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AN ACT

RELATING TO PROFESSIONAL LICENSING; REQUIRING THAT AN
APPLICANT FOR A BODY ART TATTOO OR PIERCING-SCARIFICATION
LICENSE BE GRANTED CREDIT FOR EQUIVALENT TRAINING OR
EXPERIENCE OBTAINED OUTSIDE THE STATE; DECLARING AN
EMERGENCY.

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

SECTION 1. Section 61-17B-5 NMSA 1978 (being Laws 2007,
Chapter 181, Section 5, as amended) is amended to read:

"61-17B-5. LICENSE--APPLICATION--REVOCATION--
SUSPENSION.--

A. A body artist shall obtain a body art license,
and an operator shall obtain a body art establishment
license, the requirements for which shall be defined by the
board and shall include the requirement that a body artist
applicant demonstrate that the body artist has the training
and experience necessary to perform body piercing, tattooing
or scarification and the requirement that a sanitary and
sterile body art establishment be maintained; provided that
the board shall grant credit for training and experience
obtained from any source, whether obtained within or outside
the state, if the applicant demonstrates that the training
and experience received by the applicant is equivalent to the
training and experience required pursuant to the Body Art

1 Safe Practices Act.

2 B. An operator or body artist shall possess and
3 post in a conspicuous place a valid and unsuspended license
4 issued by the board in accordance with the Body Art Safe
5 Practices Act and the rules promulgated pursuant to that act.
6 An operator or a body artist shall not display a license
7 unless it has been issued to that operator or body artist by
8 the board and has not been suspended or revoked.

9 C. An operator or body artist shall apply to the
10 board for the issuance or renewal of a license annually and
11 shall pay license fees established by the board. The board
12 shall set license fees, license renewal fees and late fees in
13 amounts necessary to administer the provisions of the Body
14 Art Safe Practices Act. If an operator or body artist fails
15 to renew a license for the next year, the license is void;
16 provided that the voided license may be restored at any time
17 during the year following the license's expiration upon the
18 payment of the appropriate license renewal fee and a late
19 charge not to exceed one hundred dollars (\$100) as set forth
20 by board rules. If the operator or body artist fails to
21 restore a license within one year following the license's
22 expiration, the operator or body artist may request
23 restoration of the license pursuant to rules promulgated by
24 the board.

25 D. The board shall promulgate rules for the

1 revocation or suspension of a license for a body art
2 establishment or a body artist who fails to comply with a
3 provision of the Body Art Safe Practices Act or rules
4 promulgated pursuant to that act. A license shall not be
5 suspended or revoked pursuant to the Body Art Safe Practices
6 Act without providing the operator or the body artist with an
7 opportunity for an administrative hearing unless conditions
8 in the body art establishment warrant immediate suspension
9 pursuant to Section 61-17B-9 NMSA 1978. The hearing officer
10 shall not be a person previously involved in the suspension
11 or revocation action. An inspection made more than
12 twenty-four months prior to the most recent inspection shall
13 not be used as a basis for suspension or revocation.

14 E. The board shall charge a fee not to exceed
15 three hundred dollars (\$300) for the application to issue a
16 new or renewed license. The applicant shall provide proof of
17 current immunization as required by the board and proof of
18 the applicant's attendance at a blood-borne pathogen training
19 program and other training as required by the board before a
20 license is issued or renewed.

21 F. A current body art license or body art
22 establishment license shall not be transferable from one
23 person to another.

24 G. The following information shall be kept on the
25 premises of a body art establishment and shall be available

1 for inspection by the board:

2 (1) the full names of all employees in the
3 establishment and their exact duties;

4 (2) the board-issued license with
5 identification photograph for the operator and any body
6 artists;

7 (3) the body art establishment name and
8 hours of operation;

9 (4) the name and address of the operator;

10 (5) a complete description of all body art
11 performed at the body art establishment;

12 (6) a list of all instruments, body jewelry,
13 sharps and inks used at the body art establishment, including
14 names of manufacturers and serial or lot numbers or invoices
15 or other documentation sufficient to identify and locate the
16 manufacturer of those items; and

17 (7) a current copy of the Body Art Safe
18 Practices Act.

19 H. An operator shall notify the board in writing
20 not less than thirty days before changing the location of a
21 body art establishment. The notice shall include the street
22 address of the body art establishment's new location."

23 SECTION 2. Section 61-17B-15 NMSA 1978 (being Laws
24 2015, Chapter 129, Section 6) is amended to read:

25 "61-17B-15. BOARD CREATED--MEMBERSHIP.--

1 A. The "board of body art practitioners" is
2 created. The board is administratively attached to the
3 regulation and licensing department and consists of five
4 members appointed by the governor. Members shall serve
5 three-year terms; provided that at the time of initial
6 appointment, the governor shall appoint members to
7 abbreviated terms to allow for the terms of subsequent
8 appointments to be staggered. Vacancies shall be filled in
9 the manner of the original appointment.

10 B. Of the five members of the board, two shall be
11 licensed pursuant to the Body Art Safe Practices Act and
12 shall have at least five years' practical experience in their
13 occupations. Of those two, one member shall be an operator
14 and one member shall be a body artist. The remaining three
15 members shall be public members. The public members shall
16 not have ever been licensed pursuant to the provisions of the
17 Body Art Safe Practices Act or similar prior legislation or
18 have a financial interest in a body art establishment.

19 C. Members of the board shall be reimbursed
20 pursuant to the Per Diem and Mileage Act and shall receive no
21 other compensation, perquisite or allowance.

22 D. The board shall elect from among its members a
23 chair and such other officers as it deems necessary. The
24 board shall meet at the call of the chair, not less than two
25 times each year. A majority of members currently serving

1 constitutes a quorum for the conduct of business.

2 E. A board member shall not serve more than two
3 full consecutive terms, and a member who fails to attend
4 three meetings shall automatically be recommended for removal
5 unless the member's absence is excused for reasons set forth
6 by board rule."

7 SECTION 3. TEMPORARY PROVISION--BOARD MEMBERS.--On or
8 after the effective date of this act, the governor shall
9 appoint two public members to serve on the board, one of whom
10 shall replace one operator member and one of whom shall
11 replace one body artist member so that the board shall be
12 composed of three public members and two members licensed
13 pursuant to the Body Art Safe Practices Act. The terms of
14 the members shall remain staggered.

15 SECTION 4. EMERGENCY.--It is necessary for the public
16 peace, health and safety that this act take effect
17 immediately. _____

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