced from refining gasoline or diesel fuel, or
789 adding blendstock to gasoline or diesel fuel;

790 (iv) developing or maintaining a road, tunnel, excavation, or similar feature used in
791 refining; or

792 (v) preventing, controlling, or reducing pollutants from refining; and

793 (c) if the person holds a valid refiner tax exemption certification as defined in Section
794 79-6-701;

795 (87) amounts paid to or charged by a proprietor for accommodations and services, as
796 defined in Section 63H-1-205, if the proprietor is subject to the MIDA accommodations
797 tax imposed under Section 63H-1-205;

798 (88) amounts paid or charged for a purchase or lease of machinery, equipment, normal
799 operating repair or replacement parts, or materials, except for office equipment or office
800 supplies, by an establishment, as the commission defines that term in accordance with
801 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

802 (a) is described in NAICS Code 621511, Medical Laboratories, of the 2017 North
803 American Industry Classification System of the federal Executive Office of the
804 President, Office of Management and Budget;

805 (b) is located in this state; and

806 (c) uses the machinery, equipment, normal operating repair or replacement parts, or
807 materials in the operation of the establishment;

808 (89) amounts paid or charged for an item exempt under Section 59-12-104.10;

809 (90) sales of a note, leaf, foil, or film, if the item:

810 (a) is used as currency;

811 (b) does not constitute legal tender of a state, the United States, or a foreign nation; and

812 (c) has a gold, silver, or platinum metallic content of 50% or more, exclusive of any

- transparent polymer holder, coating, or encasement;
- (91) amounts paid or charged for admission to an indoor skydiving, rock climbing, or surfing facility, if a trained instructor:
- (a) is present with the participant, in person or by video, for the duration of the activity; and
- (b) actively instructs the participant, including providing observation or feedback;
- (92) amounts paid or charged in connection with the construction, operation, maintenance, repair, or replacement of facilities owned by or constructed for:
- (a) a distribution electrical cooperative, as defined in Section 54-2-1; or
- (b) a wholesale electrical cooperative, as defined in Section 54-2-1;
- (93) amounts paid by the service provider for tangible personal property, other than machinery, equipment, parts, office supplies, electricity, gas, heat, steam, or other fuels, that:
- (a) is consumed in the performance of a service that is subject to tax under Subsection 59-12-103(1)(b), (f), (g), (h), (i), or (j);
- (b) has to be consumed for the service provider to provide the service described in Subsection (93)(a); and
- (c) will be consumed in the performance of the service described in Subsection (93)(a), to one or more customers, to the point that the tangible personal property disappears or cannot be used for any other purpose;
- (94) sales of rail rolling stock manufactured in Utah;
- (95) amounts paid or charged for sales of sand, gravel, rock aggregate, cement products, or construction materials between establishments, as the commission defines that term in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if:
- (a) the establishments are related directly or indirectly through 100% common ownership or control; and
- (b) each establishment is described in one of the following subsectors of the 2022 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget:
- (i) NAICS Subsector 237, Heavy and Civil Engineering Construction; or
- (ii) NAICS Subsector 327, Nonmetallic Mineral Product Manufacturing;
- (96) sales of construction materials used for the construction of a qualified stadium, as defined in Section 11-70-101;
- (97) amounts paid or charged for sales of a cannabinoid product as that term is defined in

Section 4-41-102;

(98) amounts paid or charged by an operator of a qualifying energy storage manufacturing facility for:

(a) a purchase of tangible personal property if the tangible personal property is incorporated into equipment or a device that stores and discharges energy at the qualifying energy storage manufacturing facility; and

(b) a purchase or lease of machinery, equipment, or normal operating repair or replacement parts if the machinery, equipment, or normal operating repair or replacement parts are used exclusively in the operation of the qualifying energy storage manufacturing facility;

(99) amounts paid or charged for sales of adaptive driving equipment if the adaptive driving equipment is not yet installed in a motor vehicle;

(100) amounts paid or charged for sales of adaptive driving equipment if the adaptive driving equipment is installed in a motor vehicle by a previous owner and the requirements of Section 59-12-104.11 are met;[~~and~~]

(101) sales of construction materials used for the construction, remodeling, or refurbishing of a major sporting event venue, as defined in Section 63N-3-1701, within an approved major sporting event venue zone[~~;~~]; and

(102) a sale or charge by an affiliate for an Olympic product, as those terms are defined in Section 63G-28-102.

Section 2. Section **63G-28-102** is enacted to read:

63G-28-102 . Government Olympic services recovery fee.

(1) As used in this section:

(a) "Affiliate" means an entity with which the host committee contracts to operate retail space or online commerce on behalf of the host committee.

(b) "Government Olympic services recovery fee" means a fee that the host committee may charge on an Olympic product under this section.

(c) "Hospitality package" means a bundled offering for an event that may combine a ticket or admission charge, exclusive amenities, food, beverage, merchandise, or other offerings.

(d) "Olympic product" means the following that the host committee or the host committee's affiliate sells, either directly or through the host committee's affiliate:

(i) a ticket to an Olympic event or venue for the games;

(ii) a hospitality package related to an event or venue for the games; or

- 881 (iii) merchandise related to the games.
- 882 (e) "Venue" means the same as that term is defined in Section 63G-28-301.
- 883 (2) The host committee may:
- 884 (a) charge a government Olympic services recovery fee on an Olympic product that:
- 885 (i) the host committee sells directly or through the host committee's affiliate; and
- 886 (ii) may not exceed the combined state and local sales tax rate at the location of the
- 887 host committee's headquarters; and
- 888 (b) use the proceeds from a government Olympic services recovery fee for, in relation to
- 889 the games:
- 890 (i) state and local public safety costs;
- 891 (ii) local government reimbursements; and
- 892 (iii) Olympic venues.
- 893 (3) The host committee shall separately identify the government Olympic services recovery
- 894 fee on the invoice or receipt for the transaction for the Olympic product.
- 895 (4) This section does not require the host committee to charge a government Olympic
- 896 services recovery fee.
- 897 **Section 3. Effective Date.**
- 898 This bill takes effect on January 1, 2028.