

A MEMORIAL

REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO CHARGE THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE WITH EXAMINING THE EXISTING LAW PERTAINING TO CANCER CLINICAL TRIALS AND MAKE RECOMMENDATIONS FOR LEGISLATION TO ADDRESS THE NEEDS OF NEW MEXICO CHILDREN WITH CANCER.

WHEREAS, the federal bureau of vital records and health statistics reports that cancer is the second-highest cause of death in New Mexico; and

WHEREAS, in 2007, there were an estimated one hundred fifteen cases per one hundred thousand individuals in New Mexico; and

WHEREAS, according to the national cancer institute, more than eighty percent of children with cancer in the United States are alive five years after diagnosis, compared with about sixty-two percent in the mid-1970s; and

WHEREAS, according to the national cancer institute, much of the dramatic improvement in cancer survival rates for children is due to the development of improved therapies at children's cancer centers; and

WHEREAS, there are approximately seventy to eighty new pediatric cancer diagnoses in the state each year; and

WHEREAS, about two-thirds of children with cancer are treated in clinical trials; and

WHEREAS, phase one cancer clinical trials are those that involve the first experimentation with therapies on human beings and usually evaluate how a new drug should be given, how often it should be given and what dose is safe; and

WHEREAS, because children and young adults are relatively more sturdy than older adults, they are most likely to benefit from enrollment into a phase one cancer clinical trial; and

WHEREAS, phase one cancer clinical trials are often the only hope left for children who have suffered a relapse, are not responding to other therapies or are adversely responding to other therapies; and

WHEREAS, phase one cancer clinical trials usually take place outside of New Mexico and involve a relatively small number of participants; and

WHEREAS, children are often turned down for participation in phase one cancer clinical trials because of liability issues and issues with insurance coverage; and

WHEREAS, financial restrictions imposed by third-party payors often prevent New Mexico children from traveling out of state to participate in phase one cancer clinical trials; and

WHEREAS, Section 59A-22-43 NMSA 1978 provides that health coverage plans pursuant to that section shall provide coverage for phase two, phase three and phase four cancer clinical trials, but not for phase one clinical trials; and

WHEREAS, many children and their families have their only hope of treatment dashed by coverage and sponsor denials that prevent them from participating in phase one cancer clinical trials;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico legislative council be requested to charge the interim legislative health and human services committee with examining the existing law pertaining to cancer clinical trials, as well as law pertaining to medical liability and parental consent for treatment of children, in light of the needs of New Mexico children who wish to have the opportunity to participate in phase one cancer clinical trials; and

BE IT FURTHER RESOLVED that the legislative health and human services committee be charged with examining the effect of the current legal framework that affects whether sponsors and insurers will permit New Mexico children to participate in phase one cancer clinical trials; and

BE IT FURTHER RESOLVED that the legislative health and human services committee be charged with making legislative recommendations to address the needs of New Mexico children who would benefit from participation in phase one cancer clinical trials, while addressing the concerns of insurers and sponsors regarding New Mexico children's participation; and

BE IT FURTHER RESOLVED that copies of this memorial be

transmitted to the co-chairs of the New Mexico legislative council and to the chair of the legislative health and human services committee.