

The Legislature  
of the  
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER 89

SENATE BILL 282, as amended

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Introduced by

SENATOR TIMOTHY Z. JENNINGS



1 AN ACT  
2 RELATING TO TAXATION; PROVIDING A CREDIT AGAINST PERSONAL  
3 INCOME TAX LIABILITIES FOR PHYSICIANS PARTICIPATING IN CANCER  
4 TREATMENT CLINICAL TRIALS.

5  
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 SECTION 1. A new section of the Income Tax Act is  
8 enacted to read:

9 "CREDIT--PHYSICIAN PARTICIPATION IN CANCER TREATMENT  
10 CLINICAL TRIALS.--

11 A. A taxpayer who files an individual New Mexico  
12 income tax return, who is not a dependent of another  
13 taxpayer, who is an oncologist who is a physician licensed  
14 pursuant to the Medical Practice Act and whose practice is  
15 located in rural New Mexico may claim, and the department may  
16 allow, a tax credit of one thousand dollars (\$1,000) for each  
17 patient participating in a cancer clinical trial under the  
18 taxpayer's supervision for a maximum credit allowed for all  
19 cancer clinical trials conducted by that taxpayer during the  
20 taxable year of four thousand dollars (\$4,000). The tax  
21 credit provided in this section may be referred to as the  
22 "cancer clinical trial tax credit".

23 B. The purpose of the cancer clinical trial tax  
24 credit is to encourage physicians in New Mexico to  
25 participate as clinical trial investigators by performing

1 cancer clinical trials of new cancer treatments in New Mexico  
2 and making cancer clinical trials more readily available to  
3 cancer patients in the state.

4 C. The cancer clinical trial tax credit may only  
5 be claimed for the taxable year in which the physician  
6 participates as an investigator in a clinical trial.

7 D. A partnership or business association in which  
8 one or more members qualifies for a cancer clinical trial tax  
9 credit may claim only one cancer clinical trial tax credit.  
10 The total cancer clinical trial tax credit allowed by the  
11 department for all the members of a partnership or business  
12 association shall not exceed the amount of cancer clinical  
13 trial tax credit that could have been claimed by one  
14 physician conducting, supervising or participating in the  
15 cancer clinical trial for which the credit is allowed.

16 E. A husband and wife who file separate returns  
17 for a taxable year in which they could have filed a joint  
18 return may each claim only one-half of the cancer clinical  
19 trial tax credit that would have been allowed on a joint  
20 return.

21 F. The department shall compile an annual report  
22 that includes the number of taxpayers approved by the  
23 department to receive a cancer clinical trial tax credit in  
24 the taxable year, the amount of cancer clinical trial tax  
25 credits allowed in the taxable year, the number of patients

1 who participated in the taxable year in cancer clinical  
2 trials and the locations of the cancer clinical trials for  
3 which cancer clinical trial tax credits were claimed.

4 G. As used in this section:

5 (1) "cancer clinical trial" means a clinical  
6 trial:

7 (a) conducted for the purposes of the  
8 prevention of or the prevention of reoccurrence of cancer or  
9 the early detection or treatment of cancer for which no  
10 equally or more effective standard cancer treatment exists;

11 (b) that is not designed exclusively to  
12 test toxicity or disease pathophysiology and has a  
13 therapeutic intent;

14 (c) provided in this state as part of a  
15 scientific study of a new therapy or intervention and is for  
16 the prevention, prevention of reoccurrence, early detection,  
17 treatment or palliation of cancer in humans and in which the  
18 scientific study includes all of the following: 1) specific  
19 goals; 2) a rationale and background for the study;  
20 3) criteria for patient selection; 4) specific direction for  
21 administering the therapy or intervention and for monitoring  
22 patients; 5) a definition of quantitative measures for  
23 determining treatment response; 6) methods for documenting  
24 and treating adverse reactions; and 7) a reasonable  
25 expectation that the treatment will be at least as

1 efficacious as standard cancer treatment;

2 (d) that is being conducted with  
3 approval of at least one of the following: 1) one of the  
4 federal national institutes of health; 2) a federal national  
5 institutes of health cooperative group or center; 3) the  
6 United States department of defense; 4) the federal food and  
7 drug administration in the form of an investigational new  
8 drug application; 5) the United States department of veterans  
9 affairs; or 6) a qualified research entity that meets the  
10 criteria established by the federal national institutes of  
11 health for grant eligibility;

12 (e) that is considered part of a cancer  
13 clinical trial;

14 (f) that has been reviewed and approved  
15 by an institutional review board that has an active  
16 federal-wide assurance of protection for human subjects; and

17 (g) in which the personnel conducting  
18 the clinical trial are working within their scope of  
19 practice, experience and training and are capable of  
20 providing the clinical trial because of their experience,  
21 training and volume of patients treated to maintain their  
22 expertise; and

23 (2) "rural New Mexico" means a class B  
24 county in which no municipality has a population of sixty  
25 thousand or more according to the most recent federal

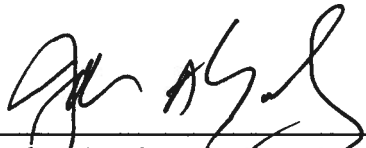
1 decennial census and includes the municipalities within that  
2 county."

3 SECTION 2. APPLICABILITY.--The provisions of this act  
4 apply to taxable years beginning on or after January 1, 2012  
5 but before January 1, 2015.

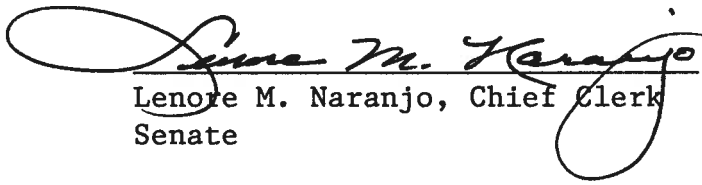
6 SECTION 3. EFFECTIVE DATE.--The effective date of the  
7 provisions of this act is January 1, 2012. \_\_\_\_\_

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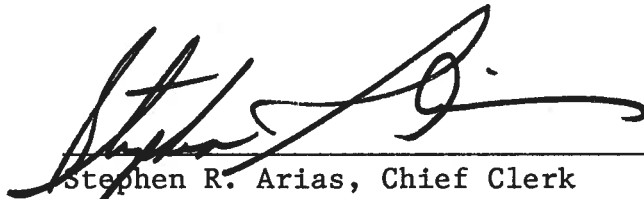
John A. Sanchez, President  
Senate



Lenore M. Naranjo, Chief Clerk  
Senate

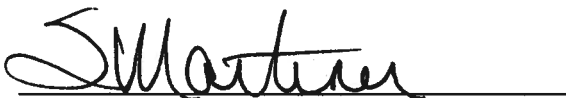


Ben Lujan, Speaker  
House of Representatives



Stephen R. Arias, Chief Clerk  
House of Representatives

Approved by me this 6<sup>th</sup> day of April, 2011



Governor Susana Martinez  
State of New Mexico

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