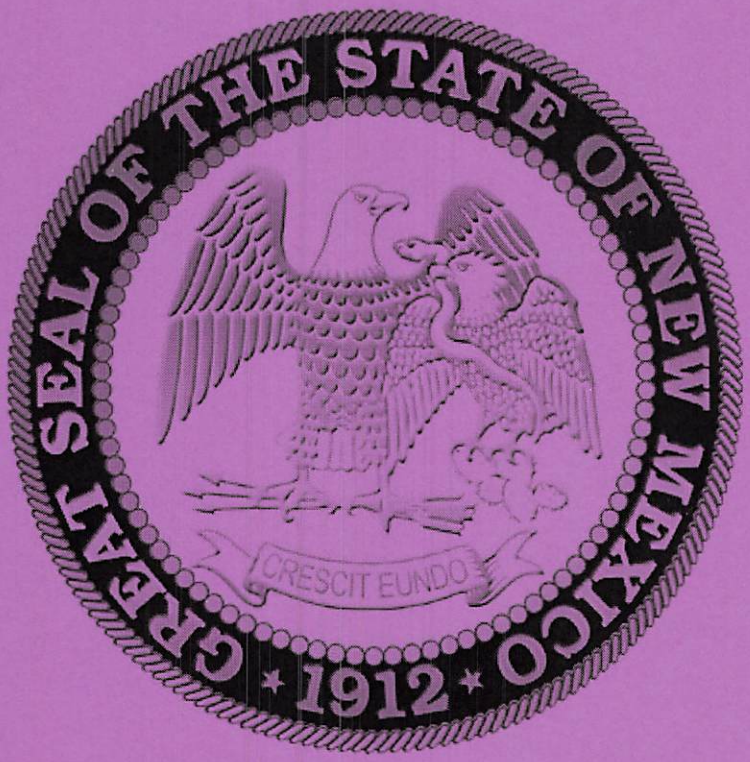
New Mexico Board Of Body Art Practitioners



Body Art Safe Practices Act NMSA 61-17 B
Body Art Rules and Regulations

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 36 BODY ARTISTS AND OPERATORS
PART 1 GENERAL PROVISIONS

16.36.1.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Barbers and Cosmetologists
[16.36.1.1 NMAC - N, 05/16/2008]

16.36.1.2 SCOPE: Any person licensed to practice body art tattoo, piercing, scarification and all operators.
[16.36.1.2 NMAC - N, 05/16/2008]

16.36.1.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-3, 61-17B-5, 61-17B-7 and 61-17B-13.
[16.36.1.3 NMAC - N, 05/16/2008]

16.36.1.4 DURATION: Permanent
[16.36.1.4 NMAC - N, 05/16/2008]

16.36.1.5 EFFECTIVE DATE: May 16, 2008 unless a later date is cited in the history note at the end of a section.
[16.36.1.5 NMAC - N, 05/16/2008]

16.36.1.6 OBJECTIVE: To define terms relevant to body art, custody and alteration of licenses, license posted, exemptions and municipalities
[16.36.1.6 NMAC - N, 05/16/2008]

16.36.1.7 DEFINITIONS: As used in these regulations, the following words and phrases have the following meanings, unless the context or intent clearly indicates a different meaning.

A. **"Aftercare"** means written instructions given to the client, specific to the body piercing or tattooing procedure(s) rendered, on caring for the body piercing or tattoo and surrounding area.

B. **"Antiseptic"** means an agent that destroys disease-causing microorganisms on human skin or mucosa.

C. **"Autoclave"** means a piece of medical equipment that employs the steam under pressure method of sterilization.

D. **"Board"** means the board of barbers and cosmetologists.

E. **"Body art"** means tattooing, body piercing or scarification but does not include practices that are considered medical procedures by the New Mexico medical board.

F. **"Body art establishment"** means a fixed or mobile place where body art is administered on the premises.

G. **"Body artist"** means a person who administers body piercing, tattooing or scarification.

H. **"Body piercing"** means to cut, stab or penetrate the skin to create a permanent hole or opening.

I. **"Equipment"** means machinery used in connection with the operation of a body art establishment, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and other apparatuses and appurtenances.

J. **"Instruments used for body art"** means hand pieces, needles, needle bars and other items that may come into contact with a person's body during the administration of body art.

K. **"Operator"** means the owner in charge of a body art establishment.

L. **"Scarification"** means cutting into the skin with a sharp instrument or branding the skin with a heated instrument to produce a permanent mark or design on the skin.

M. **"Sharps"** means any sterilized object that is used for the purpose of penetrating the skin or mucosa, including needles, scalpel blades and razor blades.

N. **"Single use"** means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

O. **"Sterilization"** means destruction of all forms of microbiotic life, including spores.

P. **"Tattooing"** means the practice of depositing pigment, which is either permanent, semipermanent or temporary, into the epidermis using needles by someone other than a state-licensed physician or a person under the supervision of a state-licensed physician and includes permanent cosmetics, dermography, micropigmentation, permanent color technology and micropigment implantation.

[16.36.1.7 NMAC - N, 05/16/2008]

16.36.1.8 CUSTODY AND ALTERATION OF LICENSES

A. Licenses issued by the board are at all times the property of the board, and may remain in the custody of the licensee only as long as the licensee complies with the act and board rules.

B. Licenses shall not be altered in any way.

C. Inspectors or board designees may retrieve any license which is suspended, revoked, expired, or left by a licensee who is no longer employed at an establishment.

D. A current body art apprenticeship, practitioner or operator license is not transferable from one person to another.

[16.36.1.8 NMAC - N, 05/16/2008]

16.36.1.9 LICENSES POSTED

A. All licenses, except identification licenses, issued by the board shall be posted where clearly visible to the public at all times.

B. Licensees must attach a recent passport size colored photograph to the board issued license and sign the license where indicated.

C. All licensees, who have been placed on probation, will be issued a license, which states the licensee is on disciplinary probation. The license shall be posted where clearly visible to the public at all times.

D. Licensees must present a driver's license or other identification when requested by the public, the board or its authorized representative.

[16.36.1.9 NMAC - N, 05/16/2008]

16.36.1.10 EXEMPTIONS

A. A person who pierces only the outer perimeter of the ear, not including any cartilage, using a pre-sterilized encapsulated single use stud ear piercing system, implementing appropriate procedures, is exempt from the requirements of the Body Art Safe Practices Act [61-17B-1 NMSA 1978].

B. A member of a federally recognized tribe, band, nation or pueblo who performs scarification rituals for religious purposes is exempt from the requirements of the Body Art Safe Practices Act.

C. Operators and body artists engaged in the body art business before the effective date of the Body Art Safe Practices Act shall have one hundred eighty days from May 16, 2008 to comply with license requirements.

[16.36.1.10 NMAC - N, 05/16/2008]

16.36.1.11 MUNICIPALITIES: The Body Art Safe Practices Act [61-17B-1 NMSA 1978] provides minimum standards for safe body art practices. A municipality may by ordinance provide more stringent standards.

[16.36.1.11 NMAC - N, 05/16/2008]

HISTORY OF 16.36.1 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 36 BODY ARTISTS AND OPERATORS
PART 2 LICENSURE REQUIREMENTS

16.36.2.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Barbers and Cosmetologists
[16.36.2.1 NMAC - N, 05/16/2008]

16.36.2.2 SCOPE: Any person licensed to practice body art tattoo, piercing, scarification and all operators.
[16.36.2.2 NMAC - N, 05/16/2008]

16.36.2.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-5.
[16.36.2.3 NMAC - N, 05/16/2008]

16.36.2.4 DURATION: Permanent
[16.36.2.4 NMAC - N, 05/16/2008]

16.36.2.5 EFFECTIVE DATE: May 16, 2008 unless a later date is cited in the history note at the end of a section.
[16.36.2.5 NMAC - N, 05/16/2008]

16.36.2.6 OBJECTIVE: To outline the application process, training and examination requirements and the renewal procedures
[16.36.2.6 NMAC - N, 05/16/2008]

16.36.2.7 DEFINITIONS: [RESERVED]

16.36.2.8 APPLICATION FOR BODY ART TATTOO OR PIERCING-SCARIFICATION APPRENTICE LICENSE

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.

(2) Applications for licensure must include:

(a) a completed and signed application;

(b) applicant name;

(c) proof of age indicating applicant is at least 18 years of age (copy of birth certificate, driver's license, state issued identification card, or baptismal certificate);

(d) mailing address;

(e) business address;

(f) phone number;

(g) place of employment as a practitioner;

(h) proof of completion of tattoo or piercing-scarification training program as set forth below;

(i) an apprentice sponsorship form which must be signed by a body art practitioner licensed in the kind of body art the applicant is seeking an apprenticeship license;

(j) non-refundable application fee as required by the board in the form of a money order, cashier's check, business check, or credit card, (no personal checks will be accepted).

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 75% or higher.
[16.36.2.8 NMAC - N, 05/16/2008]

16.36.2.9 APPLICATION FOR BODY ART TATTOO OR PIERCING-SCARIFICATION PRACTITIONER LICENSE

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.

(2) Applications for licensure must include:

(a) a completed and signed application;

(b) name;

(c) proof of age indicating applicant is at least 18 years of age (copy of birth certificate, driver's license, state issued identification card, or baptismal certificate);

(d) mailing address;

(e) business address;

(f) phone number;

(g) place of employment as a practitioner;

(h) proof of completion of tattoo, piercing, or scarification training program and examination as set forth below;

(i) verification of completion of tattoo or piercing-scarification apprenticeship or experience as set forth below;

(j) non-refundable application fee as required by the board in the form of a money order, cashier's check, business check, or credit card, (no personal checks will be accepted).

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 75% or higher. If the applicant took and passed the jurisprudence exam to obtain an apprentice license within the prior two years the exam results will transfer to the application for a practitioner license.

[16.36.2.9 NMAC - N, 05/16/2008]

16.36.2.10 APPLICATION FOR PERMANENT COSMETIC PROFESSIONAL

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.

(2) Applications for licensure must include:

(a) a completed and signed application;

(b) name;

(c) proof of age indicating applicant is at least eighteen years of age (copy of birth certificate, driver's license, state issued identification card, or baptismal certificate);

(d) mailing address;

(e) business address;

(f) phone number;

(g) place of employment as a practitioner;

(h) proof of completion of permanent cosmetic training program and examination as set forth below;

(i) non-refundable application fee as required by the board in the form of a money order, cashier's check, business check, or credit card, (no personal checks will be accepted).

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 75% or higher.

[16.36.2.10 NMAC - N, 05/16/2008]

16.36.2.11 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.

B. The supervising licensee(s) must be licensed by the board in each aspect of the licensed activity being practiced in the establishment during the time licensee is in charge (e.g. tattoo, piercing, permanent cosmetics or scarification).

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) proof of age indicating applicant is at least eighteen years of age (copy of birth certificate, driver's license, state issued identification card, or baptismal certificate);
(e) mailing address;
(f) physical business address;
(g) business phone number;
(h) name(s) of the body art supervising practitioner(s) working at the establishment;
(i) non-refundable application fee as required by the board in the form of a money order, cashier's check, business check, or credit card, (no personal checks will be accepted).
[16.36.2.11 NMAC - N, 05/16/2008; A, 04/12/2010]

16.36.2.12 PROOF OF CURRENT IMMUNIZATIONS: Proof shall be provided upon request of the board or board representative that apprentice, 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 - N, 05/16/2008]

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. blood borne pathogens (disease) training that meets OSHA standards and center for disease control recommendations; an examination is required as a condition of training completion:

(1) the training must be completed within 12 months prior to application and include, at a minimum, the following:
(a) a copy and explanation of the OSHA bloodborne pathogen standard;
(b) an explanation of the epidemiology and symptoms of bloodborne diseases;
(c) an explanation of the modes of transmission of bloodborne pathogens;
(d) an explanation of an exposure control plan and the means by which the employee can obtain a copy of the written plan;
(e) an explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;
(f) an explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;
(g) information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;
(h) an explanation of the basis for selection of personal protective equipment;
(i) information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;
(j) information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;
(k) an explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that must be made available;
(l) information on the post-exposure evaluation and follow-up that an employer is required to provide for the employee following an exposure incident;
(m) an explanation of the signs and labels or color coding required by OSHA standards; and
(n) an opportunity for interactive questions and answers with the person conducting the training session;

(2) the training may be obtained through any of the following:
(a) nationally accredited organization;
(b) local government sponsored;
(c) hospital sponsored;
(d) college sponsored;
(e) OSHA (occupational safety and health administration) sponsored;
(f) red cross; or
(g) board approved;

B. current certification in first aid and cardiopulmonary resuscitation (CPR); 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 (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 by all parties that applicant shall complete the board required training requirements.

[16.36.2.13 NMAC - N, 05/16/2008]

16.36.2.14 TATTOO OR BODY PIERCING-SCARIFICATION APPRENTICESHIP TRAINING AND EXAMINATION REQUIREMENTS

A. An applicant for original tattoo or piercing-scarification practitioner license shall provide proof, acceptable to the board or its designee, that applicant has completed a 1500 hour 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 1500 hour apprentice program shall include:

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

C. Body piercing apprenticeship curriculum:

(1) Orientation: 200 hours:
  (a) state laws and regulations;
  (b) tax and business license requirements;
  (c) OSHA bloodborne pathogens standard;
  (d) the establishment's exposure control plan;
  (e) MSDS 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;
    (v) other exposures.
(2) Sterilization, disinfection theory and practical: 200 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;
(q) sterilization/appropriate use and maintenance of autoclave sterilizers.

(3) Body piercing theory-100 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) body anatomy as it pertains to piercing;
(o) determining the appropriateness of a piercing;
(p) equipment;
(q) disposable supplies;
(r) needles;
(s) sharps disposal;
(t) reusable equipment;
(u) storage;
(v) aftercare;
(w) piercing guns (theory only).

(4) Body piercing 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) piercing techniques;
(h) dealing with mistakes;
(i) in order to be approved, curriculum for body piercing technician training shall include, at a minimum, 50 practical operations observed by the apprentice, 50 practical operations in which the apprentice participated, and 50 practical operations performed by the apprentice under supervision, but without assistance; the 50 unsupervised 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;
(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;

(vi) healing and aftercare.

D. Tattoo apprenticeship curriculum:

(1) Orientation: 200 hours:

(a) state laws and regulations;
(b) tax and business license requirements;
(c) OSHA bloodborne pathogens standard;
(d) the establishment's exposure control plan;
(e) MSDS 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;
(v) other exposures.

(2) Sterilization, disinfection theory and practical: 200 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;
(q) sterilization/appropriate use and maintenance of autoclave sterilizers.

(3) Tattooing theory-100 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 it's 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;
(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.

E. Applicants engaged in the tattoo or body piercing-scarification business before May 16, 2008 may submit notarized letters of employment from past employers or employment records as substitution for an apprenticeship to prove completion of at least 1500 hours of actual experience in the practice of performing body art activities of the kind for which the applicant seeks a body art practitioner license.

F. An applicant for licensure by reciprocity must meet all the requirements of the act and applicable rules. A body artist licensed in another jurisdiction must submit a verification of licensure from jurisdiction verifying that the artist holds a current license and is in good standing.

G. An applicant for a body art tattoo, piercing-scarification practitioner license shall take the tattoo or body piercing-scarification exam approved by the board with a passing score approved by the board. 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 - N, 05/16/2008; A, 04/12/2010]

16.36.2.15 APPRENTICE SPONSOR

A. Upon filling an application with the board a licensee may be approved to sponsor a tattoo or body piercing-scarification apprentice if the licensee:

(1) holds a New Mexico tattoo or body piercing-scarification license;

(2) provides documentation of legally practicing tattoo or body piercing-scarification for at least five years without any board sanctioned disciplinary action; and

(3) provides a curriculum as required in 16.36.2.14 NMAC to the board for approval.

B. It shall constitute a violation of the rules, within the meaning of the act, for a school to engage in failure to transmit apprentice documents in a timely fashion to the board.

[16.36.2.15 NMAC - N, 05/16/2008; A, 04/12/2010]

16.36.2.16 PERMANENT COSMETIC TRAINING AND EXAMINATION REQUIREMENTS

A. The permanent cosmetic professional applicant shall have completed a 100 hour training program approved by the board, and shall perform under the direct supervision of a board approved practitioner a minimum of 40

hours and shall include the following requirements:

(1) Microbiology:
  (a) microorganisms, viruses, bacteria, fungi;
  (b) transmission cycle of infectious diseases; and
  (c) characteristics of antimicrobial agents.

(2) Immunization:
  (a) types of immunizations; and
  (b) general preventative measures to protect the apprentice and client.

(3) Sanitation and disinfection:
  (a) definition of terms;
  (b) use of steam sterilization equipment and techniques;
  (c) use of chemical agents, antiseptics, disinfectants, and fumigants;
  (d) use of sanitation equipment;
  (e) preservice sanitation procedure; and
  (f) post-service sanitation procedure.

(4) Safety:
  (a) proper needle handling and disposal;
  (b) how to avoid overexposure to chemicals;
  (c) use of material safety data sheets;
  (d) blood spill procedures;
  (e) equipment and instrument storage.

(5) Bloodborne pathogen standards.
  (a) OSHA bloodborne pathogen standards;
  (b) control plan for bloodborne pathogens;
  (c) exposure control plan;
  (d) overview of compliance requirements; and
  (e) disorders and when not to service a client.

(6) Professional standards:
  (a) client preparation;
  (b) recordkeeping:
  (c) client health history;
  (d) consent and disclosure forms;
  (e) sanitation and safety precautions;
  (f) HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy rule) standards;
  (g) implement selection and use;
  (h) proper use of equipment;
  (i) material selection and use;
  (j) needles.

(7) Anatomy:
  (a) understanding of skin; and
  (b) parts and functions of skin.

(8) New Mexico laws and regulations.

B. A minimum of five of each of the following procedures:
  (1) eye brow simulation;
  (2) lip liner;
  (3) lip color; and
  (4) eye liner/eyelash enhancer.

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 a minimum of one photograph 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 enhancer.

E. A practitioner performing areola restoration shall have completed a training program approved by the board.

F. An applicant for a permanent cosmetic professional license shall take an exam approved by the board with a passing minimum score approved by the board.
[16.36.2.16 NMAC - N, 05/16/2008; A, 04/12/2010]

16.36.2.17 LICENSE RENEWAL

A. The body artist and operator shall renew the license annually.

B. 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.

C. Renewal application shall include the following information:

(1) proof of completion of blood borne pathogens training within the prior 12 months; and

(2) current CPR and first aid certification.

D. The board will issue renewal licenses within 15 working days of receipt of the renewal application and applicable fee.

E. An applicant whose license has expired for one year but less than five years shall submit a reinstatement application, payment of reinstatement fee; 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 75% or higher.

F. An applicant whose license has expired for more than five years shall re-enter an approved training program and complete a 40 hour theory curriculum, take the tattoo or body piercing-scarification 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 75%.
[16.36.2.17 NMAC - N, 05/16/2008]

16.36.2.18 SPECIAL EVENT, MOBILE BODY ART AND GUEST LICENSE REQUIREMENTS

A. Any licensee desiring to sponsor a special event that will not be conducted at a licensed establishment 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 ten days prior to the event. Approval for the special events may be made administratively.

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 Part 5 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; and

(4) 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 thirty days in New Mexico. A guest license shall be granted only once within a 12 month period.
[16.36.2.18 NMAC - N, 05/16/2008]

HISTORY OF 16.36.2 NMAC: [RESERVED]

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

16.36.3.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Barbers and Cosmetologists
[16.36.3.1 NMAC - N, 05/16/2008]

16.36.3.2 SCOPE: Any person licensed to practice body art tattoo, piercing, scarification and all operators.
[16.36.3.2 NMAC - N, 05/16/2008]

16.36.3.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-5.
[16.36.3.3 NMAC - N, 05/16/2008]

16.36.3.4 DURATION: Permanent
[16.36.3.4 NMAC - N, 05/16/2008]

16.36.3.5 EFFECTIVE DATE: May 16, 2008 unless a later date is cited in the history note at the end of a section.
[16.36.3.5 NMAC - N, 05/16/2008]

16.36.3.6 OBJECTIVE: To outline the requirements for all establishments
[16.36.3.6 NMAC - N, 05/16/2008]

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 by solid partitions, or by walls extending from floor to ceiling, from any room used for human habitation, a food establishment or room where food is prepared, a hair salon, retail sales, or other such activity which may cause potential contamination of work surfaces.

B. Insects, vermin and rodents shall not be present in any part of the body art establishment, its appurtenances or appertaining premises.

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 which may be screened from public view for clients requesting privacy. Multiple procedure rooms shall be separated by wipe able dividers, curtains or partitions.

D. The body art establishment shall be well-ventilated and provided with an artificial light source equivalent to at least 20 foot candles three feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

E. No animals of any kind shall be allowed in a procedure room except service animals used by persons with limitations. Small animals confined to a cage or aquariums are allowed only outside a procedure room.

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 antimicrobial 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.

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.

H. All instruments and supplies shall be stored in clean dry covered containers.

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.

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 material safety data sheet (MSDS) file containing pertinent information regarding products ; and
(7) a copy of the Body Art Safe Practices Act and current rules.

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.

[16.36.3.8 NMAC - N, 05/16/2008]

HISTORY OF 16.36.3 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 36 BODY ARTISTS AND OPERATORS
PART 4 ENFORCEMENT, COMPLAINTS AND DISCIPLINARY ACTION

16.36.4.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Barbers and Cosmetologists
[16.36.4.1 NMAC - N, 05/16/2008]

16.36.4.2 SCOPE: Any person licensed to practice body art tattoo, piercing, scarification and all operators.
[16.36.4.2 NMAC - N, 05/16/2008]

16.36.4.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-5, 61-17B-9, 61-17B-10, 61-17B-11.
[16.36.4.3 NMAC - N, 05/16/2008]

16.36.4.4 DURATION: Permanent
[16.36.4.4 NMAC - N, 05/16/2008]

16.36.4.5 EFFECTIVE DATE: May 16, 2008 unless a later date is cited in the history note at the end of a section.
[16.36.4.5 NMAC - N, 05/16/2008]

16.36.4.6 OBJECTIVE: To inform licensees of the complaint procedures, enforcement and disciplinary actions.
[16.36.4.6 NMAC - N, 05/16/2008]

16.36.4.7 DEFINITIONS: [RESERVED]

16.36.4.8 ENFORCEMENT, COMPLAINTS AND DISCIPLINARY ACTION

A. A member of the board, its employees or agents may enter and inspect a school, enterprise or establishment at any time during regular business hours for the purpose of determining compliance with the Barbers and Cosmetologists Act and the Body Art Safe Practices Act.

B. It shall be unlawful for any artist to perform body piercing or tattoo procedures outside of a licensed body piercing or tattooing establishment.

C. It shall constitute a violation of the Body Art Safe Practices Act when a licensee:

(1) attempts by means of any threat, force, intimidation or violence to deter, interfere with or prevent any inspector or board designee from performing any official duty of the department or board;

(2) willfully resists, delays or obstructs an inspector or board designee in the performance of his/her official duty;

(3) fails to comply with the lawful command of an inspector or board designee in the discharge of his/her official duty; or

(4) fails to cooperate in investigations, proceedings, and requirements of this code.

D. The board, or its designee, will consider a formal complaint filed against a licensee or an establishment provided the complaint is on the proper form, signed and notarized.

E. When a complaint is received on the proper form, the board, or its designee, will write to the licensee the complaint is against and request a response within fifteen days of receipt of such request.

F. The response will be reviewed by a committee designated by the board chairman.

G. If the committee's recommendation is that the complaint be taken before the board, the complaint will be reviewed at the next regularly scheduled board meeting. The board shall:

(1) take no further action; or

(2) issue a notice of contemplated action (NCA) under the Uniform Licensing Act; or

(3) assess an administrative penalty subject to appropriate procedural requirements and safeguards.

H. Any hearing held pursuant to the complaint shall conform with the provisions of the Uniform Licensing Act and the Body Art Safe Practices Act.

I. The board may fine, deny, revoke, suspend, stipulate, or otherwise limit a license if the board determines the licensee is guilty of violating any of the provisions of the act, the Uniform Licensing Act, or these rules.

J. Subject to legally required procedural safeguards, any person who violates any provisions of the act or any rule adopted by the board may incur, in addition to any other penalty provided by law, a civil penalty in an amount of less than one hundred fifty dollars ($150) for each violation. The board will serve on the licensee official notice of any such fine

that the board proposes to assess. Failure to pay a fine, once properly assessed, may result in an additional fine and revocation of license or other disciplinary action. The penalties to be assessed are as follows:

(1) Failure to comply with operator requirements:

(a) first offense: one hundred dollars ($100)

(b) second offense: one hundred fifty dollars ($150)

(c) third and subsequent offenses: The board shall take steps to impose a further fine up to the limit of one hundred fifty dollars ($150) or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

(2) Failure to comply with sanitation and safety requirements:

(a) first offense: one hundred dollars ($100)

(b) second offense: one hundred fifty dollars ($150)

(c) third and subsequent offenses: The board shall take steps to impose a further fine up to the limit of one hundred fifty dollars ($150) or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

(3) Failure to post required licenses:

(a) first offense: fifty dollars ($50)

(b) second offense: one hundred fifty dollars ($150)

(c) third and subsequent offenses: The board shall take steps to impose a further fine up to the limit of one hundred fifty dollars ($150) or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

(4) Working on an expired or invalid license:

(a) first offense: fifty dollars ($50)

(b) second offense: one hundred fifty dollars ($150)

(c) third and subsequent offenses: The board shall take steps to impose a further fine up to the limit of one hundred fifty dollars ($150) or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act

(5) Performing services for compensation in an unlicensed establishment:

(a) first offense: one hundred dollars ($100)

(b) second offense: one hundred fifty dollars ($150)

(c) third and subsequent offenses: The board shall take steps to impose a further fine up to the limit of one hundred fifty dollars ($150) or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

(6) Any violation of the Body Art Safe Practices Act or rules:

(a) first offense: one hundred dollars ($100)

(b) second offense: one hundred fifty dollars ($150)

(c) third and subsequent offenses: The board shall take steps to impose a further fine up to the limit of one hundred fifty dollars ($150) or to take other disciplinary action as permitted by the act or the New Mexico Uniform Licensing Act.

K. The board may suspend a license immediately without prior notice to the holder of the license if it determines, after inspection, that conditions within a body art establishment present a substantial danger of illness, serious physical harm or death to customers who might patronize a body art establishment. A suspension action taken pursuant to this section is effective when communicated to the operator or body artist. Suspension action taken pursuant to this section shall not continue beyond the time that the conditions causing the suspension cease to exist, as determined by a board inspection at the request of the operator or body artist. A license holder may request an administrative hearing, as provided by Section 5 [61-17B-5 NMSA 1978] of the Body Art Safe Practices Act, if the board does not lift an immediate suspension within ten days.

[16.36.4.8 NMAC - N, 05/16/2008; A, 04/12/2010]

HISTORY OF 16.36.4 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 36 BODY ARTISTS AND OPERATORS
PART 5 STANDARDS OF PRACTICE

16.36.5.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Barbers and Cosmetologists
[16.36.5.1 NMAC - N, 05/16/2008]

16.36.5.2 SCOPE: Any person licensed to practice body art tattoo, piercing, scarification and all operators.
[16.36.5.2 NMAC - N, 05/16/2008]

16.36.5.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-8.
[16.36.5.3 NMAC - N, 05/16/2008]

16.36.5.4 DURATION: Permanent
[16.36.5.4 NMAC - N, 05/16/2008]

16.36.5.5 EFFECTIVE DATE: May 16, 2008 unless a later date is cited in the history note at the end of a section.
[16.36.5.5 NMAC - N, 05/16/2008]

16.36.5.6 OBJECTIVE: To provide minimum licensure with minimum practice of standards.
[16.36.5.6 NMAC - N, 05/16/2008]

16.36.5.7 DEFINITIONS: [RESERVED]

16.36.5.8 STANDARDS OF PRACTICE AND PROFESSIONAL STANDARDS: Practitioners are required to comply with the following minimum standards.

A. A practitioner shall perform all body art procedures in accordance with universal precautions set forth by OSHA and the U.S. centers for disease control.

B. Smoking, eating, or drinking by anyone is prohibited in the procedure room while body art preparation, procedure and clean up is being performed.

C. A practitioner shall refuse service to any person who, in the opinion of a reasonable objective observer, may be under the influence of alcohol or drugs.

D. A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art, the licensee must thoroughly wash their hands in hot running water with liquid antimicrobial soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

E. The skin of the licensee shall be free of rash or infection. No licensee affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

F. In performing body art procedures, a practitioner shall wear disposable single-use gloves. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with Subsection D before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

G. If, while performing body art, the licensee's glove is pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person, the procedures in subsections D and E above shall be repeated immediately. Any item or instrument used for body art which is contaminated during the procedure shall be discarded and replaced immediately with new sanitary items or instrument before the procedure resumes.

H. 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 then be disposed of by an approved medical waste facility pursuant to federal and state regulations including but not limited to 29 CFR 1910.1030 and New Mexico solid waste management regulations promulgated by the New Mexico environment department. Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release

dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on-site shall not exceed 90 days. Establishment shall maintain records of waste removal.

I. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its content. The applicator or gauze shall be used once and then discarded.

J. It is the responsibility of the operator of the body art establishment to be in possession of the most current regulations and aftercare instructions.

K. Jewelry inserted into a newly pierced area must be made surgical implant-grade stainless steel that is ASTM F138 compliant; solid 14k or 18k white or yellow gold, niobium (Nb), titanium (TI6A4V ELI) that is ASTM F136 compliant, platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

[16.36.5.8 NMAC - N, 05/16/2008]

16.36.5.9 STERILE PROCEDURES AND SANITATION

A. All non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an antimicrobial soap solution and hot water or an appropriate disinfectant to remove blood and tissue residue and placed in an ultrasonic unit which shall remain on the premises of the body art establishment and which will be operated in accordance with the manufacturer's instructions.

B. All facilities that reprocess reusable instruments shall have an equipment cleaning room that is physically separated from the work stations. Facilities that use all disposable equipment shall be exempt from this requirement.

C. After cleaning, all non-disposable instruments used for body art shall be packed individually in paper peel-packs and sterilized. All paper peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Properly packaged, sterilized and stored equipment can be stored no more than one year. Paper peel-packs must be dated with an expiration date not to exceed one year. Sterile equipment may not be used after the expiration date without first repackaging and resterilizing.

D. All non-disposable instruments used for body art shall be sterilized in an autoclave at the body art establishment. Off site sterilization is prohibited. The sterilizer shall be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the board.

E. Each holder of a license to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. These test records shall be retained by the operator for a period of three years and provided to the board upon request.

F. After sterilization, the instrument used for body art, tattooing or body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

G. All instruments used for body art, tattooing or body piercing shall remain stored in sterile packages until just prior to performing a body art procedure. When assembling instruments used for performing body art, the operator shall wear disposable medical gloves and use techniques to ensure that the instruments and gloves are not contaminated.

H. All inks, dyes, pigments and sharps shall be specifically manufactured for performing body art procedures and shall not be adulterated. Immediately before applying a tattoo, the quantity of the dye to be used for the tattoo shall be transferred from the bottle and placed into sterile, single use paper cups or plastic caps. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

I. For body piercing and tattooing establishments primarily utilizing a Statim autoclave, reusable items shall be sterilized in an autoclave in a bulk load without sterilization pouches, previous to sterilization in the Statim autoclave, for the body piercing or tattoo procedure. Reusable instruments and single use items sterilized in a Statim autoclave cassette must be used immediately after opening the Statim autoclave cassette. The items contained in the Statim autoclave cassette shall be used for one client only and shall include use of an integrater strip.

[16.36.5.9 NMAC - N, 05/16/2008]

16.36.5.10 REQUIREMENTS FOR SINGLE USE ITEMS

A. All sharps shall be sterilized prior to use and stored in paper peel-packs.

B. Single use items shall not be used on more than one client for any reason. After use, all single use needles, razors and other sharps shall be immediately disposed of in approved sharps containers. Piercing needles are strictly single use.

C. All body art stencils shall be single use and disposable. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner which

prevents contamination of the original container and its contents. The gauze shall be used only once and then discarded.
[16.36.5.10 NMAC - N, 05/16/2008]

16.36.5.11 CLIENT CARE AND RECORDS REQUIREMENTS

A. Prior to performing a body art procedure on a client, the practitioner shall:

(1) inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure:

(a) history of diabetes;
(b) history of hemophilia (bleeding);
(c) history of skin disease, skin lesions, or skin sensitivities to soaps, disinfectants etc.;
(d) history of allergies or adverse reactions to pigment, dyes, or other sensitivities;
(e) history of epilepsy, seizures, fainting, or narcolepsy;
(f) use of medications such as anticoagulants, which thin the blood or interfere with blood clotting; and
(g) any other conditions such as hepatitis or HIV.

(2) require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by Subsection J of 16.36.5.8 NMAC.

B. Preparation and care of a client's skin area must comply with the following:

(1) Any skin area or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

(2) Before a body art procedure is performed, the immediate skin area and the areas of the skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-use blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after each use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

(3) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with the OSHA bloodborne pathogens standard.

C. The body art establishment shall keep a record of all persons who have had body art procedures performed. The record shall include:

(1) client's name;
(2) date of birth;
(3) address;
(4) the date of the procedure;
(5) the name of licensee who performed the procedure(s);
(6) the type of procedure performed and its location on the client's body;
(7) the signature of the client and, if the client is a minor, written proof of parental or legal guardian presence and consent;
(8) specific ink color(s) applied, and, when available, the manufacturer, catalogue identification number or supplier invoice of each color used.

D. For jewelry, a record of the manufacturer, catalogue identification number or supplier invoice shall be maintained.

E. All records described in this paragraph shall be retained for a minimum of three years and provided to the board upon request. Records destroyed after three years shall be destroyed by shredding or appropriate destruction methods.

F. The licensee shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:

(1) on proper cleansing of the area which received the body art;
(2) to consult a health care provider for:

(a) unexpected redness, tenderness or swelling at the site of the body art procedure;
(b) any rash;
(c) unexpected drainage at or from the site of the body art procedure; or
(d) a fever within 24 hours of the body art procedure; and

(3) the address, and phone number of the establishment; a copy shall be provided to the client; a model set of aftercare instructions shall be made available by the board.

[16.36.5.11 NMAC - N, 05/16/2008]

HISTORY OF 16.36.5 NMAC [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 36 BODY ARTISTS AND OPERATORS
PART 6 FEES

16.36.6.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Barbers and Cosmetologists
[16.36.6.1 NMAC - N, 05/16/2008]

16.36.6.2 SCOPE: Any person licensed to practice body art tattoo, piercing, scarification and all operators.
[16.36.6.2 NMAC - N, 05/16/2008]

16.36.6.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-5.
[16.36.6.3 NMAC - N, 05/16/2008]

16.36.6.4 DURATION: Permanent
[16.36.6.4 NMAC - N, 05/16/2008]

16.36.6.5 EFFECTIVE DATE: May 16, 2008 unless a later date is cited in the history note at the end of a section.
[16.36.6.5 NMAC - N, 05/16/2008]

16.36.6.6 OBJECTIVE: To outline fees for examinations, applications, renewal, late penalty fee, duplicate license and administrative fees
[16.36.6.6 NMAC - N, 05/16/2008]

16.36.6.7 DEFINITIONS: [RESERVED]

16.36.6.8 FEES: All fees are payable to the board and are non-refundable. Fees are as follows:

A.	establishment license (original)	$300
B.	establishment license (renewal)	$300
C.	apprentice sponsor application	$50
D.	apprentice sponsor license(original/renewal)	$100
E.	apprentice license (original and renewal)	$50
F.	practitioner license per specialty (original)	$100
G.	practitioner license per specialty (renewal)	$100
H.	permanent cosmetic license (original)	$100
I.	permanent cosmetic license (renewal)	$100
J.	administrative fee (electronic list)	$100
K.	duplicate licenses	$25
L.	late fee	$35

[16.36.6.8 NMAC - N, 05/16/2008]

HISTORY OF 16.36.6 NMAC: [RESERVED]