

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 36    BODY ARTISTS AND OPERATORS**  
**PART 8         EXPEDITED LICENSURE**

**16.36.8.1        ISSUING AGENCY:** The New Mexico Board of Body Art Practitioners.  
[16.36.8.1 NMAC – Rp, 16.36.8.1 NMAC 12/27/2022]

**16.36.8.2        SCOPE:** This provisions of Part 8 of Chapter 36 apply to all for expedited licensure under the Body Art Safe Practice Act, Sections 61-17B-1 to -18 NMSA 1978, and the Board rules promulgated pursuant to the Act.  
[16.36.8.2 NMAC – Rp, 16.36.8.2 NMAC 12/27/2022]

**16.36.8.3        STATUTORY AUTHORITY:** This part is promulgated pursuant to the Body Art Safe Practices Act, specifically Sections 61-17B-5(D) NMSA 1978 of the Act, and Sections 61-1-31.1 NMSA 1978 and Sections 61-1-34 NMSA 1978 of the Uniform Licensing Act, Sections 61-1-1 to -37 NMSA 1978..  
[16.36.8.3 NMAC – Rp, 16.36.8.3 NMAC 12/27/2022]

**16.36.8.4        DURATION:** Permanent  
[16.36.8.4 NMAC – Rp, 16.36.8.4 NMAC 12/27/2022]

**16.36.8.5        EFFECTIVE DATE:** December 27, 2022, unless a later date is cited at the end of a section.  
[16.36.8.5 NMAC – Rp, 16.36.8.5 NMAC 12/27/2022]

**16.36.8.6        OBJECTIVE:** The purpose Part 8 is to promote and protect the public health, safety and welfare by regulating and setting professional standards for applicants for expedited licensure.  
[16.36.8.6 NMAC – Rp, 16.36.8.6 NMAC 12/27/2022]

**16.36.2.7        DEFINITIONS:**

- A.        “Eligible Licensing Jurisdiction”** means:
- (1) any state or territory of the United States and the District of Columbia, except those jurisdictions included in the list of disapproved licensing jurisdictions under section 16.36.8.8 of this part; and
  - (2) any foreign country included in the list of approved licensing jurisdictions under sections 16.6.8.9 of this part.
- B.        “Expedited License”** means a provisional license that confers the same rights, privileges and responsibilities as a regular license issued by the board.
- C.        “Good Standing”** means an occupational or professional license is active and not expired suspended, revoked, surrendered, conditioned, or otherwise in a status that in any manner restricts the activity of a license or registrant under the authority of the license.
- D.        “License”** has the same meaning as defined in Subsection E of Section 61-1-2 NMSA 1978.
- E.        “Jurisdiction”** has the same meaning as defined in Subsection F of Section 61-1-34 NMSA 1978.
- F.        “Licensing fee”** has he same meaning as defined in Subsection E(2) of Section 61-1-34 NMSA 1978.
- G.        “Military service member”** has the same meaning as defined in Subsection E(2) of Section 61-1-34 NMSA 1978.
- H.        “Military orders”** means official military orders, including orders from separation or retirement, or any notification, certification, or verification from the service member’s commanding officer, with respect to the service member’s current or future military duty status.
- I.        “Qualified applicant”** means a person who has applied for an occupational or professional license who:
- (1) holds a current license in good standing issued in an eligible licensing jurisdiction as defined in subsection A of this section, including a branch of the armed forces of the United States;
  - (2) does not have a disqualified criminal conviction listed in the Board’s rules as published in the New Mexico Administrative Code; and
  - (3) is not the subject of a pending disciplinary action in the State of New Mexico.
- J.        “Regular License”** has the same meaning as defined in Subsection G of Section 61-1-2 NMSA 1978.

**K.** “Veteran” has the same meaning as defined in Subsection E(3) of Section 61-1-34 NMSA 1978.  
[16.36.8.7 NMAC – Rp, 16.36.8.7 NMAC 12/27/2022]

**16.36.8.8 LIST OF DISAPPROVED LICENSING JURISDICTIONS:**

**A.** Applicants for licensure as a permanent cosmetics practitioner in the following states and territories of the United States shall not be eligible for expedited licensure under Sections 61-17B-5(D) NMSA 1978.

**(1)** The following jurisdictions on the grounds that the training and examination requirements are not, or cannot be determined to be, consistent with New Mexico:

- (a)** Alabama;
- (b)** Arizona;
- (c)** California;
- (d)** Colorado;
- (e)** Connecticut;
- (f)** Delaware;
- (g)** Florida;
- (h)** Georgia;
- (i)** Hawaii;
- (j)** Idaho;
- (k)** Illinois;
- (l)** Indiana;
- (m)** Iowa;
- (n)** Kentucky;
- (o)** Louisiana;
- (p)** Maine;
- (q)** Maryland;
- (r)** Massachusetts;
- (s)** Michigan;
- (t)** Montana;
- (u)** Nebraska;
- (v)** Nevada;
- (w)** New York;
- (x)** North Carolina;
- (y)** North Dakota;
- (z)** Ohio;
- (aa)** Pennsylvania;
- (bb)** Rhode Island;
- (cc)** South Carolina;
- (dd)** South Dakota;
- (ee)** Texas;
- (ff)** Utah;
- (gg)** Washington;
- (hh)** West Virginia;
- (ii)** Wisconsin;
- (jj)** Wyoming;
- (kk)** American Samoa;
- (ll)** Guam;
- (mm)** Northern Mariana Islands;
- (nn)** Puerto Rico; and
- (oo)** U.S Virgin Islands.

**(2)** Licensed permanent cosmetics practitioners in the following jurisdictions are eligible for expedited licensure: Alaska, Arkansas, District of Columbia, Kansas, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, Oklahoma, Oregon, Tennessee, Vermont, and Virginia.

**B.** Applicants for licensure as a body piercing-scarification practitioner licensed in the following states and territories of the United States shall not be eligible for expedited licensure under Sections 61-17B-5(D) NMSA 1978.

(1) The following jurisdictions on the grounds that the training and examination requirements are not, or cannot be determined to be, consistent with New Mexico:

- (a) Alabama;
- (b) Arizona;
- (c) California;
- (d) Colorado;
- (e) Connecticut;
- (f) Delaware;
- (g) Florida;
- (h) Georgia;
- (i) Hawaii;
- (j) Idaho;
- (k) Illinois;
- (l) Indiana;
- (m) Iowa;
- (n) Kentucky;
- (o) Louisiana;
- (p) Maine;
- (q) Maryland;
- (r) Massachusetts;
- (s) Michigan;
- (t) Nebraska;
- (u) Nevada;
- (v) New York;
- (w) North Carolina;
- (x) North Dakota;
- (y) Ohio;
- (z) Oregon;
- (aa) Pennsylvania;
- (bb) Rhode Island;
- (cc) South Carolina;
- (dd) South Dakota;
- (ee) Texas;
- (ff) Utah;
- (gg) Washington;
- (hh) West Virginia;
- (ii) Wisconsin;
- (jj) Wyoming;
- (kk) American Samoa;
- (ll) Guam;
- (mm) Northern Mariana Islands;
- (nn) Puerto Rico; and
- (oo) U.S Virgin Islands.

(2) Licensed body piercing-scarification practitioners in the following jurisdictions are eligible for expedited licensure: Alaska, Arkansas, District of Columbia, Kansas, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Jersey, Oklahoma, Tennessee, Vermont, and Virginia.

C. Applicants for licensure as a tattoo artist licensed in the following states and territories of the United States shall not be eligible for expedited licensure under Sections 61-17B-5(D) NMSA 1978.

(1) The following jurisdictions on the grounds that the training and examination requirements are not, or cannot be determined to be, consistent with New Mexico:

- (a) Alabama;
- (b) Arizona;
- (c) California;
- (d) Colorado;
- (e) Delaware;
- (f) Florida;

- (g) Georgia;
- (h) Hawaii;
- (i) Idaho;
- (j) Illinois;
- (k) Indiana;
- (l) Iowa;
- (m) Kentucky;
- (n) Louisiana;
- (o) Maine;
- (p) Maryland;
- (q) Massachusetts;
- (r) Michigan;
- (s) Nebraska;
- (t) Nevada;
- (u) New York;
- (v) North Carolina;
- (w) North Dakota;
- (x) Ohio;
- (y) Pennsylvania;
- (z) Rhode Island;
- (aa) South Carolina;
- (bb) South Dakota;
- (cc) Texas;
- (dd) Utah;
- (ee) Washington;
- (ff) West Virginia;
- (gg) Wisconsin;
- (hh) Wyoming;
- (ii) American Samoa;
- (jj) Guam;
- (kk) Northern Mariana Islands;
- (ll) Puerto Rico; and
- (mm) U.S. Virgin Islands.

(2) Licensed tattoo artists in the following jurisdictions are eligible for expedited licensure:

Alaska, Arkansas, Connecticut, District of Columbia, Kansas, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Jersey, Oklahoma, Oregon, Tennessee, Vermont, and Virginia.

[16.36.8.8 NMAC – Rp, 16.36.8.8 NMAC 12/27/2022]

#### **16.36.8.9 LIST APPROVED FOREIGN JURISDICTIONS: [RESERVED]**

[16.36.8.9 NMAC – Rp, 16.36.8.9 NMAC 12/27/2022]

#### **16.36.8.10 POSTING OF LISTS; ANNUAL REVIEW OF LISTS:**

**A.** The lists of disapproved and approved licensing jurisdictions shall be posted on the board's website.

**B.** The lists of shall be reviewed annually by the board to determine whether amendments to this part are warranted.

[16.36.8.10 NMAC – Rp, 16.36.8.10 NMAC 12/27/2022]

#### **16.36.8.11 EXPEDITED LICENSURE APPLICATION:**

**A.** An applicant for expedited licensure under Section 61-1-31.1 NMSA 1978 shall submit the to the board a complete application containing all the following:

- (1) completed and signed application form;
- (2) proof of current licensure in an eligible jurisdiction;
- (3) certificate of good standing for the license held by the applicant in the eligible jurisdiction;
- (4) current bloodborne pathogens certification;

- (5) current CPR/First Aid certification; and
- (6) payment of the required application fee.

**B.** An expedited license application shall not be deemed complete until the applicant has submitted and the board is in receipt of all the materials required by subsection A, including documentation from third parties.

**C.** Upon receipt of a complete application the board staff shall process the application and issue an expedited license to a qualified applicant within 30 days.

**D.** If the applicant has a disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Sections 16.36.4.8 NMAC:

(1) the matter of the applicant's application shall be submitted to the board for consideration and action at its next available meeting;

(2) the license may not be issued within 30 days of submission of the complete application;

(3) the board may vote to grant the application or refer the matter to its administrative prosecutor for denial of the application as provided by the board's rules.

[16.36.8.11 NMAC – Rp, 16.36.8.11 NMAC 12/27/2022]

#### **16.36.8.12 EXPEDITED LICENSURE APPLICATION FOR MILITARY SERVICE MEMBERS AND VETERANS.**

**A.** An applicant for expedited licensure under Section 61-1-34 NMSA 1978 shall submit to the board a complete application containing the following:

- (1) a completed and signed application form;
- (2) proof of current licensure from another jurisdiction;
- (3) certificate of good standing for the license held by the applicant in another jurisdiction.

Including a branch of the United States armed forces;

- (4) current bloodborne pathogens certification;
- (5) current CPR/First Aid certification; and
- (6) Submission of the following documentation:

(i) for a military service member, a copy of the service member's military orders;

(ii) for a spouse of a military service member, a copy of the service member's military orders and a copy of the parties' marriage license;

(iii) for a spouse of a deceased military service member, a copy of the decedent's DD Form 214 and a copy of marriage license;

(iv) For dependent children of military service members: a copy of military service members orders listing dependent child, or a copy of military orders and one of the following: a copy of birth certificate, military service federal tax return or other governmental or judicial documentation establishing dependency;

(v) for veterans, retired or separated, proof of honorable discharge, a copy of DD Form 214, DD Form 215, DD Form 265, DD Form 257, NGB Form 22, military ID card, a state-issued driver's license or identification card with veteran's designation, a veteran ID card (VIC) issued by the U.S Department of Veteran's Affairs, or other documentation verifying the veteran's honorable discharge from military service.

**B.** An expedited license application shall not be deemed complete until the applicant has submitted and the board staff is in receipt of, including documentation from third parties, as required by subsection A of this section.

**C.** Upon receipt of a complete application the board's staff shall process the application and issue an expedited license to a qualified applicant within 30 days.

**D.** If the applicant has a potentially disqualified criminal conviction or the board may have other cause to deny the application pursuant to Section 61.5A-21 NMSA 1978:

(1) the matter of the applicant's application shall be submitted to the board for consideration and action at its next available regular meeting;

(2) the license may not be issued within 30 days of submission of the complete application; and

(3) the board may vote to grant the application or refer the matter to its administrative prosecutor for denial of the application as provided by the board's rules.

**E.** A military service member or veteran who is issued an expedited license shall not be charged a licensing fee for the first three years of licensure with the board.

[16.36.8.12 NMAC – Rp, 16.36.8.12 NMAC 12/27/2022]

**16.36.8.13 EXPEDITED LICENSE DURATION AND RENEWAL:**

**A.** An expedited license issued to an applicant under Section 61-17B-5(D) NMSA 1978 shall be a provisional license valid for one year from date of issuance. Initial licenses, including expedited licenses, may be issued for a period greater than twelve months, but less than twenty-four months, in order to align the license expiration date with the board's renewal cycle.

**B.** A license holding an expedited license may apply for license renewal in the manner provided by the board's rules, provided that upon renewal, the licensee must also satisfy the following examination requirements:

**(1)** the license shall be required to pass the New Mexico Jurisprudence exam.

**C.** Upon renewal, the board shall issue a regular license to a licensee holding an expedited license issued pursuant to these rules.

[16.36.8.13 NMAC – Rp, 16.36.8.13 NMAC 12/27/2022]

**HISTORY OF 16.36.8 NMAC:**