

This is an amendment to 16.34.7 NMAC Section 13, effective 08/29/2023.

**16.34.7.13 [BOOTH ESTABLISHMENT LICENSE:]**

- ~~\_\_\_\_\_ A. \_\_\_\_\_ The lessee of the space must obtain a booth establishment license fifteen days prior to providing licensed activity. The booth establishment license must be posted where clearly visible to the public. The booth lessee also must have a valid, current practitioner license appropriate for the licensed activity offered.~~
- ~~\_\_\_\_\_ B. \_\_\_\_\_ If the licensee is paying the establishment owner rent, a percentage of income earned, operates as an independent business within a licensed establishment, has obtained a tax identification number or a required municipal business license, the licensee must obtain a booth establishment license.~~
- ~~\_\_\_\_\_ C. \_\_\_\_\_ The establishment licensee renting space to a booth lessee shall not allow an individual to render any licensed activity until the establishment licensee actually has seen a valid, current booth establishment license and a valid, current practitioner license appropriate for the licensed activity offered by the lessee.~~
- ~~\_\_\_\_\_ D. \_\_\_\_\_ A booth establishment license is nontransferable and must be renewed annually.~~
- ~~\_\_\_\_\_ E. \_\_\_\_\_ If a booth establishment licensee relocates anywhere within the state, the licensee must notify the board in writing, complete a relocation application, and pay the administrative fee. The establishment licensee must identify booth lessee(s) at the time of original licensure and at each annual renewal.~~
- ~~\_\_\_\_\_ F. \_\_\_\_\_ Each licensee is responsible for compliance with minimum sanitation and safety standards. The establishment licensee remains primarily responsible for compliance with the sanitary and safety rules for establishments set forth in 16.34.7 NMAC. The booth establishment licensee will be subject to fines or other disciplinary action for any violation of the sanitary and safety rules within the reasonable control of the booth establishment licensee, including without limitation Paragraphs 5, 6, 7, 9, 10, 11, 13, 15 through 23, 25 and 26 of Subsection A of 16.34.7.9 NMAC.~~
- ~~\_\_\_\_\_ G. \_\_\_\_\_ The board shall notify the establishment licensee of any warnings issued to a booth establishment licensee for violations of the sanitary and safety rules. The board shall notify the establishment licensee if the booth establishment licensee's practitioner license has not been renewed or if the license has been restricted, suspended, or revoked. The board shall notify the booth establishment licensee(s) if the establishment license has not been renewed or if the license has been restricted, suspended, or revoked.] [RESERVED]~~

[16.34.7.13 NMAC - Rp 16 NMAC 34.7.13, 6/16/2001; Repealed, 08/29/2023]