

This is an amendment to 16.36.3 NMAC, Section 8, effective 6/21/2018.

**16.36.3.8 REQUIREMENTS FOR ESTABLISHMENT:**

**A.** All walls and floors of a body art establishment shall be washable and in good repair. Walls and floors shall be maintained in a clean condition. All surfaces, including client chairs and benches shall be of such construction as to be easily cleaned and sanitized after each client procedure. All body art establishments shall be completely separated ~~[by solid partitions, or by walls extending from floor to ceiling, from any room used for human habitation, a food establishment or room where food is prepared, a hair salon, retail sales, or other such activity which may cause potential contamination of work surfaces]~~ from any other business or non-business using floor-to-ceiling walls and doors. Rooms where body art procedures occur shall be free from debris or any safety hazards and shall not be used for storage.

**B.** ~~[Insects, vermin and rodents shall not be present in any part of the body art establishment, its appurtenances or appertaining premises.] Establishments located within or at a private residence must meet zoning requirements. An establishment located in or at a private residence shall meet establishment requirements as stated in 16.36.3.8 NMAC.~~

**C.** There shall be a minimum of 40 square feet of floor space for each procedure room. Each body art establishment shall have an area ~~[which]~~ that may be screened from public view for clients requesting privacy. Multiple procedure rooms shall be separated by ~~[wipeable]~~ clean, non-porous and washable dividers, curtains or partitions, which shall be maintained with an EPA registered disinfectant.

**D.** The body art establishment shall be well-ventilated and provided adequate ~~[with an]~~ artificial light. ~~[source equivalent to at least 20 foot candles three feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.]~~

**E.** No animals of any kind shall be allowed in ~~[a procedure room]~~ an establishment, except service animals used by persons with limitations as defined in the Americans with Disabilities Act. ~~[Small animals confined to a cage or aquariums are allowed only outside a procedure room.]~~ Aquariums are allowed, but not within a procedure room.

**F.** A separate, readily accessible, hand sink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid antimicrobial soap and disposable paper towels shall be readily accessible within the body art establishment. One hand sink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a body art establishment.

**G.** At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly. Receptacles in the operator area shall either have a foot operated lid or a lid that can and shall remain open during body art procedures to prevent hand contact with the receptacle during a procedure. All refuse containers shall be cleanable and kept clean.

**H.** All instruments and supplies shall be stored in clean dry covered containers.

**I.** If reusable cloth items, including but not limited to lap-cloths, are used, they shall be mechanically washed after each client procedure. Reusable cloth items shall be mechanically washed with detergent and dried. The cloth items shall be stored in a clean dry environment.

**J.** The following information shall be kept on file on the premises of a body art establishment and available for inspection by the board:

- (1) the full names of all employees in the establishment and their exact duties;
- (2) the board-issued license with identification photograph;
- (3) the body art establishment name and hours of operation;
- (4) the name and address of the body art establishment owner;
- (5) a complete description of all body art performed;
- (6) maintenance of a material safety data sheet (MSDS) file containing pertinent information regarding products; and
- (7) a copy of the Body Art Safe Practices Act and current rules.

**K.** An operator shall notify the board in writing not less than 30 days before changing the location of a body art establishment. The notice shall include the street address of the new location.

[16.36.3.8 NMAC - Rp, 16.36.3.8 NMAC, 2/04/2016; A, 6/21/2018]