

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, 2/3/2022]

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, 2/3/2022]

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, 2/3/2022]

16.36.9.4 DURATION: Permanent
[16.36.9.4 NMAC – N, 2/3/2022]

16.36.9.5 EFFECTIVE DATE: February 3, 2022, unless a later date is cited at the end of a section.
[16.36.9.5 NMAC – N, 2/3/2022]

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, 2/3/2022]

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) proof of age indicating applicant is at least 18 years of age (government-issued identification with a photo);
 - (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 current immunizations as defined in 16.36.9.11 NMAC; and
 - (k) proof of 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 current immunizations as defined in 16.36.9.11 NMAC; and

(e) proof of disqualifying criminal conviction as defined in 16.36.4.9 NMAC.

[16.36.9.8 NMAC – N, 2/3/2022]

16.36.9.9 SPONSOR LICENSE APPLICATION FOR PERMANENT COSMETICS:

A. A licensee may be approved to sponsor only one permanent cosmetic 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 permanent cosmetic license;

(3) documentation of legally practicing as a permanent cosmetics practitioner in New Mexico for at least five years without any disciplinary action;

(4) a curriculum as required in 16.36.9.14 NMAC to the board staff for approval; 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 the apprentice log to the board administrator. The log shall be sent to the board administrator 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 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 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 disqualifying criminal conviction as defined in 16.36.4.9 NMAC.

[16.36.9.9 NMAC – N, 2/3/2022]

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) proof of age indicating applicant is at least 18 years of age (government-issued identification with a photo);
- (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 current immunizations as defined in 16.36.9.11 NMAC;
- (j) proof of disqualifying criminal conviction as defined in 16.36.4.9 NMAC;
- (k) proof of completion permanent cosmetics training program and examination as defined in 16.36.9.14 NMAC;
- (l) a recent passport size, color photograph; and
- (m) non-refundable application fee as required by the board.

B. Photographs: applicant for permanent cosmetic practitioner must submit a minimum of 10 photographs with at least two from the following areas:

- (1) eyebrow simulation;
- (2) lip liner;
- (3) lip color; and
- (4) eyeliner/eyelash enhancer of eyes.

C. 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.

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;
 - (d) proof of current immunizations as defined in 16.36.9.11 NMAC; and
 - (e) proof of disqualifying criminal conviction as defined in 16.36.4.9 NMAC.

[16.36.9.10 NMAC - N, 2/3/2022]

16.36.9.11 PROOF OF CURRENT IMMUNIZATIONS: Proof shall be provided upon request of the board or board representative that apprentice, practitioner, and permanent cosmetic practitioner licensee has either completed or declined, on a form provided by the board, the hepatitis B vaccination series. For those who decline the hepatitis B vaccination series, an information brochure developed by the New Mexico department of health will be provided which explains the risks of hepatitis B and C.

[16.36.9.11 NMAC – N, 2/3/2022]

16.36.9.12 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 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;

C. An applicant for a permanent cosmetics apprenticeship shall file an apprentice agreement notarized by all parties that applicant shall complete the board required training requirements.
[16.36.9.12 NMAC - N, 2/3/2022]

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 255 hour board approved curriculum, and shall perform under the direct supervision of a board approved sponsor. An approved basic fundamental curriculum shall include the following requirements:

B. A minimum of five of each of the following procedures: 60 hours

- (1) eye brow simulation; microblading, hairstrokes, shading;
- (2) lip liner;
- (3) lip color; and
- (4) eye liner/eyelash enhancement.

C. Client records shall be maintained by the practitioner applicant to verify that the minimum requirements for the procedures were completed.

D. The practitioner applicant shall submit 10 before and after photographs whereby the practitioner has personally performed one complete procedure for each of the following areas:

- (1) eye brow simulation;
- (2) lip liner;
- (3) lip color; and
- (4) eye liner/eyelash enhancement.

E. Introduction to permanent cosmetics: 10 hours

- (1) History of tattooing as it applies to permanent makeup.
- (2) Overview of the different types of machines and devices.

F. Professional standards and client care: 20 hours

- (1) Client expectations.
- (2) Medical history.
- (3) Consent and disclosure form.
- (4) Record keeping.
- (5) HIPPA standards.
- (6) Photography.

G. Office set-up: 10 hours

- (1) Understanding establishment requirements.
- (2) General equipment.

- (3) Table, chair, work surface, lightening.
 - H.** Disinfection and sterilization: 100 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.
 - (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: 20 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.
 - 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.** A permanent cosmetic practitioner applicant engaged in a state board approved apprenticeship training program prior to the effective date of July 1, 2018 shall have until August 31, 2018 to comply with apprenticeship requirements.
- [16.36.9.13 NMAC – N, 2/3/2022]

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, 2/3/2022]

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, if the applicant demonstrates to the satisfaction of the board that the applicant’s training and experience is 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. The applicant shall apply for licensure as a body artist on an official form approved by the board obtained from the department for that purpose, and shall meet the following minimum requirements in addition to those set forth in Subsections A through C of this Section 16.36.9.16 NMAC:

B. 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, if the applicant demonstrates to the satisfaction of the board that the applicant’s training and experience is 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. The applicant shall apply for licensure as a body artist on an official form approved by the board obtained from the department for that purpose, and shall meet the following minimum requirements in addition to those set forth in Subsections A through C of this Section 16.36.9.16 NMAC:

- (1) a certified copy of a current tattoo or body artist license from the other state or jurisdiction or provided that the board shall grant credit for training and experience obtained from any source;
- (2) a current copy of the rules and regulations pertaining to tattooing, body piercing, scarification, and permanent cosmetics from the other state or jurisdiction;
- (3) a letter of licensure verification 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; and
- (f) proof of disqualifying criminal conviction as defined in 16.36.4.9 NMAC.

C. An applicant seeking credit for training and experience obtained as a licensed tattoo or 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 requirements of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act.

- (1) If the applicant’s training and experience is from a state or jurisdiction outside New Mexico, the applicant shall demonstrate to the satisfaction of the board that all of the following requirements are met:
 - (2) the applicant was authorized by law to perform tattooing, body piercing, scarification, or permanent cosmetics without limitation in the state or jurisdiction during the time period the applicant obtained the training and experience;
 - (3) the applicant has been a tattoo or body artist who has performed tattooing, body piercing, scarification, and permanent cosmetics in that state or jurisdiction immediately prior to applying for licensure as a body artist in New Mexico; and
 - (4) the applicant shall submit to the board:
 - (a) three letters of recommendation from a licensed tattoo or body artist in good standing in New Mexico or another state or jurisdiction;
 - (b) twenty color photographs of completed procedures by the applicant, demonstrating the applicant’s ability, knowledge, and fitness to tattooing, body piercing, scarification, and permanent cosmetics procedures effectively and in a safe and healthy environment;

- (c) CPR, First Aid and blood borne pathogen certificates issued to the applicant within six months immediately preceding the application for licensure;
- (d) affidavits from prior employers or supervisors;
- (e) W-2 or 1099 forms; and
- (f) federal or state tax returns verifying occupational status.

D. If the applicant's training and experience was not obtained as a licensed tattoo or body artist in a state or jurisdiction outside New Mexico, or through an apprenticeship or training program from a state or jurisdiction outside New Mexico, the applicant shall demonstrate to the satisfaction of the board that all of the following minimum requirements are met. For the board to approve an apprenticeship or training program from a state or jurisdiction outside New Mexico, the applicant must submit satisfactory evidence to the board or its designee of the following:

- (1) the apprenticeship or training program was licensed or accredited for that purpose by a state agency;
- (2) the applicant successfully completed the apprenticeship or training program, as shown by an official transcript or certificate of completion;
- (3) during the applicant's participation in the apprenticeship or training program, the applicant's sponsor or trainer was licensed and in good standing as a tattoo or body artist in the state or jurisdiction where the apprenticeship or training was completed;
- (4) the applicant completed the apprenticeship or training program under the direct supervision of the sponsor or trainer in a state-approved program for tattoo or body artists;
- (5) the apprenticeship or training program covered the areas of theory and practical experience required under the applicable provisions of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act;
- (6) if the apprenticeship or training program completed in another state or jurisdiction included hours allotted to studying the laws and regulations of that state or jurisdiction, the board in its sole discretion may count those hours toward the required number of hours allotted to studying New Mexico laws and regulations; and
- (7) the apprenticeship or training program included the total number of hours of theory and practical experience and the number of completed procedures required under the applicable provisions of the Body Art Safe Practices Act and the regulations promulgated by the board pursuant to the Act.

[16.36.9.15 NMAC - N, 2/3/2022]

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:

- A.** the applicant to complete additional course work before proceeding with the application process; and
- B.** the applicant to meet any other requirements as may be prescribed by the board, including a practical exam or an apprenticeship program.

[16.36.9.16 NMAC - N, 2/3/2022]

HISTORY OF 16.36.9 NMAC: