

This is an amendment to 16.36.1 NMAC, Sections 7, 8, 9 and 10, effective 6/21/2018.

16.36.1.7 DEFINITIONS: As used in these regulations, the following words and phrases have the following meanings, unless the context or intent clearly indicates a different meaning.

A. "Aftercare" means written instructions given to the client, specific to the body piercing or tattooing procedure(s) rendered, on caring for the body piercing or tattoo and surrounding area.

B. "Antiseptic" means an agent that destroys disease-causing microorganisms on human skin or mucosa.

C. "Apprentice" means a person who works under the direct supervision of a licensed apprentice sponsor to learn a trade from someone who is already skilled at a job.

D. "Apprentice Sponsor" means a person who is an actively licensed, skilled professional in a profession, art, craft or trade for a minimum of five years and is someone who accepts responsibility to teach an apprentice one on one.

E. "Aseptic" means the state of being free from the living disease, fermentation, or putrefaction.

~~[C.]~~ **F. "Autoclave"** means a piece of medical equipment that employs the steam under pressure method of sterilization.

~~[D.]~~ **G. "Board"** means the board of body art practitioners.

~~[E.]~~ **H. "Body art"** means tattooing, body piercing or scarification but does not include practices that are considered medical procedures by the New Mexico medical board.

~~[F.]~~ **I. "Body art establishment"** means a fixed or mobile place where body art is administered on the premises.

~~[G.]~~ **J. "Body artist"** means a person who administers body piercing, tattooing or scarification.

~~[H.]~~ **K. "Body piercing"** means to cut, stab or penetrate the skin to create a permanent hole or opening.

L. "Client" means an individual receiving any body art procedure(s).

M. "Direct Supervision" means the process under which an act is performed by another person with a licensed body artist or permanent makeup cosmetics professional practitioner licensed pursuant to the Body Art Safe Practices Act:

(1) Is physically present in the establishment throughout the performance of the act;

(2) orders, controls and accepts full professional responsibility for the act performed;

(3) evaluates and approves the procedure performed before the client departs the care setting; and

(4) Is capable of responding immediately if any emergency should arise.

~~[I.]~~ **N. "Equipment"** means machinery used in connection with the operation of a body art establishment, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and other apparatuses and appurtenances.

O. "Guest License" means a person temporary authorized to administer tattooing, body piercing-scarification, or permanent cosmetics for a period of 30 days from date license issued.

~~[J.]~~ **P. "Instruments used for body art"** means hand pieces, needles, needle bars and other items that may come into contact with a person's body during the administration of body art.

Q. "Jurisprudence Examination" means the examination given regarding the laws, rules and regulations, which relate to the practice of body art in the state of New Mexico.

R. "Military service member" means a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard.

~~[K.]~~ **S. "Operator"** means the owner of a body art establishment.

T. "Permanent Cosmetics Practitioner" means a person who tattoos eyeliner, eyebrows, lip liner, full lip color, and repigmentation or camouflage on the face, using tattooing techniques of placing pigments under the skin.

~~[L.]~~ **"Scarification"** means cutting into the skin with a sharp instrument or branding the skin with a heated instrument to produce a permanent mark or design on the skin.]

U. "SDS" means safety data sheet(s) used to communicate the hazards of hazardous chemical products which may be found in a body art establishment.

~~[M.]~~ **V. "Sharps"** means any sterilized object that is used for the purpose of penetrating the skin or mucosa, including needles, scalpel blades and razor blades.

~~[N.]~~ W. "Single use" means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

X. "Special Event" means an event where procedures will be performed and will not be conducted at a licensed establishment.

~~[O.]~~ Y. "Sterilization" means destruction of all forms of macrobiotic life, including spores.

Z. "Supervising Licensee" means licensed practitioner who manages the licensed body art establishment. This may or may not be the operator.

~~[P.]~~ AA. "Veteran" means a person who has received an honorable discharge or separation from military service within the two years immediately preceding the date the person applied for an occupational or professional license pursuant to this section.

[16.36.1.7 NMAC - Rp, 16.36.1.7 NMAC, 2/4/2016; A, 6/21/2018]

16.36.1.8 CUSTODY AND ALTERATION OF LICENSES:

A. Licenses issued by the board are at all times the property of the board, and may remain in the custody of the licensee only as long as the licensee complies with the act and board rules.

B. Licenses shall not be altered in any way.

C. Inspectors or board designees may retrieve any license which is suspended, revoked, expired, altered or left by a licensee who is no longer employed at an establishment.

D. A current body art apprenticeship, practitioner or operator license is not transferable from one person to another.

[16.36.1.8 NMAC - Rp, 16.36.1.8 NMAC, 2/4/2016; A, 6/21/2018]

16.36.1.9 LICENSES POSTED:

A. All official board issued licenses, except identification licenses, issued by the board shall be posted where clearly visible to the public ~~[at all times]~~ upon entry of the establishment.

B. Licensees must attach a recent passport size colored photograph to the board issued license and sign the license where indicated.

C. All licensees, who have been placed on probation, will be issued a license, which states the licensee is on disciplinary probation. ~~[The license shall be posted where clearly visible to the public at all times.]~~

D. Licensees must present a driver's license or other identification when requested by the public, the board or its authorized representative.

E. A special event license shall be posted where clearly visible to the public upon entry of the event.

[16.36.1.9 NMAC - Rp, 16.36.1.9 NMAC, 2/4/2016; A, 6/21/2018]

16.36.1.10 EXEMPTIONS:

A. A person who pierces only the outer perimeter of the ear, not including any cartilage, using a pre-sterilized encapsulated single use stud ear piercing system, implementing appropriate procedures, is exempt from the requirements of the Body Art Safe Practices Act, Section 61-17B-1 NMSA 1978.

B. A member of a federally recognized tribe, band, nation or pueblo who performs scarification rituals for religious purposes is exempt from the requirements of the Body Art Safe Practices Act.

~~[C.] Operators and body artists engaged in the body art business before the effective date of the Body Art Safe Practices Act shall have 180 days from May 16, 2008 to comply with license requirements.]~~

[16.36.1.10 NMAC - Rp, 16.36.1.10 NMAC, 2/4/2016; A, 6/21/2018]