HOUSE BILL 755

47th Legislature - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

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AN ACT

RELATING TO HEALTH; PROHIBITING THE ADMINISTRATION OF BODY ART AND BODY PIERCING UPON A MINOR WITHOUT THE CONSENT OF A PARENT OR LEGAL GUARDIAN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public Health Act is enacted to read:

"[NEW MATERIAL] PARENTAL CONSENT.--

A. A person is guilty of unlawful body art administration or body piercing upon a minor if the person administers or offers to administer body art or body piercing upon a minor without receiving the consent of the minor's parent or legal guardian. Consent of the parent or legal guardian shall require a notarized informed consent form or the presence of the parent or legal guardian at the procedure.

.155172.1

B. A municipality may by ordinance provide more stringent standards than those provided in Subsection A of this section.

C. As used in this section:

- of depositing pigment that is either permanent, semipermanent or temporary into the epidermis using needles and includes permanent cosmetics, dermography, micropigmentation, permanent color technology and micropigment implantation, by someone other than a state-licensed physician or a person under the supervision of a state-licensed physician; and scarification, the practice of 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. "Body art" does not include practices that are considered medical procedures by the New Mexico medical board;
- (2) "body piercing" means to cut, stab or penetrate the skin to create a permanent hole or opening in the body, excluding the ear; and
- (3) "minor" means a person younger than eighteen years of age who is not married, is not on active duty in the armed forces and has not been declared emancipated by a court of law."

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