

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 36    BODY ARTISTS AND OPERATORS**  
**PART 3        REQUIREMENTS FOR ESTABLISHMENTS**

**16.36.3.1        ISSUING AGENCY:** Board of Body Art Practitioners.  
[16.36.3.1 NMAC - Rp, 16.36.3.1 NMAC, 2/4/2016; A, 2/3/2022]

**16.36.3.2        SCOPE:** Any person licensed to practice body art tattoo, piercing, scarification and all operators.  
[16.36.3.2 NMAC - Rp, 16.36.3.2 NMAC, 2/4/2016]

**16.36.3.3        STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-5 NMSA 1978.  
[16.36.3.3 NMAC - Rp, 16.36.3.3 NMAC, 2/4/2016]

**16.36.3.4        DURATION:** Permanent  
[16.36.3.4 NMAC - Rp, 16.36.3.4 NMAC, 2/4/2016]

**16.36.3.5        EFFECTIVE DATE:** February 4, 2016, unless a later date is cited at the end of a section.  
[16.36.3.5 NMAC - Rp, 16.36.3.5 NMAC, 2/4/2016]

**16.36.3.6        OBJECTIVE:** To outline the application process for body art operator licensure and requirements for all establishments.  
[16.36.3.6 NMAC - Rp, 16.36.3.6 NMAC, 2/4/2016, A, 2/3/2022]

**16.36.3.7        DEFINITIONS:** [RESERVED]

**16.36.3.8        REQUIREMENTS FOR ESTABLISHMENT:**

**A.** All walls and floors of a body art establishment shall be washable and in good repair. Walls and floors shall be maintained in a clean condition. All surfaces, including client chairs and benches shall be of such construction as to be easily cleaned and sanitized after each client procedure. All body art establishments shall be completely separated from any other business or non-business using floor-to-ceiling walls and doors. Rooms where body art procedures occur shall be free from debris or any safety hazards and shall not be used for storage.

**B.** ~~[Establishments located within or at a private residence must meet zoning requirements. An establishment located in or at a private residence shall meet establishment requirements as stated in 16.36.3.8 NMAC.]~~ All body art establishments shall be completely separated from any other business or non-business using floor-to-ceiling walls and doors. Rooms where body art procedures occur shall be free from debris or any safety hazards and shall not be used for storage.

**C.** ~~[There shall be a minimum of 40 square feet of floor space for each procedure room. Each body art establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple procedure rooms shall be separated by clean, non-porous and washable dividers, curtains or partitions, which shall be maintained with an EPA registered disinfectant.]~~ Establishments located within or at a private residence must meet zoning requirements. An establishment located in or at a private residence shall meet establishment requirements as stated in this section.

**D.** ~~[The body art establishment shall be well-ventilated and provided adequate artificial light.]~~ There shall be a minimum of 40 square feet of floor space for each procedure room. Each body art establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple procedure rooms or areas shall be separated by clean, non-porous and washable dividers, curtains or partitions, which shall be maintained with an EPA registered hospital grade disinfectant.

**E.** ~~[No animals of any kind shall be allowed in an establishment, except service animals used by persons with limitations as defined in the Americans with Disabilities Act. Aquariums are allowed, but not within a procedure room.]~~ The body art establishment shall be well-ventilated and provide adequate artificial light.

**F.** ~~[A separate, readily accessible, hand sink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid soap and disposable paper towels shall be readily accessible within the body art establishment. One hand sink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a~~

~~body art establishment.] Only service animals shall be allowed in an establishment pursuant to the Americans with Disability Act. Fish Aquariums are allowed, but not within a procedure room.~~

**G.** ~~[At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly. Receptacles in the operator area shall either have a foot operated lid or a lid that can and shall remain open during body art procedures to prevent hand contact with the receptacle during a procedure. All refuse containers shall be cleanable and kept clean.]~~ A separate, readily accessible, hand sink with hot and cold running water, under pressure (preferably equipped with hands-free operated controls,) and supplied with liquid soap and disposable paper towels shall be readily accessible within the body art establishment. One hand sink shall serve no more than three operators.

**H.** ~~[All instruments and supplies shall be stored in clean dry covered containers.]~~ There shall be a minimum of one lavatory, excluding any service sinks and one toilet in a body art establishment.

**I.** ~~[If reusable cloth items, including but not limited to lap cloths, are used, they shall be mechanically washed after each client procedure. Reusable cloth items shall be mechanically washed with detergent and dried. The cloth items shall be stored in a clean dry environment.]~~ Each procedure room or area and lavatory shall have a waste receptacle. All receptacles shall have either a hands-free operated lid or lid that can remain open during body art procedures. All receptacles shall be kept clean and emptied daily or more frequently if needed.

**J.** ~~[The following information shall be kept on file on the premises of a body art establishment and available for inspection by the board:~~

- ~~(1) the full names of all employees in the establishment and their exact duties;~~
- ~~(2) the board issued license with identification photograph;~~
- ~~(3) the body art establishment name and hours of operation;~~
- ~~(4) the name and address of the body art establishment owner;~~
- ~~(5) a complete description of all body art performed;~~
- ~~(6) maintenance of a safety data sheet (SDS) file containing pertinent information regarding products; and~~
- ~~(7) a copy of the Body Art Safe Practices Act and current rules.]~~

All instruments and supplies shall be stored in clean dry covered containers. All instruments shall be labeled as clean and kept separate from used or dirty instruments and supplies.

**K.** ~~[An operator shall notify the board in writing not less than 30 days before changing the location of a body art establishment. The notice shall include the street address of the new location.]~~ The full names of all the employees (past and present) and their exact duties shall be kept on file on the premises of a body art establishment and available for inspection by the board.

**L.** All inspection reports must be posted on the establishment's wall visible for the public to see.

**M.** Safety Data Sheet (SDS) files containing pertinent information regarding products shall be maintained, on file, and available for inspection by the board.

**N.** Advertising may only promote the services that are being provided by licensed practitioners.  
[16.36.3.8 NMAC - Rp, 16.36.3.8 NMAC, 2/4/2016; A, 6/21/2018; A, 7/12/2022; A, xx/xx/2025]

#### **16.36.3.9 APPLICATION FOR BODY ART OPERATOR ESTABLISHMENT LICENSE:**

**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]~~ Electronic applications:

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

- (2) Applications for licensure must include:
- (a) a completed ~~[and signed application]~~ 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;]~~ establishment address;
  - (e) ~~[establishment address;]~~ establishment phone number;

(f) ~~[establishment phone number;]~~ 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;

(g) ~~[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;]~~ copy of current CPR, First Aid and Bloodborne Pathogens training certification, as defined within 16.36.2. or 16.36.9. or 16.36.10 NMAC pursuant to Chapter 61, Article 17B NMSA 1978;

(h) ~~[a copy of current city or county business license;]~~ proof of any disqualifying criminal convictions as defined in 16.36.4.9 NMAC pursuant to Chapter 61, Article 17B NMSA 1978; and

(i) ~~[copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.2 or 16.36.9. or 16.36.10 NMAC pursuant to Chapter 61, Article 17B NMSA 1978;]~~ non-refundable application fee as required by the board.

~~[(j)] [proof of current immunizations as defined in 16.36.2 or 16.36.9. or 16.36.10 NMAC pursuant to Chapter 61, Article 17B NMSA 1978;]~~

~~[(k)] [proof of disqualifying criminal conviction as defined in 16.36.4.9 NMAC pursuant to Chapter 61, Article 17B NMSA 1978; and]~~

~~[(4)] [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;]~~ copy of current CPR, First Aid and Bloodborne Pathogens training certification, as 16.36.2 or 16.36.9. or 16.36.10 NMAC pursuant to Chapter 61, Article 17B NMSA 1978;

(c) ~~[copy of current CPR, first aid and blood borne pathogen training certificates, as 16.36.2 or 16.36.9. or 16.36.10 NMAC pursuant to Chapter 61, Article 17B NMSA 1978;]~~ proof of current immunizations as defined in 16.36.2 or 16.36.9. or 16.36.10 NMAC pursuant to Chapter 61, Article 17B NMSA 1978; and

(d) ~~[proof of current immunizations as defined in 16.36.2 or 16.36.9. or 16.36.10 NMAC pursuant to Chapter 61, Article 17B NMSA 1978; and]~~ proof of any disqualifying criminal conviction as defined in 16.36.4.9 NMAC pursuant to Chapter 61, Article 17B NMSA 1978

~~[(e)] [proof of disqualifying criminal conviction as defined in 16.36.4.9 NMAC pursuant to Chapter 61, Article 17B NMSA 1978.]~~

**E.** An operator shall notify the board in writing no less than 30 days before changing the location of the body art establishment. The notice shall include the address of the new location.

[16.36.3.9 NMAC – N, 2/3/2022; A, xx/xx/2025]

**16.36.3.10 EXPIRED LICENSE:** An operator whose establishment license has expired for one year or more shall ~~[submit a reinstatement application, payment of reinstatement fee for each year the license has been expired; and name of licensed operator]~~ re-apply online.

[16.36.3.10 NMAC – N, 2/3/2022; A, xx/xx/2025]

**16.36.3.11 MOBILE ESTABLISHMENT REQUIREMENTS:** The objective of these regulations is to protect the public health by establishing standards and provisions for the safe operation of mobile establishments to assure that consumers are not exposed to adverse environmental health conditions and all sanitary and safety standards are met.

**A.** Any person desiring to operate a mobile establishment shall first obtain approval from the board. The purpose of prior approval is to ensure professional integrity, and that sanitation and safety requirements are met.

(1) An online application must be submitted along with payment and along with additional documentation;

(a) vehicle registration;  
(b) proof of automobile insurance;  
(c) name of licensee in charge;  
(2) No person shall operate a mobile establishment who does not have a valid mobile establishment license.  
(3) A mobile establishment must provide a list of all licensees who will be providing services within the establishment, any changes must be submitted to the board office in writing prior to allowing any additional artists to practice within the establishment.  
(4) The mobile establishment shall pass an inspection prior to the approval of a Mobile establishment license.  
(5) Approval for the mobile establishment may be made administratively.  
B. The mobile establishment shall comply with all provisions in the Body Art Safe Practices and regulations and shall meet the following requirements:  
(1) Allow representatives of Regulation Licensing Department access to the mobile establishment during the mobile establishment hours of operation.  
(2) Identify a licensee charge who will be responsible for all activity within the establishment.  
(3) A mobile establishment is limited to no more than 15 consecutive calendar days at one physical location.  
(4) A mobile establishment license is not transferable.  
C. A mobile establishment licensee in charge must comply with the following requirements:  
D. Submit written notification for each new physical location where services will be provided in a mobile establishment.  
(1) The notification must be received in the Board office at least 24 hours before services are performed at the new physical location. Notice may be sent via electronic mail or in person at the office. New locations must be administratively approved prior to providing services.  
(2) Licensee in-charge shall maintain a log of each location services are provided and keep on file and available to a RLD representative when requested.  
E. Mobile establishment must remain stationary while services are being performed;  
F. The following information must be made available to all clients:  
(1) Provide each client with the Mobile establishment name and license number and the operator's name and license number;  
(2) Display the Mobile establishment name on the outside of the mobile establishment which is easily visible from the street;  
(3) No apprentices are allowed to provide services or practice in a mobile establishment;  
and  
(4) Alcoholic beverages, tobacco, cannabis or other illegal substances are not permitted in a mobile establishment.  
[16.36.7.10 NMAC – N, xx/xx/2025]

#### **HISTORY OF 16.36.3 NMAC:**

16.36.3 NMAC, Requirements for Establishments, filed 4/16/2008 was Repealed and replaced by 16.36.3 NMAC, Requirements for Establishments, effective 2/4/2016.

#### **History of Repealed Material:**

16.36.3 NMAC, Requirements for Establishments, filed 4/16/2008 - Repealed effective, 2/4/2016