

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Body Art Practitioners will hold a rule hearing on Monday, December 20, 2021, at 10:00 a.m. Following the rule hearing, the Board will convene a regular board meeting consider and adopt the rules and take care of regular business. The meeting will be held via Cisco Webex Meetings.

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e625bd7b8ad75bd6c015faabd0d037a30>

To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 2492 929 3874

The purpose of the rule hearing is to consider proposed changes to Title 16 Chapter 36 NMAC 1978:

Amendments to the rules below:

16.36.1 NMAC – General Provisions

16.36.2 NMAC – Licensure Requirements for Body Art Tattoo Practitioners

16.36.3 NMAC – Requirements for Establishments

16.36.4 NMAC – Enforcements, Complaints and Disciplinary Action

16.36.5 NMAC – Standards of Practice

16.36.6 NMAC – Fees

Adding new parts below:

16.36.7 NMAC – Licensure Requirements for Special Events, Mobile Body Art and Guests

16.36.8 NMAC – Expedited Licensure for Military Service Members and Veterans

16.36.9 NMAC – Licensure Requirements for Permanent Cosmetics Practitioner

16.36.10 NMAC – Licensure Requirements for Body Piercing-Scarification Practitioner

To obtain and review copies of the proposed changes and public comments, you may go to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/body-art-practitioners-overview/ba-board-information/ba-board-meetings/> or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Jennie James, Board Administrator, via electronic mail at: NMBody.Art@state.nm.us, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Friday, December 17, 2021. Written comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/body-art-practitioners-overview/ba-rules-and-laws/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/body-art-practitioners-overview/ba-board-information/ba-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Jennie James, Board Administrator at (505) 476-4622.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Jennie James, Board Administrator (505) 476-4622.

Statutory Authority: The Body Art Safe Practice Act, Sections 61-17B-1 thru 61-17B-18 NMSA 1978 among other provisions, specifically authorizes the Board to “adopt and file rules necessary to carry out the provisions of the Body Art Safe Practice Act”.

Purpose of the Proposed Rules:

The Board is engaged in this rulemaking activity to amend, or repeal and replace, existing rule language in certain parts of the current Body Artists and Operators rules because of legislative bills signed into law by New Mexico Governor Michelle Lujan Grisham after the 2019 Regular Session of the New Mexico Legislature (“Legislature”), and after the 2021 Regular and Special Sessions of the Legislature, respectively. The new parts described below, were created to allow for easier reference to requirements for the specific license types.

16.36.1 – General Provisions

The definitions section of this part were amended to comply with the requirements of the State Rules Act and in compliance with the legislative changes regarding 2019 Senate Bill 142 Out of State Body Art License Equivalence, 2021 Senate Bill 2 Expungement of Certain Records, and House Bill 120 Military Service Members, Spouses, Dependent Children and Veterans. This part was also amended to remove the Regulation and Licensing Department as the issuing agency to comply with the statutory authority under the Body Art Safe Practice Act 61-17B-1 to -18 NMAC 1978. A new section was added to allow the acceptance of electronic signatures.

16.36.2 – Licensure Requirements for Body Art Tattoo Practitioners

This part was amended to separate the several body art practice license types into individual parts. The remainder of this part will address requirements for Body Art Tattoo Practitioners only. The new section in this part is to comply with 2019 legislative changes made during regular session Senate Bill 142 out of State Body Art License Equivalence signed into law by Governor Lujan Grisham on April 4, 2019, which can be found <https://www.nmlegis.gov/Sessions/19%20Regular/final/SB0142.pdf> An additional amendment was made to remove the Regulation and Licensing Department as the issuing agency to comply with the statutory authority under the Body Art Safe Practice Act 61-17B-1 to -18 NMAC 1978.

16.36.3 – Requirements for Establishments

This part was amended to add a new section for the licensure requirements for establishments that were removed from 16.36.2 NMAC. An additional amendment to remove Regulation and Licensing Department as the issuing agency to comply with the statutory authority under the Body Art Safe Practice Act 61-17B-1 to -18 NMAC 1978.

16.36.4 – Enforcements, Complaints and Disciplinary Action

The amendment to this part added a list of disqualifying criminal convictions to comply with 2021 legislative changes made during the special session in Senate Bill 2 Expungement of Certain Records, signed into law by the Governor Lujan Grisham on April 12, 2021. This part was also amended to remove the Regulation and Licensing Department as the issuing agency to comply with the statutory authority under the Body Art Safe Practice Act 61-17B-1 to -18 NMAC 1978.

16.36.5 – Standards of Practice

The amendment to this part removes the Regulation and Licensing Department as the issuing agency to comply with the statutory authority under the Body Art Safe Practice Act 61-17B-1 to -18 NMAC 1978

16.36.6 – Fees

The amendment to this part removes the Regulation and Licensing Department as the issuing agency to comply with the statutory authority under the Body Art Safe Practice Act 61-17B-1 to -18 NMAC 1978

16.36.7 – Licensure Requirements for Special Events, Mobile Body Art and Guests

This part was removed from part 16.36.2 NMAC, Licensure Requirements for Body Art Tattoo Practitioners. The part provides clarification for the requirements for these specific licenses.

16.36.8 – Expedited Licensure for Military Service Members and Veterans

This part was removed from part 16.36.2 Licensure Requirements for Body Art Tattoo Practitioners to provide clarification and make it easy for applicants to find the requirements for expedited licensure for Military service members, their spouses, and dependent children, and for veterans. The purpose of adding this part is to comply with 2021 legislative changes made during the regular session in House Bill 120 signed into law by Governor Lujan Grisham on April 6, 2021.

16.36.9 – Licensure Requirements for Permanent Cosmetics Practitioner

This part was removed from part 16.36.2 Licensure Requirements for Body Art Tattoo Practitioners to provide clarification and make it easy for applicants to find the requirements for Permanent Cosmetics Practitioners. This part also describes the requirements for New Mexico licensure for out of state practitioners.

16.36.10– Licensure Requirements for Body Piercing-Scarification Practitioner

This part was removed from part 16.36.2 Licensure Requirements for Body Art Tattoo Practitioners to provide clarification and make it easy for applicants to find the requirements for Body Piercing-Scarification Practitioners. This part also describes the requirements for New Mexico licensure for out of state practitioners.