

This is an amendment to 16.34.7 NMAC, Section 9, effective July 16, 2004.

16.34.7.9 SANITARY AND SAFETY RULES FOR ESTABLISHMENTS AND ENTERPRISES

A. All licensees who operate enterprise outreach mobile units or establishments must comply with the following minimum sanitation and safety standards. Failure to comply with these requirements may result in an administrative fine as provided in 16.34.15 NMAC of these rules and other disciplinary action by the board.

- (1) maintenance of adequate ventilation to ensure that occupants are not improperly exposed to hazardous products or chemicals;
- (2) maintenance of smoking restriction to ensure that products or chemicals used are not inadvertently ignited;
- (3) maintenance of spill standards to ensure that occupants are not improperly exposed to any product or chemical;
- (4) maintenance of hot and cold running water available in such quantities as necessary to perform professional services in a safe and sanitary manner while serving the public;
- (5) maintenance of all equipment in safe working condition;
- (6) maintenance of clean towels in enclosed containers or cabinets with appropriate sanitizing agents;
- (7) maintenance of combs and brushes in enclosed containers or cabinets with appropriate sanitizing agents;
- (8) compliance with local licensing, fire, building, health, ventilation, heating and safety requirements;
- (9) every person engaged in a licensed enterprise or establishment must keep his/her person in a hygienic condition;
- (10) all products and chemicals must be kept in labeled closed containers;
- (11) there shall be adequate wet and dry sanitizers;
- (12) floors, walls, and other fixtures must be kept reasonably clean at all times; cups, bowls, basins, jars and instruments must be sanitized prior to using on the public;
- (13) rest rooms of establishments must be in working order and be segregated and have ceiling high partitions from the rest of the establishment or common area;
- (14) ~~[clean towels must be used on each client;]~~ clean towels, sheets, robes and other linens must be used for each client; towels, sheets, robes, and other linens must be changed and properly laundered after each use; the use of paper or disposable towels, linens, etc. shall be in compliance with this rule and shall be disposed of after each use;
- (15) ~~[head rest must be sanitized after each use;]~~ implementation of proper cleaning and sterilization of head rests, hand rests, pedicure basins, foot rests, manicure tables and other fixtures that come in contact with licensees and the public; filters and drains must be cleaned or changed according to manufacturer's instructions;
- (16) implements must be sanitized in an appropriate germicidal solution by immersion according to the product manufacturer's direction;
- (17) all licensees must provide a suitable place equipped to give adequate service, as advertised to clients, subject to inspection by the board;
- (18) adherence to the product manufacturer's directions for safe use that appear on the product labeling;
- (19) use of protective devices when so indicated by the product manufacturer's direction for safe use or when the nature of the product indicates such protection is necessary;
- (20) implementation of proper hand washing practices to ensure that appropriate sanitary standards are maintained for clients and to ensure that cosmetology and barbering professionals are not overexposed to particular cosmetic products or their ingredients;
- (21) implementation of proper storage practices to ensure that products are maintained in the manner that prevents any risk of fire or of undesired reactions;
- (22) implementation of proper program of identification of products during use and in storage to avoid confusion as to products or their ingredients; such program shall include efforts to ensure that ingredient information provided by manufacturers or distributors remains available with the product for use by licensed professionals and clients;
- (23) implementation of proper component mixing practices to reduce the risk of undesired reactions;
- (24) implementation of proper sterilization practices of working tools and implements;
- (25) licensees may not perform services on the public while under the influence of alcohol or drugs;

(26) maintenance of a material safety data sheet file containing pertinent facts regarding products;
[and]

(27) the use, storage or dispensing of such beauty service products containing methyl methacrylate or other chemicals determined to be hazardous to the health of licensees or consumers by the board of any federal, state or local health agency, shall be prohibited; the identification of such materials shall be determined by proper testing procedures approved by the board;

(28) no establishment or school shall use any razor-edged device or tool for the purpose of removing skin or calluses; and

(29) all instruments and supplies that come in contact with a the public and cannot be disinfected (e.g. emery boards, sponges, cotton pads), shall be disposed of immediately after use.

B. Professional licensees who perform services in an outreach enterprise mobile unit must carry at all times a duplicate license which indicates that they have met the requirements stated in 16.34.4.15 NMAC of these rules.

[16.34.7.9 NMAC - Rp 16 NMAC 34.7.9, 06-16-01; A, 07-16-04]