

Internal Revenue Code Section 1234(a)(1)

Options to buy or sell.

(a) Treatment of gain or loss in the case of the purchaser.



- (1) General rule. Gain or loss attributable to the sale or exchange of, or loss attributable to failure to exercise, an option to buy or sell property shall be considered gain or loss from the sale or exchange of property which has the same character as the property to which the option relates has in the hands of the taxpayer (or would have in the hands of the taxpayer if acquired by him).
- (2) Special rule for loss attributable to failure to exercise option. For purposes of paragraph (1), if loss is attributable to failure to exercise an option, the option shall be deemed to have been sold or exchanged on the day it expired.
- (3) Nonapplication of subsection. This subsection shall not apply to—
 - (A) an option which constitutes property described in paragraph (1) of section 1221(a);
 - (B) in the case of gain attributable to the sale or exchange of an option, any income derived in connection with such option which, without regard to this subsection, is treated as other than gain from the sale or exchange of a capital asset; and
 - (C) a loss attributable to failure to exercise an option described in section 1233(c).