

TITLE 3: TAXATION
CHAPTER 2: GROSS RECEIPTS TAXES
PART 232: DEDUCTION - GROSS RECEIPTS TAX - SALE OF PROSTHETIC DEVICES

3.2.232.1 ISSUING AGENCY: Taxation and Revenue Department, Joseph M. Montoya Building, 1100 South St. Francis Drive, P.O. Box 630, Santa Fe NM 87504-0630
[11/15/96; 3.2.232.1 NMAC - Rn, 3 NMAC 2.73.1.1, 6/14/01]

3.2.232.2 SCOPE: This part applies to each person engaging in business in New Mexico.
[11/15/96; 3.2.232.2 NMAC - Rn, 3 NMAC 2.73.1.2, 6/14/01]

3.2.232.3 STATUTORY AUTHORITY: Section 9-11-6.2 NMSA 1978.
[11/15/96; 3.2.232.3 NMAC - Rn, 3 NMAC 2.73.1.3, 6/14/01]

3.2.232.4 DURATION: Permanent.
[11/15/96; 3.2.232.4 NMAC - Rn, 3 NMAC 2.73.1.4, 6/14/01]

3.2.232.5 EFFECTIVE DATE: 11/15/96, unless a later date is cited at the end of a section, in which case the later date is the effective date.
[11/15/96; 3.2.232.5 NMAC - Rn, 3 NMAC 2.73.1.5 & A, 6/14/01]

3.2.232.6 OBJECTIVE: The objective of this part is to interpret, exemplify, implement and enforce the provisions of the Gross Receipts and Compensating Tax Act.
[11/15/96; 3.2.232.6 NMAC - Rn, 3 NMAC 2.73.1.6, 6/14/01]

3.2.232.7 DEFINITIONS: [Reserved.]
[11/15/96; 3.2.232.7 NMAC - Rn, 3 NMAC 2.73.1.7, 6/14/01]

3.2.232.8 EYE WEAR: The receipts from selling contact lenses, eye glasses, eye glass frames and lens glass to ophthalmologists and optometrists may be deducted from gross receipts if the buyer delivers a nontaxable transaction certificate to the seller. Contact lenses, eye glasses, eye glass frames and lens glasses are "prosthetic devices" within the meaning of Section 7-9-73 NMSA 1978.
[3/9/72, 11/20/72, 3/20/74, 7/26/76, 6/18/79, 4/7/82, 5/4/84, 4/2/86, 11/26/90, 11/15/96; 3.2.232.8 NMAC - Rn, 3 NMAC 2.73.1.8 & A, 6/14/01]

3.2.232.9 DENTAL SUPPLIES: The receipts from selling items of tangible personal property used in making dentures, as well as receipts from selling supplies, including gold, silver, cement used in fillings, amalgam, anesthetics, orthodontia platinum wire, facings, backings and similar items to dentists for use in their practices may not be deducted from gross receipts pursuant to Section 7-9-73 NMSA 1978. Such items sold are not "prosthetic devices" within the meaning of Section 7-9-73 NMSA 1978.
[3/9/72, 11/20/72, 3/20/74, 7/26/76, 6/18/79, 4/7/82, 5/4/84, 4/2/86, 11/26/90, 11/15/96; 3.2.232.9 NMAC - Rn, 3 NMAC 2.73.1.9 & A, 6/14/01]

HISTORY OF 3.2.232 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center: BOR 67-2, NM Gross Receipts and Compensating Tax Regulations, September 1967, filed 9/29/67.

BOR 69-4, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 12-5-69, filed 12/5/69.

BOR 72-4, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 3/9/72, filed 3/9/72.

BOR 74-2, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 12/15/73, filed 3/20/74.

BOR 76-1, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 7/26/76, filed 7/26/76.

R.D.79-1, Gross Receipts and Compensating Tax Act Regulations, filed 6/18/79.

R.D. Rule No. 82, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 4/7/82.

R.D. Rule No. 84, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 5/4/84.

TRD Rule No. 9-86, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 4/2/86.

TRD Rule GR-90, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 11/26/90.

History of Repealed Material: [RESERVED]

NMAC History:

3 NMAC 2.73.1, Deduction - Gross Receipts Tax - Sale of Prosthetic Devices, filed 11/4/96.

3.2.232 NMAC, Deduction - Gross Receipts Tax - Sale of Prosthetic Devices, filed 6/4/2001.