

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 36    BODY ARTISTS AND OPERATORS**  
**PART 9        LICENSURE REQUIREMENTS FOR PERMANENT COSMETICS PRACTITIONER**

**16.36.9.1        ISSUING AGENCY:** Board of Body Art Practitioners.  
[16.36.9.1 NMAC – N, 1/11/2022]

**16.36.9.2        SCOPE:** Any person licensed as a permanent cosmetics practitioner pursuant to the Body Art Safe Practices Act.  
[16.36.9.2 NMAC – N, 1/11/2022]

**16.36.9.3        STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Body Art Safe Practices Act, Section 61-17B-5 NMSA 1978.  
[16.36.9.3 NMAC – N, 1/11/2022]

**16.36.9.4        DURATION:** Permanent  
[16.36.9.4 NMAC – N, 1/11/2022]

**16.36.9.5        EFFECTIVE DATE:** January 11, 2022, unless a later date is cited at the end of a section.  
[16.36.9.5 NMAC – N, 1/11/2022]

**16.36.9.6        OBJECTIVE:** To outline the application process, training and examination requirements and the renewal procedures for permanent cosmetics practitioner licensure.  
[16.36.9.6 NMAC – N, 1/11/2022]

**16.36.9.7        DEFINITIONS:** [RESERVED]

**16.36.9.8        APPRENTICE LICENSE APPLICATION FOR PERMANENT COSMETICS PRACTITIONER:**

- 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)** full applicant name;
    - (d)** applicant 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 16.36.9.9 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 16.36.9.13 NMAC; and
    - (j)** proof of any disqualifying criminal conviction 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 a 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; and
  - (d) proof of any disqualifying criminal conviction as defined in 16.36.4.9 NMAC.
- [16.36.9.8 NMAC – N, 1/11/2022; A, 7/12/2022]

#### **16.36.9.9 SPONSOR LICENSE APPLICATION FOR PERMANENT COSMETICS:**

- A.** A licensee may be approved to sponsor up to four permanent cosmetic apprentice at a time. A sponsor must be licensed in the areas they will be training. 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 permanent cosmetics practitioners license;
  - (3) documentation of legally practicing as a permanent cosmetics practitioner for a minimum of 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 16.36.9.13 NMAC. The curriculum shall include references and resources to be used and methods of evaluation for each area covered; and
  - (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 disqualifying criminal conviction 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 proof of completed training.
- 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 apprentice sponsor license on or before the expiration date.
  - (4) Renewal of apprentice license shall include the following information:
    - (a) a curriculum as required in 16.36.9.13 NMAC. The curriculum shall include references and resources to be used and methods of evaluation for each area covered;
    - (b) name of establishment and address where apprenticeship will be conducted, establishment license must be active upon receipt of application; and
    - (c) proof of disqualifying criminal conviction as defined in 16.36.4.9 NMAC.
- G.** Sponsors adding another area of practice to their license to train apprentices can take practical training hours from a certified training program equivalent to the training required by New Mexico. Proof of practical training from a certified training program and a copy of the curriculum must be submitted with the application no later than August 30, 2022.
- [16.36.9.9 NMAC – N, 1/11/2022; A, 7/12/2022]

#### **16.36.9.10 APPLICATION FOR PERMANENT COSMETICS 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) applicant must be at least 18 years of age;
- (e) establishment mailing address;
- (f) current 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 16.36.9.13 NMAC;
- (i) proof of disqualifying criminal conviction as defined in 16.36.4.9 NMAC;
- (j) proof of completion permanent cosmetics training program and examination as defined in 16.36.9.12 NMAC and 16.36.9.13 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.** A licensee applying for an additional area of practice must submit the following requirements:

- (1) completed and signed application;
- (2) duplicate license fee as defined in 16.36.6.8 NMAC;
- (3) proof of completing the permanent cosmetics practical training program for the area of practice as defined in 16.36.9.13 NMAC.

**D.** 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 16.36.9.13 NMAC; and
  - (d) proof of disqualifying criminal conviction as defined in 16.36.4.9 NMAC.

[16.36.9.10 NMAC - N, 1/11/2022; A, 7/12/2022]

#### **16.36.9.11 [RESERVED]**

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

**16.36.9.12 PROOF OF COMPLETION OF SAFETY AND SANITATION:** 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 permanent cosmetic practitioner or body art operator. Such training must include:

**A.** a board approved blood borne pathogens training course that meets OSHA (occupational safety and health administration) standards and CDC (center for disease control) recommendations. The training course shall include an examination as a condition of the training completion. The training must be completed within 12 months prior to application and annually thereafter. The training may be obtained through any of the following:

- (1) nationally accredited organization;
- (2) local government sponsored;
- (3) hospital sponsored;
- (4) college sponsored;
- (5) OSHA sponsored;

- (6) red cross; or
  - (7) board approved.
  - B.** Current certification in first aid and cardiopulmonary resuscitation (CPR). The training shall be obtained through any of the following:
    - (1) nationally accredited organization;
    - (2) local government sponsored;
    - (3) hospital sponsored;
    - (4) college sponsored;
    - (5) OSHA (occupational safety and health administration) sponsored;
    - (6) red cross; or
    - (7) board approved;
- [16.36.9.12 NMAC - N, 1/11/2022; A, 7/12/2022]

**16.36.9.13 PERMANENT COSMETIC APPRENTICESHIP TRAINING AND EXAMINATION REQUIREMENTS:**

**A.** Upon successful completion of an apprenticeship program, an applicant for an original permanent cosmetic practitioner license shall provide proof of having completed a 100 hour theory training program, and practical training under direct supervision with a board approved sponsor as defined in 16.36.1.7 NMAC. Curriculum must be submitted on the form provided by the board. An approved basic fundamental curriculum shall include the following minimum requirements:

- B.** Practical hours must be completed for each area of practice:
  - (1) eyebrow technique, 20 hours;
  - (2) eyeliner technique, 20 hours;
  - (3) lip technique, 20 hours;
  - (4) beauty mark technique, 10 hours;
  - (5) tattoo lightening, 10 hours;
  - (6) scalp micropigmentation, 20 hours;
  - (7) scar camouflage, 40 hours.
- C.** Direct supervision for practical training in permanent cosmetics techniques must include:
  - (1) shading;
  - (2) lining;
  - (3) pointillism.
- D.** Client records shall be maintained by the practitioner applicant to verify that the minimum requirements for the procedures were completed.
- E.** Introduction to permanent cosmetics: 5 hours
  - (1) History of tattooing as it applies to permanent cosmetics.
  - (2) Overview of the different types of machines and devices.
  - (3) State laws and regulations for permanent cosmetics practitioners.
- F.** Professional standards and client care: 10 hours
  - (1) Client expectations.
  - (2) Medical history.
  - (3) Consent and disclosure form.
  - (4) Record keeping.
  - (5) HIPPA standards.
  - (6) Photography.
- G.** Office set-up: 5 hours
  - (1) Understanding establishment requirements and rules.
  - (2) General equipment.
  - (3) Table, chair, work surface, and lighting.
- H.** Safety and Sanitation: 30 hours
  - (1) Definition of terms.
  - (2) Discuss acceptable forms of sterilization.
  - (3) Proper use of chemical agents, antiseptics, disinfestations, and fumigants.
  - (4) OSHA and CDC guidelines regarding blood borne pathogens. Apprentice must have training certificates outlined in 16.36.9.12 NMAC prior to entering a training program.
  - (5) Hand washing stations.

- (6) Hepatitis B vaccination.
- (7) PPE, such as gloves and proper attire to avoid cross contamination.
- (8) Proper handling of devices, needles, and pigments.
- (9) Sanitary measures during procedure set-up, and clean-up.
- I.** Client preparation: 10 hours
  - (1) Preparing the clients skin.
  - (2) Ways of marking the skin.
  - (3) Anesthetics used before, during, and after procedure.
- J.** Color and pigment theory: 10 hours
  - (1) Knowledge of skin type and undertones.
  - (2) Pigment care such as expiration, storage, and mixing.
  - (3) Use of safety sheets.
- K.** Skin anatomy: 15 hours
  - (1) Understanding of skin and layers.
  - (2) Healing process of the skin and its care.
  - (3) Diseases, disorders, and conditions such as; infection, herpes simplex, shingles, moles, warts, freckles, psoriasis, eczema, rosacea, and reactions.
  - (4) Surgically modified skin and scar tissue.
  - (5) Compromised skin from medical procedure, such as radiation and chemotherapy.
- L.** Machine/Needle theory: 10 hours
  - (1) Operation, maintenance, and instrument storage.
  - (2) Proper needle handling and disposal.
  - (3) Groups, numbers, and configurations.
  - (4) Pre-sterilized, single use.
- M.** Business set-up: 5 hours
  - (1) Basic business and social media guidelines.
  - (2) Legal requirements.
  - (3) Insurance/liability.
  - (4) New Mexico laws and regulations.
- N.** An applicant for permanent cosmetic practitioner license shall take an exam 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.
- O.** Out of state training must be taken from a board approved training program that is equivalent to the training required in New Mexico. A curriculum must be submitted to the board for approval prior to any training. An approved training program application must include the following requirements;
  - (1) application provided by the board;
  - (2) establishment fee as defined in 16.36.6 NMAC;
  - (3) training program name and contact information;
  - (4) sponsor application and fee for each instructor;
  - (5) sponsors must provide proof of practicing for a minimum of five years outlined in 16.36.9.9 NMAC and 16.36.9.15 NMAC.
  - (6) a curriculum as required in Section 16.36.9.12 NMAC and 16.36.9.13 NMAC to the board staff for approval;
  - (7) an apprentice must apply for a New Mexico apprentice license and uphold requirements within the state or other jurisdiction they receive the training;
  - (8) out of state training programs approved by the board must comply with the renewal requirements for establishments and sponsors.

[16.36.9.13 NMAC – N, 1/11/2022; A, 7/12/2022]

#### **16.36.9.14 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 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 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.

[16.36.9.14 NMAC – N, 1/11/2022]

**16.36.9.15 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 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 16.36.6.13 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 16.36.9.12 NMAC;
- (4) proof of practice equivalent to the hours of training defined in 16.36.9.13 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 16.36.9.16 NMAC.

[16.36.9.15 NMAC - N, 1/11/2022; A, 7/12/2022]

**16.36.9.16 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:

- process; and
- (1) the applicant to complete additional training before proceeding with the application
  - (2) an examination approved by the board outlined in 16.36.9.13 NMAC.
- [16.36.9.16 NMAC - N, 1/11/2022; A, 7/12/2022]

**HISTORY OF 16.36.9 NMAC:**