

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 36 BODY ARTISTS AND OPERATORS**  
**PART 7 LICENSURE REQUIREMENTS FOR SPECIAL EVENTS~~[, MOBILE BODY ART]~~ AND GUESTS**

**16.36.7.1 ISSUING AGENCY:** Board of Body Art Practitioners.  
[16.36.7.1 NMAC – N, 2/3/2022]

**16.36.7.2 SCOPE:** Any person wanting to participate in a body art related special event, mobile body art and guests.  
[16.36.7.2 NMAC – N, 2/3/2022]

**16.36.7.3 STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-5 NMSA 1978.  
[16.36.7.3 NMAC – N, 2/3/2022]

**16.36.7.4 DURATION:** Permanent  
[16.36.7.4 NMAC – N, 2/3/2022]

**16.36.7.5 EFFECTIVE DATE:** January 11, 2022, unless a later date is cited at the end of a section.  
[16.36.7.5 NMAC – N, 2/3/2022]

**16.36.7.6 OBJECTIVE:** To outline the application process, for body art related special events, mobile body art, and guests.  
[16.36.7.6 NMAC – N, 2/3/2022]

**16.36.7.7 DEFINITIONS:** [RESERVED]

**16.36.7.8 ~~[SPECIAL EVENT, MOBILE BODY ART AND GUEST LICENSE REQUIREMENTS:]~~**  
**SPECIAL EVENT AND GUEST LICENSE REQUIREMENTS:**

**A.** Any licensee desiring to sponsor a special event must first obtain approval from the board office staff. Event sponsors must be in good standing. Sponsors cannot have discipline on their record for the past 5 years. The purpose of prior approval is to ensure professional integrity, and that sanitation and safety requirements are met. An online application ~~[on the form provided by the board]~~ must be submitted at least ~~[+]~~30 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 in good standings.

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

(3) Licensees or individuals applying for a special event license shall be free of any disciplinary actions for a term of 5 years.

(4) All artists shall be approved 10 days prior to the special event, or they will not be allowed to participate.

(5) The sponsor shall submit a list of attending artists when applying for special event license and must provide the board administrator with an updated list as artists request to participate.

(6) The sponsor and event coordinator shall be present at all times during 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.]~~ Hand wash facilities shall be easily accessible to each procedure area and designated for use by artists only. One hand sink shall serve no more than 20 operators. Hand wash facilities or temporary hand wash facilities shall consist of liquid hand 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. Temporary hand wash facilities shall be disinfected daily.

(2) ~~[Body artist practitioners 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.]~~ Body Art Practitioners shall use pre-sterilized instruments or instruments that have been sterilized at another location with sterilization documentation 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.]~~ Each body artist shall have their own equipment and supplies.

(4) All surfaces, including client chairs and benches shall be of construction as to be easily cleaned and sanitized after each client procedure.

(5) There shall be a minimum of forty (40) square feet of floor space for each procedure area/room; two artists per 10x10 booth pursuant to rule 16.36.3.8.C. Multiple procedure areas/rooms shall be separated by a clean, non-porous and washable dividers, curtains or partitions, which shall be maintained with an EPA registered disinfectant.

(6) The special event should have an area that may be screened from public view for clients requesting privacy.

(7) At least one covered waste receptacle shall be provided in each operator procedure area/room. Pursuant to 16.36.3.8 NMAC.

(8) Smoking, eating, or drinking by anyone is prohibited in the procedure area/room while body art preparation, procedure and clean-up is being performed. Pursuant to 16.36.5.8.B. Containers that can be sealed with a cap are acceptable.

(9) Contaminated waste, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag which is marked with the international "biohazard" symbol. It must be disposed of by and approved medical waste facility pursuant to federal and state regulations including but not limited to 29 CFR 1910.1030.

(10) Sharps containers ready for disposal shall be disposed of in approved sharps containers. The event coordinator shall maintain records of waste removal and provided documentation to the board within 30 days of the event.

(11) Alcoholic beverages, tobacco, cannabis or other illegal substances are not permitted in the procedure area.

C. A guest licensee is a body artist practitioner 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 online application must be submitted at least 10 days prior to the event. Any applications submitted after the 10-day cut off will not get an approved. An applicant for registration as a guest licensee must:

(1) hold current licensure as a body artist practitioner 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 practitioner~~[-]~~ and licensed establishment.

(3) all approved licenses will be held at the board office until the day of event and the board inspectors will provide the licenses upon review of the booths.

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 practitioner;

(2) a complete application;

(3) ~~[registration fee;]~~ non-refundable application fee as required by the board;

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

(5) A copy of current CPR, ~~[first aid and blood borne pathogen]~~ First Aid and Bloodborne Pathogens training certification as defined within 16.36.7.9 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.]~~ A guest artist practicing in New Mexico over the 30 days must re-apply, pay fees, and meet requirements as set forth in 16.36.7.8 D.

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

**16.36.7.9 [RESERVED] [PROOF OF COMPLETION OF TRAINING PROGRAM:]** Proof shall be provided with the original online application that the applicant has, at a minimum, completed the following training prior to making application for a license as a permanent cosmetic practitioner 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 permanent cosmetics apprenticeship shall file an apprentice agreement notarized by all parties that applicant shall complete the board required training requirements.]~~

[16.36.7.9 NMAC - N, 2/3/2022; Repealed, xx/xx/2025]

**HISTORY OF 16.36.7 NMAC:**