

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 36 BODY ARTISTS AND OPERATORS
PART 2 LICENSURE REQUIREMENTS FOR BODY ART TATTOO PRACTITIONERS

16.36.2.1 ISSUING AGENCY: [~~Regulation and Licensing Department,~~] Board of Body Art Practitioners.
[16.36.2.1 NMAC - Rp, 16.36.2.1 NMAC, 6/21/2018, A, x/xx/2021]

16.36.2.2 SCOPE: Any person licensed to practice body art tattoo [~~, piercing, scarification~~] and all operators.
[16.36.2.2 NMAC - Rp, 16.36.2.2 NMAC, 6/21/2018, A, x/xx/2021]

16.36.2.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-5 NMSA 1978.
[16.36.2.3 NMAC - Rp, 16.36.2.3 NMAC, 6/21/2018]

16.36.2.4 DURATION: Permanent
[16.36.2.4 NMAC - Rp, 16.36.2.4 NMAC, 6/21/2018]

16.36.2.5 EFFECTIVE DATE: June 16, 2018, unless a later date is cited at the end of a section.
[16.36.2.5 NMAC - Rp, 16.36.2.5 NMAC, 6/21/2018]

16.36.2.6 OBJECTIVE: To outline the application process, training and examination requirements and the renewal procedures.
[16.36.2.6 NMAC - Rp, 16.36.2.6 NMAC, 6/21/2018]

16.36.2.7 DEFINITIONS: [RESERVED]

16.36.2.8 APPRENTICE LICENSE APPLICATION FOR BODY ART TATTOO [~~, PIERCING-SCARIFICATION, OR PERMANENT COSMETICS~~]:

- A.** Application forms:
- (1) Application for any license to be issued or renewed by the board shall be made on the official form provided by the board for that purpose. Incomplete applications will be returned. Designated deadlines will apply to resubmitted applications. All applications are valid for one year from date received.
 - (2) Applications for apprentice licensure must include:
 - (a) non-refundable application fee;
 - (b) a completed and signed application;
 - (c) applicant name;
 - ~~(d) social security number;~~
 - (e) proof of age indicating applicant is at least 18 years of age (government-issued identification with a photo);
 - (f) current electronic [email] mail address;
 - (g) current phone number;
 - (h) name, address and phone number of licensed establishment where apprenticeship will be conducted. Establishment license must be current upon receipt of application.
 - (i) an apprentice sponsorship application which must be completed and signed by a body art practitioner who meets the requirements within 16.36.2.9 NMAC and is licensed in the kind of body art the applicant is seeking an apprenticeship license;
 - (j) copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.2.13 NMAC; and
 - (k) proof of current immunizations as defined in 16.36.2.12 NMAC; and
proof of disqualifying criminal convictions as defined in 16.36.4.9 NMAC.
- B.** Photographs: Applicants for original licensure shall attach a recent passport size, color photograph, front-view of face.
- C.** Prior to licensure the applicant shall take and pass a board approved jurisprudence examination. The applicant must pass the jurisprudence exam with a minimum score of seventy-five percent or higher.

- D. An apprentice must remain under the direct supervision of ~~[his or her]~~ their sponsor until all requirements have been met or the apprentice license has been terminated by the board.
- E. Renewal of a body art apprentice license:
- (1) License will expire one year after date of issue;
 - (2) Timely renewal of license(s) is the full and complete responsibility of the [LICENSEE] licensee. Failure to renew the license by the expiration date will result in a late fee.
 - (3) Licensees shall renew a body artist apprentice license on or before the expiration date if needed to complete their current apprenticeship.
 - (4) Renewal of apprentice license shall include the following information:
 - (a) name of apprentice sponsor;
 - (b) name of establishment and address where apprenticeship will be conducted, establishment license must be current upon receipt of application.
 - (c) copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.2.13 NMAC; and
 - (d) proof of current immunizations as defined in 16.36.2.12 NMAC.
 - (e) proof of disqualifying criminal convictions as defined in 16.36.4.9 NMAC.
- ~~[(5) — Electronic signatures will be acceptable for renewals submitted pursuant to 16.36.1 through 16.36.6 NMAC.]~~
 [16.36.2.8 NMAC - Rp, 16.36.2.8 NMAC, 6/21/2018, A, x/xx/2021]

16.36.2.9 SPONSOR LICENSE APPLICATION FOR BODY ART TATTOO ~~[, PIERCING-SCARIFICATION, OR PERMANENT COSMETICS]:~~

- A. A licensee may be approved to sponsor only one body art tattoo, ~~[body piercing-scarification, or permanent cosmetic]~~ apprentice at a time. Incomplete applications will be returned. All applications are valid for one year from date received. A complete application includes:
- (1) non-refundable application fee;
 - (2) a current New Mexico body art tattoo, ~~[body piercing-scarification, or permanent cosmetic]~~ license;
 - (3) documentation of legally practicing body art tattooing, ~~[body piercing-scarification, or permanent cosmetics]~~ in New Mexico for at least five years without any disciplinary action;
 - (4) a curriculum as required in ~~[Sections 14, 15 and 16 of 16.36.2]~~ 16.36.2.15 NMAC to the board staff for approval; curriculum shall include references and resources to be used and methods of evaluation for each area covered; and
 - (5) name, address and phone number of licensed establishment where apprenticeship will be conducted. Establishment license must be active upon receipt of application;
 - (6) proof of disqualifying criminal convictions as defined in 16.36.4.9 NMAC;
- B. Photographs: Applicants for sponsor licensure shall attach a recent passport size, color photograph, front-view of face.
- C. Upon approval of application, a board approved log will be available to record progress during the apprenticeship. This log will serve as proof of completion of training program. The sponsor shall submit a completed log to the board administrator on the first day of each month showing the previous month progress report.
- D. Upon completion of the apprenticeship program, the sponsor and apprentice shall submit ~~[sign and notarize]~~ the apprentice log to the board administrator. The ~~[notarized]~~ signed log shall be sent to the board within ~~[30]~~15 days and shall include a sworn statement made under penalty of perjury, from the sponsor and the apprentice stating the apprenticeship has been completed. The sponsor will give a copy of the ~~[notarized]~~ signed log and statement to the apprentice.
- E. The apprentice will then receive notification from the board stating the apprentice is eligible to take the national theory exam.
- F. Renewal of body art apprentice sponsor license:
- (1) License will expire one year after date of issue;
 - (2) Timely renewal of license(s) is the full and complete responsibility of the licensee. Failure to renew the license by the expiration date will result in a late fee.
 - (3) Licensees shall renew a body artist tattoo apprentice sponsor license on or before the expiration date if needed to complete their current apprenticeship.
 - (4) Renewal of apprentice license shall include the following information:
 - (a) name of apprentice; and

(b) name of establishment and address where apprenticeship will be conducted, establishment license must be active upon receipt of application.

(c) proof of disqualifying criminal convictions as defined in 16.36.4.9 NMAC;

~~[G. — Electronic signatures will be acceptable for renewals submitted pursuant to 16.36.1 through 16.36.6 NMAC.]~~

[16.36.2.9 NMAC - Rp, 16.36.2.9 NMAC, 6/21/2018, A, x/xx/2021]

16.36.2.10 APPLICATION FOR BODY ART TATTOO, ~~PIERCING-SCARIFICATION, OR PERMANENT COSMETICS~~ PRACTITIONER LICENSE:

A. Application forms:

(1) Applications shall be made on the official form provided by the board. Incomplete applications will be returned. All applications are valid for one year from date received. All fees are non-refundable.

(2) Applications for licensure must include:

(a) a completed and signed application;

(b) applicant name;

~~(c) social security number;~~

(d) date of birth;

(e) proof of age indicating applicant is at least 18 years of age (government-issued identification with a photo);

(f) establishment mailing address;

(g) phone number;

(h) name, address and phone number of licensed establishment where services will be performed. Establishment license must be current upon receipt of application;

(i) copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.2.13 NMAC;

(j) proof of current immunizations as defined in 16.36.2.12 NMAC;

(k) proof of disqualifying criminal convictions as defined in 16. 16.36.4.9 NMAC;

(l) proof of completion of tattoo, piercing-scarification, or permanent cosmetics training program and examination as defined in 16.36.2.14 NMAC.

(m) a recent passport size, color photograph; and

(n) non-refundable application fee as required by the board.

B. Photographs:

~~(1) — applicant for tattoo artist license must include a minimum of 10 original photographs of healed tattoos, which the applicant has personally performed.~~

~~(2) — applicant for body piercing must include a minimum of ten photographs of healed piercing the applicant has personally performed.]~~

~~(3) — applicant for permanent cosmetic practitioner must submit a minimum of 10 photographs with at least two from the following areas:]~~

~~(a) — eyebrow simulation;~~

~~(b) — lip liner;~~

~~(c) — lip color;~~

~~(d) — eyeliner/eyelash enhancer of eyes; and]~~

C. The applicant shall take and pass a written examination approved by the board and the board approved jurisprudence examination. The applicant must pass the exams with a minimum score of seventy-five percent or higher.

D. Renewal of a practitioner license:

(1) License will expire one year after date of issue;

(2) Timely renewal of license(s) is the full and complete responsibility of the licensee.

Failure to renew the license by the expiration date will result in a late fee;

(3) Licensees shall renew their license on or before the expiration date;

(4) Renewal of license shall include the following information:

(a) name and address of establishment. Establishment license must be current upon receipt of application;

(b) name of establishment operator or supervisor;

(c) copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.2.13 NMAC; and

(d) proof of current immunizations as defined in 16.36.2.12 NMAC; and

(e) proof of disqualifying criminal convictions as defined in 16.36.4.9 NMAC.

~~[E. — Electronic signatures will be acceptable for renewals submitted pursuant to 16.36.1 through 16.36.6 NMAC.]~~

~~[F. — A permanent cosmetic professional applicant engaged in a state board approved apprenticeship training program prior to the effective date of July 1, 2018 shall have until August 31, 2018 to comply with apprenticeship requirements]~~

[16.36.2.10 NMAC - Rp, 16.36.2.10 NMAC, 6/21/2018, A, x/xx/2021]

16.36.2.11 ~~[APPLICATION FOR BODY ART OPERATOR ESTABLISHMENT LICENSE:]~~

RESERVED

~~[A. — Any establishment licensed by the board must be under the immediate supervision of a board licensed practitioner while licensed activity is being practiced therein. Incomplete applications will be returned. All applications are valid for one year from date received. All fees are non-refundable.]~~

~~[B. — The supervising licensee(s) must be licensed by the board in tattoo, piercing scarification, or permanent cosmetics.]~~

~~[C. — Application forms:]~~

~~[(1) — Application for any license to be issued or renewed by the board shall be made on the official form provided by the board for that purpose.]~~

~~[(2) — Applications for licensure must include:]~~

~~[(a) — a completed and signed application;]~~

~~[(b) — name of the body art establishment;]~~

~~[(c) — name of the operator of the establishment;]~~

~~[(d) — government issued identification with a photo showing proof of age indicating applicant is at least 18 years old;]~~

~~[(e) — operator's social security number;]~~

~~[(f) — establishment address;]~~

~~[(g) — establishment phone number;]~~

~~[(h) — name(s) of the body art supervising practitioner(s) working at the establishment, each of whom must be currently licensed with the board at time of application;]~~

~~[(i) — a copy of current city or county business license;]~~

~~[(j) — copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.2.13 NMAC;]~~

~~[(k) — proof of current immunizations as defined in 16.36.2.12 NMAC; and]~~

~~[(l) — non-refundable application fee as required by the board.]~~

~~[D. — Renewal of a body art operator establishment license:]~~

~~[(1) — License will expire one year after date of issue;]~~

~~[(2) — Timely renewal of license(s) is the full and complete responsibility of the licensee; Failure to renew the license by the expiration date will result in a late fee;]~~

~~[(3) — Licensees shall renew their license on or before the expiration date;]~~

~~[(4) — Renewal of a body art operator establishment license shall include the following information:]~~

~~[(a) — name(s) of the body art supervising practitioner(s) working at the establishment, must be currently licensed with the board at time of application;]~~

~~[(b) — copy of current city or county business license;]~~

~~[(c) — copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.2.13 NMAC; and]~~

~~[(d) — proof of current immunizations as defined in 16.36.2.12 NMAC.]~~

~~[E. — Electronic signatures will be acceptable for renewals submitted pursuant to 16.36.1 through 16.36.6 NMAC.]~~

~~[[16.36.2.11 NMAC - Rp, 16.36.2.11 NMAC, 6/21/2018]]~~

16.36.2.12 PROOF OF CURRENT IMMUNIZATIONS: Proof shall be provided upon request of the board or board representative that ~~[apprentice;]~~ each practitioner, ~~[and permanent cosmetic practitioner]~~ licensee has

either completed or declined, on a form provided by the board, the hepatitis B vaccination series. For those who decline the hepatitis B vaccination series, an information brochure developed by the New Mexico department of health will be provided which explains the risks of hepatitis B and C.

[16.36.2.12 NMAC - Rp, 16.36.2.12 NMAC, 6/21/2018, A, x/xx/2021]

16.36.2.13 PROOF OF COMPLETION OF TRAINING PROGRAM: Proof shall be provided with the original application that the applicant has, at a minimum, completed the following training prior to making application for a license as a body artist apprentice, body artist practitioner, ~~permanent cosmetic professional or body art operator.~~ Such training must include:

A. a board approved blood borne pathogens training course that meets OSHA (occupational safety and health administration) standards and CDC (center for disease control) recommendations. The training course shall include an examination as a condition of the training completion. The training must be completed within 12 months prior to application and annually thereafter. The training may be obtained through any of the following:

- (1) nationally accredited organization;
- (2) local government sponsored;
- (3) hospital sponsored;
- (4) college sponsored;
- (5) OSHA sponsored;
- (6) red cross; or
- (7) board approved.

B. Current certification in first aid and cardiopulmonary resuscitation (CPR). The training shall be obtained through any of the following:

- (1) nationally accredited organization;
- (2) local government sponsored;
- (3) hospital sponsored;
- (4) college sponsored;
- (5) OSHA (occupational safety and health administration) sponsored;
- (6) red cross; or
- (7) board approved;

C. An applicant for a tattoo or body piercing-scarification apprenticeship shall file an apprentice agreement ~~notarized~~ signed under penalty of perjury, by all parties that applicant shall complete the board required training requirements.

[16.36.2.13 NMAC - Rp, 16.36.2.13 NMAC, 6/21/2018, A, x/xx/2021]

16.36.2.14 ~~[BODY PIERCING—SCARIFICATION APPRENTICESHIP TRAINING AND EXAMINATION REQUIREMENTS] RESERVED~~

~~[A.— Upon successful completion of apprenticeship program, an applicant for original piercing-scarification practitioner license shall provide proof, acceptable to the board or its designee, that applicant has completed an apprenticeship program under the direct supervision of a licensed practitioner with instruction and experience in the kind of body art for which the applicant seeks a body art practitioner license.]~~

~~[B.— Proof of completing an apprentice program shall include:]~~

~~[(1)— verification of completion of apprenticeship program on a log provided by the board;]~~

~~[(2)— a minimum of 10 original photographs of healed piercings-scarifications which the artisan has personally performed and a minimum of three signed testaments from previous clients.]~~

~~[C.— Body piercing apprenticeship curriculum: 1200 hours:]~~

~~[(1)— Orientation—100 hours:]~~

~~[(a)— state laws and regulations;]~~

~~[(b)— tax and business license requirements;]~~

~~[(c)— OSHA blood-borne pathogens standard;]~~

~~[(d)— the establishment's exposure control plan;]~~

~~[(e)— SDS sheets;]~~

~~[(f)— paperwork and business documentation;]~~

~~[(g)— HIPAA (Health Insurance Portability and Accountability Act of 1996 privacy~~

~~rule);]~~

~~[(h)— environment/appropriate studio set-up;]~~

- ~~[(i) — professional image;]~~
- ~~[(j) — appropriate communication with clients;]~~
- ~~[(k) — ethics and legalities;]~~
 - ~~[(i) — minors;]~~
 - ~~[(ii) — drugs and alcohol;]~~
 - ~~[(iii) — medical conditions/risk assessment;]~~
 - ~~[(iv) — personal boundaries;]~~
- ~~[(l) — dealing with emergencies;]~~
 - ~~[(i) — blood spills;]~~
 - ~~[(ii) — fainting;]~~
 - ~~[(iii) — bleeding;]~~
 - ~~[(iv) — needlesticks; and]~~
 - ~~[(v) — other exposures;]~~
- ~~[(2) — Sterilization, disinfection theory and practical—100 hours;]~~
 - ~~[(a) — microbiology;]~~
 - ~~[(b) — definitions;]~~
 - ~~[(c) — microorganisms of the skin;]~~
 - ~~[(d) — factors that influence the survival and growth of microorganisms;]~~
 - ~~[(e) — breaking the chain of infection;]~~
 - ~~[(f) — infection control;]~~
 - ~~[(g) — handwashing;]~~
 - ~~[(h) — types of soaps and hand sanitizers;]~~
 - ~~[(i) — use of gloves and other personal protective equipment;]~~
 - ~~[(j) — how to recognize, prevent and remedy cross contamination;]~~
 - ~~[(k) — immunizations;]~~
 - ~~[(l) — cleaning, disinfection and sterilization;]~~
 - ~~[(m) — sterile chart;]~~
 - ~~[(n) — cleaning/appropriate procedures;]~~
 - ~~[(o) — implement pre-cleaning before sterilization/appropriate use of cleaning solutions and ultrasonic cleaners;]~~
 - ~~[(p) — disinfection/appropriate use and disposal of disinfecting solutions; and]~~
 - ~~[(q) — sterilization/appropriate use and maintenance of autoclave sterilizers;]~~
- ~~[(3) — Body piercing theory—200 hours;]~~
 - ~~[(a) — jewelry;]~~
 - ~~[(b) — standards and certifications;]~~
 - ~~[(c) — certified materials for new piercings;]~~
 - ~~[(d) — other appropriate materials for new piercings;]~~
 - ~~[(e) — jewelry materials for healed piercings;]~~
 - ~~[(f) — jewelry to avoid;]~~
 - ~~[(g) — quality jewelry (things to look for);]~~
 - ~~[(h) — jewelry styles;]~~
 - ~~[(i) — cleaning, sterilization and storage of jewelry;]~~
 - ~~[(j) — anatomy;]~~
 - ~~[(k) — understanding of skin;]~~
 - ~~[(l) — parts and functions of skin;]~~
 - ~~[(m) — oral/facial anatomy as it pertains to piercing;]~~
 - ~~[(n) — knowledge and ability to avoid damage to underlying blood vessels and nerves;]~~
 - ~~[(o) — knowledge and recognition of disorders, anomalies and diseases of the skin;]~~
 - ~~[(p) — body anatomy as it pertains to piercing;]~~
 - ~~[(q) — determining the appropriateness of a piercing;]~~
 - ~~[(r) — equipment;]~~
 - ~~[(s) — disposable supplies;]~~
 - ~~[(t) — needles;]~~
 - ~~[(u) — sharps disposal;]~~
 - ~~[(v) — reusable equipment;]~~
 - ~~[(w) — storage;]~~

- ~~[(x) — aftercare; and]~~
- ~~[(y) — piercing guns (theory only).]~~
- ~~[(4) — Body piercing observation/practical—800 hours:]~~
 - ~~[(a) — proper use of safety procedures outlined in theory training;]~~
 - ~~[(b) — aseptic technique;]~~
 - ~~[(c) — room set up and break down;]~~
 - ~~[(d) — skin preparation;]~~
 - ~~[(e) — client relations/relaxation techniques;]~~
 - ~~[(f) — pain management;]~~
 - ~~[(g) — piercing techniques;]~~
 - ~~[(h) — dealing with mistakes;]~~
 - ~~[(i) — in order to be approved, curriculum for body piercing practitioner training shall~~

~~include, at a minimum, 50 practical body piercing procedures performed by the apprentice under sponsor supervision. The 50 supervised completed procedures shall consist of at least five completed procedures in each of the following areas:]~~

- ~~[(i) — ears;]~~
- ~~[(ii) — nose;]~~
- ~~[(iii) — tongue;]~~
- ~~[(iv) — nipple;]~~
- ~~[(v) — navel;]~~
- ~~[(vi) — eyebrow;]~~
- ~~[(vii) — lip/labret; and]~~
- ~~[(viii) — septum.]~~
- ~~[(j) — Curriculum should include the following for each procedure:]~~
 - ~~[(i) — related anatomy;]~~
 - ~~[(ii) — appropriate placement;]~~
 - ~~[(iii) — skin preparation;]~~
 - ~~[(iv) — implement selection and use;]~~
 - ~~[(v) — techniques; and]~~
 - ~~[(vi) — healing and aftercare.]~~

~~[An applicant for a body art piercing—scarification practitioner license shall take the tattoo or body piercing—scarification examination approved by the board with a minimum passing score of seventy five percent or higher. A candidate who does not meet this score can retest up to two times. A candidate who does not pass the written examination must wait at least seven days before retesting. Any candidate who does not meet the minimum passing score after three attempts shall be required to enroll or re-enroll in an apprentice program.]~~

~~[[16.36.2.14 NMAC —Rp, 16.36.2.14 NMAC, 6/21/2018]]~~

16.36.2.15 TATTOO APPRENTICESHIP TRAINING AND EXAMINATION REQUIREMENTS:

A. Upon successful completion of apprenticeship program, an applicant for original tattoo practitioner license shall provide proof, acceptable to the board or its designee, that applicant has completed an apprenticeship program under the direct supervision of a licensed practitioner with instruction and experience in the kind of body art for which the applicant seeks a body art practitioner license.

B. Proof of completing an apprentice program shall include:

- (1) verification of completion of apprenticeship program on a log provided by the board; and
- (2) a minimum of 10 original photographs of healed tattoos which the artisan has personally performed and a minimum of three signed testimonials from previous clients.

C. Tattoo apprenticeship curriculum; 1400 hours

- (1) Orientation - 100 hours:
 - (a) state laws and regulations;
 - (b) tax and business license requirements;
 - (c) OSHA blood borne pathogens standard;
 - (d) the establishment's exposure control plan;
 - (e) SDS sheets;
 - (f) paperwork and business documentation;
 - (g) HIPAA (Health Insurance Portability and Accountability Act of 1996 privacy

rule);

- (h) environment/appropriate studio set-up;
- (i) professional image;
- (j) appropriate communication with clients;
- (k) ethics and legalities;
 - (i) minors;
 - (ii) drugs and alcohol;
 - (iii) medical conditions/risk assessment; and
 - (iv) personal boundaries.
- (1) Dealing with emergencies:
 - (i) blood spills;
 - (ii) fainting;
 - (iii) bleeding;
 - (iv) needlesticks; and
 - (v) other exposures.
- (2) Sterilization, disinfection theory and practical - 100 hours:
 - (a) microbiology;
 - (b) definitions;
 - (c) microorganisms of the skin;
 - (d) factors that influence the survival and growth of microorganisms;
 - (e) breaking the chain of infection;
 - (f) infection control;
 - (g) handwashing;
 - (h) types of soaps and hand sanitizers;
 - (i) use of gloves and other personal protective equipment;
 - (j) how to recognize, prevent and remedy cross-contamination;
 - (k) immunizations;
 - (l) cleaning, disinfection and sterilization;
 - (m) sterile chart;
 - (n) cleaning/appropriate procedures;
 - (o) implement pre-cleaning before sterilization/appropriate use of cleaning solutions and ultrasonic cleaners;
 - (p) disinfection/appropriate use and disposal of disinfecting solutions; and
 - (q) sterilization/appropriate use and maintenance of autoclave sterilizers.
- (3) Tattooing observation/theory - 200 hours:
 - (a) artistic development;
 - (b) drawing for clients;
 - (c) stencil making and application;
 - (d) color theory/understanding the color wheel;
 - (e) line quality and proportion;
 - (f) shading and coloring technique;
 - (g) pigments and color mixing;
 - (h) portfolio construction and maintenance;
 - (i) anatomy;
 - (j) understanding of skin;
 - (k) parts and functions of skin;
 - (l) determining the appropriateness of a tattoo placement;
 - (m) equipment;
 - (n) disposable supplies;
 - (o) needles;
 - (p) sharps disposal;
 - (q) reusable equipment;
 - (r) storage;
 - (s) tattoo equipment maintenance;
 - (t) understanding the electromagnetic tattoo machine and its history;
 - (u) liner/shader set-up;
 - (v) quality and conductivity of metals used in tattoo machines;

- (w) spring gauges and maintenance;
 - (x) the difference between long stroke/short stroke technique;
 - (y) tattoo machine schematics, electronics and constructions;
 - (z) tuning and adjustment of machines;
 - (aa) understanding current/voltage and reciprocation response;
 - (bb) needle-making safety and construction; and
 - (cc) aftercare.
- (4) Tattooing observation/practical - 1000 hours:
- (a) proper use of safety procedures outlined in theory training;
 - (b) aseptic technique;
 - (c) room set-up and break-down;
 - (d) skin preparation;
 - (e) client relations/relaxation techniques;
 - (f) pain management;
 - (g) tattooing techniques;
 - (h) line quality and solid color techniques;
 - (i) pigment and implementation selection and use;
 - (j) needle depth and machine/hand speed coordination;
 - (k) dealing with mistakes;
 - (l) bandaging techniques; and
 - (m) in order to be approved practical work must include a minimum of 50 completed

procedures, for the purposes of determining qualifications for licensure under this rule. Completed procedure means a tattoo which has been finished on a live human being, including any touchups or additional work following initial healing and the client is released from service.

D. An applicant for a body art tattoo practitioner license shall take the tattoo or body piercing-scarification examination approved by the board with a minimum passing score of seventy-five percent or higher. A candidate who does not meet this score can retest up to two times. A candidate who does not pass the written examination must wait at least seven days before retesting. Any candidate who does not meet the minimum passing score after three attempts shall be required to enroll or re-enroll in an apprentice program.

E. Individuals who have been approved to take the written examination will have 12 months from approval date to take the examination and get licensed through the board.

[16.36.2.15 NMAC - N, 6/21/2018]

16.36.2.16 ~~[PERMANENT COSMETIC APPRENTICESHIP TRAINING AND EXAMINATION REQUIREMENTS:]~~ **RESERVED**

~~[A. — Upon successful completion of an apprenticeship program, an applicant for an original permanent cosmetic practitioner license shall provide proof of having completed a 255-hour board-approved curriculum, and shall perform under the direct supervision of a board-approved sponsor. An approved basic fundamental curriculum shall include the following requirements:]~~

~~[B. — A minimum of five of each of the following procedures: 60 hours]~~

~~[(1) — eye brow simulation; microblading, hairstrokes, shading;]~~

~~[(2) — lip liner;]~~

~~[(3) — lip color; and]~~

~~[(4) — eye liner/eyelash enhancement.]~~

~~[C. — Client records shall be maintained by the practitioner applicant to verify that the minimum requirements for the procedures were completed.]~~

~~[D. — The practitioner applicant shall submit 10 before and after photographs whereby the professional has personally performed one complete procedure for each of the following areas:]~~

~~[(1) — eye brow simulation;]~~

~~[(2) — lip liner;]~~

~~[(3) — lip color; and]~~

~~[(4) — eye liner/eyelash enhancement.]~~

~~[E. — Introduction to permanent cosmetics: 10 hours]~~

~~[(1) — History of tattooing as it applies to permanent makeup.]~~

~~[(2) — Overview of the different types of machines and devices.]~~

~~[F. — Professional standards and client care: 20 hours]~~

- ~~[(1) — Client expectations.]~~
 - ~~[(2) — Medical history.]~~
 - ~~[(3) — Consent and disclosure form.]~~
 - ~~[(4) — Record-keeping.]~~
 - ~~[(5) — HIPPA standards.]~~
 - ~~[(6) — Photography.]~~
 - ~~[G. — Office set up: 10 hours]~~
 - ~~[(1) — Understanding establishment requirements.]~~
 - ~~[(2) — General equipment.]~~
 - ~~[(3) — Table, chair, work surface, lightening.]~~
 - ~~[H. — Disinfection and sterilization: 100 hours]~~
 - ~~[(1) — Definition of terms.]~~
 - ~~[(2) — Discuss acceptable forms of sterilization.]~~
 - ~~[(3) — Proper use of chemical agents, antiseptics, disinfectants, and fumigants.]~~
 - ~~[(4) — OSHA and CDC guidelines regarding blood borne pathogens.]~~
 - ~~[(5) — Hand washing stations.]~~
 - ~~[(6) — Hepatitis B vaccination.]~~
 - ~~[(7) — PPE, such as gloves and proper attire to avoid cross contamination.]~~
 - ~~[(8) — Proper handling of devices, needles, and pigments.]~~
 - ~~[(9) — Sanitary measures during procedure set up, and clean up.]~~
 - ~~[I. — Client preparation: 10 hours]~~
 - ~~[(1) — Preparing the clients skin.]~~
 - ~~[(2) — Ways of marking the skin.]~~
 - ~~[(3) — Anesthetics used before, during, and after procedure.]~~
 - ~~[J. — Color and pigment theory: 10 hours]~~
 - ~~[(1) — Knowledge of skin type and undertones.]~~
 - ~~[(2) — Pigment care such as expiration, storage, and mixing.]~~
 - ~~[(3) — Use of safety sheets.]~~
 - ~~[K. — Skin anatomy: 20 hours]~~
 - ~~[(1) — Understanding of skin and layers.]~~
 - ~~[(2) — Healing process of the skin and its care.]~~
 - ~~[(3) — Diseases, disorders, and conditions such as; infection, herpes simplex, shingles, moles, warts, freckles, psoriasis, eczema, rosacea, and reactions.]~~
 - ~~[L. — Machine/Needle theory: 10 hours]~~
 - ~~[(1) — Operation, maintenance, and instrument storage.]~~
 - ~~[(2) — Proper needle handling and disposal.]~~
 - ~~[(3) — Groups, numbers, and configurations.]~~
 - ~~[(4) — Pre-sterilized, single use.]~~
 - ~~[M. — Business set up: 5 hours]~~
 - ~~[(1) — Basic business and social media guidelines.]~~
 - ~~[(2) — Legal requirements.]~~
 - ~~[(3) — Insurance/liability.]~~
 - ~~[(4) — New Mexico laws and regulations.]~~
 - ~~[N. — An applicant for permanent cosmetic professional license shall take an exam approved by the board with a minimum passing score of seventy five percent or higher. A candidate who does not meet this score can retest up to two times. A candidate who does not pass the written examination must wait at least seven days before retesting. Any candidate who does not meet the minimum passing score after three attempts shall be required to enroll or re-enroll in an apprentice program.]~~
 - ~~[O. — A permanent cosmetic professional applicant engaged in a state board approved apprenticeship training program prior to the effective date of July 1, 2018 shall have until August 31, 2018 to comply with apprenticeship requirements.]~~
- ~~[[16.36.2.16 NMAC — N, 6/21/2018]]~~

16.36.2.17 [SPECIAL EVENT, MOBILE BODY ART AND GUEST LICENSE REQUIREMENTS:]
RESERVED

~~[A. — Any licensee desiring to sponsor a special event must first obtain approval from the board office. The purpose of prior approval is to ensure professional integrity and that sanitation and safety requirements are met. An application on the form provided by the board office must be submitted at least 10 days prior to the event. Approval for the special events may be made administratively.]~~

~~[(1) — The sponsor(s) and the establishment where the sponsor(s) is practicing must have a current license.]~~

~~[(2) — The sponsor shall apply for the license at least 30 days prior to the event.]~~

~~[B. — All provisions of these regulations shall apply with the following exceptions:]~~

~~[(1) — Hand wash facilities shall be easily accessible to each procedure area and designated for use by artists only. Hand wash facilities or temporary hand wash facilities shall consist of antibacterial liquid soap, single use paper towels, and adequate supply of potable water dispensed through a continuous flow spout. Wastewater shall be collected and disposed of in a sanitary manner.]~~

~~[(2) — Body artists may bring pre-sterilized instruments or instruments that have been sterilized at another location with documentation showing a negative spore test result within the previous 30 days. On-site sterilization units may be used and shall comply with 16.36.5 NMAC of these rules.]~~

~~[(3) — After the last procedure is completed, all procedure areas shall be cleaned and disinfected.]~~

~~[C. — A guest licensee is a body artist who is licensed in another jurisdiction or meets the requirements of licensure in New Mexico and shall practice 30 days or less in New Mexico. Registration is required before any person may act as a guest licensee. An applicant for registration as a guest licensee must:]~~

~~[(1) — hold current licensure as a body artist in another jurisdiction or have the education or experience relating to the applicable type of New Mexico license requested; and]~~

~~[(2) — be under the sponsorship of a New Mexico licensed body artist.]~~

~~[D. — To be registered as a guest licensee the following must be submitted to the board:]~~

~~[(1) — verification of sponsorship by a licensed body artist;]~~

~~[(2) — a complete application;]~~

~~[(3) — registration fee;]~~

~~[(4) — proof of age indicating applicant is at least 18 years old (government issued identification with a photo);]~~

~~[(5) — copy of current CPR, first aid and blood-borne pathogen training as defined within 16.36.2.13 NMAC.]~~

~~[(6) — verification of licensure in another jurisdiction.]~~

~~[E. — Applicants not licensed in another jurisdiction must provide documentation of education and experience relating to the applicable type of New Mexico license requested.]~~

~~[F. — Guest body art registration will expire 30 days from the date of issuance. A guest license shall not extend beyond 30 days unless the licensee petitions the board and provides documentation that licensee has not worked 30 days in New Mexico. A guest license shall not be granted more than three times within a 12-month period.]~~

~~[[16.36.2.17 NMAC —Rp, 16.36.2.18 NMAC, 6/21/2018]]~~

16.36.2.18 ~~[EXPEDITED LICENSURE — MILITARY SERVICE MEMBERS, SPOUSES & VETERANS:]~~ RESERVED

~~[A. — Applications shall be completed on a form provided by the board. All applications are valid for one year from date received. All fees are non-refundable.]~~

~~[B. — The information shall include:]~~

~~[(1) — Completed application and fee pursuant to 16.36.6.8 NMAC]~~

~~[(2) — Satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction and has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for the license the applicant applies for pursuant to Chapter 61, Articles 2 through 34 NMSA 1978.]~~

~~[(3) — Proof of honorable discharge (DD214), active duty military ID card, or proof of military spouse status.]~~

~~[C. — Renewal for a license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for the issuance set forth in 16.36.2 NMAC and for the renewal of a license set forth in 16.36.2 NMAC pursuant to Chapter 61, Articles 2 through 34 NMSA 1978.]~~

~~[D. An applicant whose license has expired for more than five years shall re-enter an approved training program (apprenticeship), take the tattoo, body piercing-scarification or permanent cosmetic exam approved by the board with a passing minimum score approved by the board and take and pass a board approved jurisprudence examination with a minimum passing score of seventy-five percent.]~~
~~[[16.36.2.18 NMAC—N, 6/21/2018]]~~

16.36.2.19 EXPIRED LICENSE:

A. An applicant whose license has been expired for one year but less than two years shall submit an application, payment of all renewal fees to bring the license current, proof of completion of blood borne pathogens training within the prior 12 months, current CPR and first aid certification, and take and pass a board approved jurisprudence examination with a minimum score of seventy-five percent.

B. An applicant whose license has expired for more than two years shall take the tattoo, body piercing-scarification or permanent cosmetic written examination approved by the board with a passing minimum score approved by the board. Applicant must also take and pass a board approved jurisprudence examination with a minimum passing score of seventy-five percent.

C. An operator whose establishment license has expired shall submit a reinstatement application, payment of reinstatement fee for each year the license has been expired; and name of licensed operator.

D. A practitioner whose license has been expired more than five years shall re-enter an approved training program (apprenticeship), take the tattoo, body piercing-scarification or permanent cosmetic exam approved by the board with a passing minimum score approved by the board and take and pass a board approved jurisprudence examination with a minimum passing score of seventy-five percent.

[16.36.2.19 NMAC - N, 6/21/2018]

16.36.2.20 CROSSOVER HOURS: Individuals who are licensed in one discipline may transfer 100 hours of orientation toward their apprenticeship in another discipline, if they have at least one year of full time, verified work experience in a licensed establishment and complete the remaining required hours for licensure.

[16.36.2.20 - N, 6/21/2018]

16.36.2.21 [RECIROCITY] CREDIT GRANTED FOR SUBSTANTIALLY EQUIVELENT TRAINING AND EXPERIENCE:

~~A. [Submit an affidavit of licensure demonstrating proof of current license, which is active with no current or pending disciplinary action, as a tattoo artist, body piercing-scarification, permanent cosmetics. The licensing requirements in the other state jurisdiction must be substantially equivalent to New Mexico licensing requirements.]~~ An applicant for licensure as a body artist may be granted credit for training and experience obtained from any source, whether within or outside New Mexico, if the applicant demonstrates to the satisfaction of the board that the applicant's training and experience is substantially equivalent to the training and experience required under the applicable provisions of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act. The applicant shall apply for licensure as a body artist on an official form approved by the board obtained from the Department for that purpose, and shall meet the following minimum requirements in addition to those set forth in subsections A through C of this section 16.36.2.17 NMAC:

~~B. [If they are not substantially equivalent, the applicant must demonstrate to the satisfaction of the body art practitioners that the licensee has been employed or working as a tattoo artist, body artist, body piercing-scarification, permanent cosmetics—full time for three years—Documentation includes employment related documents such as paystubs, W-2 Forms, 1099 and federal tax forms.]~~ An applicant for licensure as a body artist may be granted credit for training and experience obtained from any source, whether within or outside New Mexico, if the applicant demonstrates to the satisfaction of the board that the applicant's training and experience is substantially equivalent to the training and experience required under the applicable provisions of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act. The applicant shall apply for licensure as a body artist on an official form approved by the board obtained from the Department for that purpose, and shall meet the following minimum requirements in addition to those set forth in subsections A through C of this section 16.36.2.17 NMAC:

(1) a certified copy of a current tattoo or body artist license from the other state or jurisdiction or provided that the board shall grant credit for training and experience obtained from any source;

(2) a current copy of the rules and regulations pertaining to tattooing, body piercing, scarification, and permanent cosmetics from the other state or jurisdiction;

(3) a letter of licensure verification mailed by the licensing authority from the other state or jurisdiction to the board which shall include:

- (a) verification that the applicant holds a valid and unexpired license;
- (b) the license issuance date;
- (c) the license expiration date;
- (d) a statement as to whether the applicant has ever been subject to discipline or if there are any complaints or investigations pending against the licensee; and
- (e) upon the request of the board, a written consent from the applicant allowing the board or its designee to examine disciplinary, complaint, or investigative records of the other licensing authority.
- (f) proof of disqualifying criminal convictions as defined in 16.36.4.9 NMAC;

C. An applicant seeking credit for training and experience obtained as a licensed tattoo or body artist in a state or jurisdiction outside New Mexico whose licensing requirements are less stringent than those in effect in New Mexico shall be required to meet the requirements of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act.

(1) If the applicant's training and experience is from a state or jurisdiction outside New Mexico, the applicant shall demonstrate to the satisfaction of the board that all of the following requirements are met:

(2) the applicant was authorized by law to perform tattooing, body piercing, scarification, or permanent cosmetics without limitation in the state or jurisdiction during the time period the applicant obtained the training and experience;

(3) the applicant has been a tattoo or body artist who has performed tattooing, body piercing, scarification, and permanent cosmetics in that state or jurisdiction immediately prior to applying for licensure as a body artist in New Mexico; and

(4) the applicant shall submit to the board:

(a) three letters of recommendation from a licensed tattoo or body artist in good standing in New Mexico or another state or jurisdiction;

(b) twenty color photographs of completed procedures by the applicant, demonstrating the applicant's ability, knowledge, and fitness to tattooing, body piercing, scarification, and permanent cosmetics procedures effectively and in a safe and healthy environment;

(c) CPR, First Aid and blood borne pathogen certificates issued to the applicant within six months immediately preceding the application for licensure;

(d) affidavits from prior employers or supervisors;

(e) W-2 or 1099 forms; and

(f) federal or state tax returns verifying occupational status.

D. If the applicant's training and experience was not obtained as a licensed tattoo or body artist in a state or jurisdiction outside New Mexico, or through an apprenticeship or training program from a state or jurisdiction outside New Mexico, the applicant shall demonstrate to the satisfaction of the board that all of the following minimum requirements are met. For the board to approve an apprenticeship or training program from a state or jurisdiction outside New Mexico, the applicant must submit satisfactory evidence to the board or its designee of the following:

(1) the apprenticeship or training program was licensed or accredited for that purpose by a state agency;

(2) the applicant successfully completed the apprenticeship or training program, as shown by an official transcript or certificate of completion;

(3) during the applicant's participation in the apprenticeship or training program, the applicant's sponsor or trainer was licensed and in good standing as a tattoo or body artist in the state or jurisdiction where the apprenticeship or training was completed;

(4) the applicant completed the apprenticeship or training program under the direct supervision of the sponsor or trainer in a state-approved program for tattoo or body artists;

(5) the apprenticeship or training program covered the areas of theory and practical experience required under the applicable provisions of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act;

(6) if the apprenticeship or training program completed in another state or jurisdiction included hours allotted to studying the laws and regulations of that state or jurisdiction, the board in its sole

discretion may count those hours toward the required number of hours allotted to studying New Mexico laws and regulations; and

(7) the apprenticeship or training program included the total number of hours of theory and practical experience and the number of completed procedures required under the applicable provisions of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act.

[16.36.2.21 NMAC - N, 6/21/2018, A, x/xx/2021]

16.36.2.22 ADDITIONAL TRAINING REQUIREMENTS

If the board determines that an applicant's training and experience is not substantially equivalent to the training and experience required under the applicable provisions of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act, it may require:

(1) the applicant to complete additional course work before proceeding with the application process; and

(2) the applicant to meet any other requirements as may be prescribed by the board, including a practical exam or an apprenticeship program.

[16.36.2.22 NMAC - N, X/XX/2021]

HISTORY OF 16.36.2 NMAC:

16.36.2 NMAC, Licensure Requirements, filed 2/4/2016 was Repealed and Replaced by Licensure Requirements, effective, 6/21/2018.

History of Repealed Material:

16.36.2 NMAC, Licensure Requirements, filed 3/12/2010 – Repealed effective, 2/4/2016.

16.36.2 NMAC, Licensure Requirements, filed 2/4/2016 – Repealed effective, 6/21/2018.