

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

16.36.2.1 ISSUING AGENCY: Board of Body Art Practitioners.
[16.36.2.1 NMAC - Rp, 16.36.2.1 NMAC, 6/21/2018, A, 2/3/2022]

16.36.2.2 SCOPE: Any person licensed to practice body art tattoo and all operators.
[16.36.2.2 NMAC - Rp, 16.36.2.2 NMAC, 6/21/2018, A, 2/3/2022]

16.36.2.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-5 NMSA 1978.
[16.36.2.3 NMAC - Rp, 16.36.2.3 NMAC, 6/21/2018]

16.36.2.4 DURATION: Permanent
[16.36.2.4 NMAC - Rp, 16.36.2.4 NMAC, 6/21/2018]

16.36.2.5 EFFECTIVE DATE: June 16, 2018, unless a later date is cited at the end of a section.
[16.36.2.5 NMAC - Rp, 16.36.2.5 NMAC, 6/21/2018]

16.36.2.6 OBJECTIVE: To outline the application process, training and examination requirements and the renewal procedures.
[16.36.2.6 NMAC - Rp, 16.36.2.6 NMAC, 6/21/2018]

16.36.2.7 DEFINITIONS: [RESERVED]

16.36.2.8 APPRENTICE LICENSE APPLICATION FOR BODY ART TATTOO:

- 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. Incomplete applications will be returned. Designated deadlines will apply to resubmitted applications. All applications are valid for one year from date received.
 - (2)** Applications for apprentice licensure must include:
 - (a)** non-refundable application fee;
 - (b)** a completed and signed application;
 - (c)** applicant name;
 - (d)** must be at least 18 years of age;
 - (e)** current electronic mail address;
 - (f)** current phone number;
 - (g)** name, address and phone number of licensed establishment where apprenticeship will be conducted. Establishment license must be current upon receipt of application.
 - (h)** an apprentice sponsorship application which must be completed and signed by a body art practitioner who meets the requirements within 16.36.2.9 NMAC and is licensed in the kind of body art the applicant is seeking an apprenticeship license;
 - (i)** copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.2.13 NMAC; and
 - (j)** proof of any disqualifying criminal convictions as defined in 16.36.4.9 NMAC.
- 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 seventy-five percent or higher.
- D.** An apprentice must remain under the direct supervision of their sponsor until all requirements have been met or the apprentice license has been terminated by the board.
- E.** Renewal of a body art apprentice license:
- (1)** License will expire one year after date of issue;
 - (2)** Timely renewal of license(s) is the full and complete responsibility of the licensee.
- Failure to renew the license by the expiration date will result in a late fee.

(3) Licensees shall renew a body artist apprentice license on or before the expiration date if needed to complete their current apprenticeship.

(4) Renewal of apprentice license shall include the following information:

(a) name of apprentice sponsor;

(b) name of establishment and address where apprenticeship will be conducted, establishment license must be current upon receipt of application.

(c) copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.2.13 NMAC;

(d) proof of any disqualifying criminal convictions as defined in 16.36.4.9 NMAC. [16.36.2.8 NMAC - Rp, 16.36.2.8 NMAC, 6/21/2018, A, 2/3/2022; A, 7/12/2022]

16.36.2.9 SPONSOR LICENSE APPLICATION FOR BODY ART TATTOO:

A. A licensee may be approved to sponsor only one body art tattoo, apprentice at a time. Incomplete applications will be returned. All applications are valid for one year from date received. A complete application includes:

(1) non-refundable application fee;

(2) a current New Mexico body art tattoo, license;

(3) documentation of legally practicing body art tattooing for at least five years without any disciplinary action;

(4) a curriculum must be submitted on the form provided by the board. An approved basic fundamental curriculum shall include the following requirements as required in 16.36.2.15 NMAC; curriculum shall include references and resources to be used and methods of evaluation for each area covered;

(5) name, address and phone number of licensed establishment where apprenticeship will be conducted. Establishment license must be active upon receipt of application;

(6) proof of any disqualifying criminal convictions as defined in 16.36.4.9 NMAC;

B. Photographs: Applicants for sponsor licensure shall attach a recent passport size, color photograph, front-view of face.

C. Upon approval of application, a board approved log will be available to record progress during the apprenticeship. This log will serve as proof of completion of training program.

D. Upon completion of the apprenticeship program, the sponsor and apprentice shall submit the apprentice log to the board administrator. The signed log shall be sent to the board within 15 days and shall include a sworn statement made under penalty of perjury, from the sponsor and the apprentice stating the apprenticeship has been completed. The sponsor will give a copy of the signed log and statement to the apprentice.

E. The apprentice will then receive notification from the board stating the apprentice is eligible to take the national theory exam.

F. Renewal of body art apprentice sponsor license:

(1) License will expire one year after date of issue;

(2) Timely renewal of license(s) is the full and complete responsibility of the licensee.

Failure to renew the license by the expiration date will result in a late fee.

(3) Licensees shall renew a body artist tattoo apprentice sponsor license on or before the expiration date if needed to complete their current apprenticeship.

(4) Renewal of apprentice license shall include the following information:

(a) name of apprentice;

(b) name of establishment and address where apprenticeship will be conducted, establishment license must be active upon receipt of application; and

(c) proof of any disqualifying criminal convictions as defined in 16.36.4.9 NMAC; [16.36.2.9 NMAC - Rp, 16.36.2.9 NMAC, 6/21/2018, A, 2/3/2022; A, 7/12/2022]

16.36.2.10 APPLICATION FOR BODY ART TATTOO PRACTITIONER LICENSE:

A. Application forms:

(1) Applications shall be made on the official form provided by the board. Incomplete applications will be returned. All applications are valid for one year from date received. All fees are non-refundable.

(2) Applications for licensure must include:

(a) a completed and signed application;

(b) applicant name;

- (c) date of birth;
- (d) must be at least 18 years of age;
- (e) establishment mailing address;
- (f) phone number;
- (g) name, address and phone number of licensed establishment where services will be performed. Establishment license must be current upon receipt of application;
- (h) copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.2.13 NMAC;
- (i) proof of any disqualifying criminal convictions as defined in 16.36.4.9 NMAC;
- (j) proof of completion of tattoo training program and examination as defined in 16.36.2.14 NMAC.
- (k) a recent passport size, color photograph; and
- (l) non-refundable application fee as required by the board.

B. The applicant shall take and pass a written examination approved by the board and the board approved jurisprudence examination. The applicant must pass the exams with a minimum score of seventy-five percent or higher.

- C.** Renewal of a practitioner license:
- (1) License will expire one year after date of issue;
 - (2) Timely renewal of license(s) is the full and complete responsibility of the licensee. Failure to renew the license by the expiration date will result in a late fee;
 - (3) Licensees shall renew their license on or before the expiration date;
 - (4) Renewal of license shall include the following information:
 - (a) name and address of establishment. Establishment license must be current upon receipt of application;
 - (b) name of establishment operator or supervisor;
 - (c) copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.2.13 NMAC;
 - (d) proof of any disqualifying criminal convictions as defined in 16.36.4.9 NMAC.
- [16.36.2.10 NMAC - Rp, 16.36.2.10 NMAC, 6/21/2018; A, 2/3/2022; A, 7/12/2022]

16.36.2.11 [RESERVED]

[16.36.2.11 NMAC - Rp, 16.36.2.11 NMAC, 6/21/2018; Repealed, 2/3/2022]

16.36.2.12 [RESERVED]

[16.36.9.11 NMAC – N, 1/11/2022; Repealed, 7/12/2022]

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, 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;

[16.36.2.13 NMAC - Rp, 16.36.2.13 NMAC, 6/21/2018, A, 2/3/2022; A, 7/12/2022]

16.36.2.14 [RESERVED]

[16.36.2.14 NMAC - Rp, 16.36.2.14 NMAC, 6/21/2018; Repealed, 2/3/2022]

16.36.2.15 TATTOO APPRENTICESHIP TRAINING AND EXAMINATION REQUIREMENTS:

A. Upon successful completion of apprenticeship program, an applicant for original tattoo practitioner license shall provide proof, acceptable to the board or its designee, that applicant has completed an 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 an apprentice program shall be submitted on a log provided by the board;

C. Tattoo apprenticeship curriculum; 1400 hours

(1) Orientation - 100 hours:

- (a) state laws and regulations;
- (b) tax and business license requirements;
- (c) OSHA blood borne pathogens standard;
- (d) the establishment's exposure control plan;
- (e) SDS 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; and
 - (iv) personal boundaries.

(1) Dealing with emergencies:

- (i) blood spills;
- (ii) fainting;
- (iii) bleeding;
- (iv) needlesticks; and
- (v) other exposures.

(2) Sterilization, disinfection theory and practical - 100 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; and

- (3) (q) sterilization/appropriate use and maintenance of autoclave sterilizers.
Tattooing observation/theory - 200 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) Surgically modified skin and scar tissue.
 - (m) Compromised skin from medical procedure, such as radiation and chemotherapy.
- (n) determining the appropriateness of a tattoo placement;
- (o) equipment;
 - (p) disposable supplies;
 - (q) needles;
 - (r) sharps disposal;
 - (s) reusable equipment;
 - (t) storage;
 - (u) tattoo equipment maintenance;
 - (v) understanding the electromagnetic tattoo machine and its history;
 - (w) liner/shader set-up;
 - (x) quality and conductivity of metals used in tattoo machines;
 - (y) spring gauges and maintenance;
 - (z) the difference between long stroke/short stroke technique;
 - (aa) tattoo machine schematics, electronics and constructions;
 - (bb) tuning and adjustment of machines;
 - (cc) understanding current/voltage and reciprocation response;
 - (dd) needle-making safety and construction; and
 - (ee) 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; and
 - (m) in order to be approved practical work must include a minimum of 50 completed procedures, for the purposes of determining qualifications for licensure under this rule. Completed procedure means a tattoo which has been finished on a live human being, including any touchups or additional work following initial healing and the client is released from service.

D. An applicant for a body art tattoo practitioner license shall take the tattoo examination approved by the board with a minimum passing score of seventy-five percent or higher. 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.

E. Individuals who have been approved to take the written examination will have 12 months from approval date to take the examination and get licensed through the board.
[16.36.2.15 NMAC - N, 6/21/2018; A, 7/12/2022]

16.36.2.16 [RESERVED]

[16.36.2.16 NMAC - N, 6/21/2018; Repealed, 2/3/2022]

16.36.2.17 [RESERVED]

[16.36.2.17 NMAC - Rp, 16.36.2.18 NMAC, 6/21/2018; Repealed, 2/3/2022]

16.36.2.18 [RESERVED]

[16.36.2.18 NMAC - N, 6/21/2018; Repealed, 2/3/2022]

16.36.2.19 EXPIRED LICENSE:

A. An applicant whose license has been expired for one year but less than two years shall submit an application, payment of all renewal fees to bring the license current, 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 seventy-five percent.

B. An applicant whose license has expired for more than two years shall take the tattoo, body piercing-scarification or permanent cosmetic written examination approved by the board with a passing minimum score approved by the board. Applicant must also take and pass a board approved jurisprudence examination with a minimum passing score of seventy-five percent.

C. An operator whose establishment license has expired shall submit a reinstatement application, payment of reinstatement fee for each year the license has been expired; and name of licensed operator.

D. A practitioner whose license has been expired more than five years shall re-enter an approved training program (apprenticeship), take the tattoo, body piercing-scarification or permanent cosmetic 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 seventy-five percent.

[16.36.2.19 NMAC - N, 6/21/2018]

16.36.2.20 CROSSOVER HOURS: Individuals who are licensed in one discipline may transfer 100 hours of orientation toward their apprenticeship in another discipline, if they have at least one year of full time, verified work experience in a licensed establishment and complete the remaining required hours for licensure.

[16.36.2.20 - N, 6/21/2018]

16.36.2.21 [RESERVED]

[16.36.2.21 NMAC - N, 6/21/2018, Repealed, 2/3/2022]

16.36.2.22 CREDIT GRANTED FOR SUBSTANTIALLY EQUIVALENT TRAINING AND EXPERIENCE:

A. An applicant for licensure as a body artist may be granted credit for training and experience obtained from any source, whether within or outside New Mexico. The applicants training and experience meets the training and experience and experience required under the applicable provisions of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act.

B. An applicant licensed in another state or jurisdiction shall submit the follow requirements:

- (1) completed and signed application;
- (2) non-refundable application fee;
- (3) copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.2.13 NMAC;

(4) verifications of licensure mailed by the licensing authority from the other state or jurisdiction to the board which shall include:

- (a) verification that the applicant holds a valid and unexpired license;
- (b) the license issuance date;
- (c) the license expiration date;
- (d) a statement as to whether the applicant has ever been subject to discipline or if there are any complaints or investigations pending against the licensee; and

- (e) upon the request of the board, a written consent from the applicant allowing the board or its designee to examine disciplinary, complaint, or investigative records of the other licensing authority;
- (5) proof of any disqualifying criminal conviction as defined in 16.36.4.9 NMAC; and
- (6) jurisprudence exam with a passing score of seventy-five percent or higher.

C. An applicant seeking credit for training and experience obtained as a body artist in a state or jurisdiction outside New Mexico whose licensing requirements are less stringent than those in effect in New Mexico shall be required to meet the following requirements;

- (1) completed and signed application;
- (2) non-refundable application fee;
- (3) copy of current CPR, first aid and blood borne pathogen training certificates, as defined within 16.36.2.13 NMAC;
- (4) proof of practice equivalent to the hours of training defined in 16.36.2.15 NMAC
 - (a) W-2 or 1099 forms; or
 - (b) federal or state tax returns verifying occupational status.
- (5) jurisprudence exam with a passing score of seventy-five percent or higher.
- (6) proof of any disqualifying criminal conviction as defined in 16.36.4.9 NMAC.

D. If the applicant training and experience does not meet the training and experience required under the applicable provisions of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act, the board may request additional requirements outlined in 16.36.2.23 NMAC.
[16.36.2.22 NMAC - N, 2/3/2022; A, 7/12/2022]

16.36.2.23 ADDITIONAL TRAINING REQUIREMENTS:

If the board determines that an applicant's training and experience is not substantially equivalent to the training and experience required under the applicable provisions of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act, it may require:

- (1) the applicant to complete additional training before proceeding with the application process; and
- (2) an examination approved by the board outlined in 16.36.2.15 NMAC.

[16.36.2.23 NMAC - N, 2/3/2022, A, 7/12/2022]

HISTORY OF 16.36.2 NMAC:

16.36.2 NMAC, Licensure Requirements, filed 2/4/2016 was Repealed and Replaced by Licensure Requirements, effective, 6/21/2018.

History of Repealed Material:

16.36.2 NMAC, Licensure Requirements, filed 3/12/2010 – Repealed effective, 2/4/2016.

16.36.2 NMAC, Licensure Requirements, filed 2/4/2016 – Repealed effective, 6/21/2018.