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HOUSE BILL 964

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Joni Marie Gutierrez

AN ACT

RELATING TO HEALTH CARE; REQUIRING SPECIFIED PHYSICIAN
SUPERVISION IN MEDICAL SPAS; PROVIDING PENALTIES.

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

Section 1. MEDICAL SPAS--PHYSICIAN SUPERVISION.--

A. As used in this section, "medical spa" means a facility that offers medical procedures for aesthetic or cosmetic purposes, including:

(1) skin treatments using applications of lasers, intense pulsed light or radio frequencies;

(2) deep skin peels; and

(3) subcutaneous injections of substances, including botox and tissue fillers.

B. Medical spas shall have on-site during all business hours and available for consultation a physician who

underscoring material = new
[bracketed material] = delete

1 is board-certified in either dermatology or plastic surgery.

2 C. The department of health shall promulgate rules
3 necessary to implement the provisions of this section,
4 including specific provisions setting forth those facilities
5 that fall within the definition of medical spa.

6 D. In an action brought by the office of the
7 attorney general, upon an entry of judgment or decree that a
8 medical spa has operated in violation of the provisions of this
9 section, a court may impose upon those persons owning or
10 operating the medical spa a civil penalty not to exceed one
11 thousand dollars (\$1,000) for each day that the medical spa
12 operated in violation of this section with an aggregate total
13 not to exceed twenty-five thousand dollars (\$25,000) for any
14 one medical spa location. The remedies provided in this
15 subsection are in addition to any available remedies otherwise
16 provided by law.

17 Section 2. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is January 1, 2008.

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