

NOTICE OF PUBLIC RULE HEARING AND BOARD MEETING

The New Mexico Board of Body Art Practitioners and the Regulations and Licensing Department will hold a rule hearing on Monday, November 17, 2025, at 10:00 a.m., immediately followed by a meeting of the body art practitioners board for adoption of the proposed rules listed below. The hearing and subsequent board meeting will be held at the Regulation and Licensing Department, located at 5500 San Antonio Dr. NE., Albuquerque, New Mexico 87109.

The meeting will also be held via Microsoft Teams for those desiring to attend virtually.

Meeting Link: https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZTgyNzFmYjgtMzcxYy00NDlhLWE2MTUtOTBiZDZjM2I5ZjMx%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%22f2bc0bd3-22ab-403d-bd06-7bb3d078e5e1%22%7d

Or <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 278 624 907 474 7

Passcode: EP2da7yT

Dial in by phone

+1 505-312-4308,998408005# United States, Albuquerque

Phone conference ID: 998 408 005#

The purpose of the rule hearing is to consider the initiation of rulemaking for the following rules:

16.36.1 – General Provisions

16.36.2 – Licensure Requirements

16.36.3 – Requirements for Establishments

16.36.4 – Enforcement, Complaints and Disciplinary Action

16.36.5 – Standards of Practice

16.36.6 – Fees

16.36.7 – Licensure Requirements for Special Events, Mobile Body Art and Guests

16.36.8 – Expedited Licensure

16.36.9 – Licensure Requirements for Permanent Cosmetics Practitioner

16.36.10 – Licensure Requirements for Body Piercing-Scarification Practitioner

On Friday, October 17, 2025, copies of the proposed rules may be obtained through the New Mexico Board of Body Art Practitioners website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/body-art-practitioners/board-information/ba-board-meetings/> or by contacting the Board Administrator, Emma Quintana at nmbody.art@rld.nm.gov or (505) 476-4622.

The New Mexico Board of Body Art Practitioners and Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes on Saturday, October 17, 2025, at 8:00 a.m. and ending Sunday, November 16, 2025, 8:00 a.m. Written comments may be submitted by email to nmbody.art@rld.nm.gov or by postal mail to the following address:

New Mexico Regulation and Licensing Department
Attn: New Mexico Board of Body Art Practitioners
P.O. Box 25101
Santa Fe, NM 87504

*Public comment will also be accepted during the rule hearing and may be presented orally, or in writing. Individuals who would like to participate and offer public comment ***must appear in person***. Written Comments received during the public comment period (October 17, 2025 – November 16, 2025) will be posted to the website page above. Public comments will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending in-person. The members of the New Mexico Board of Body Art Practitioners will not enter substantive discussion of public comments during the rule hearing but will consider and deliberate any public comment during the regular board meeting immediately following the conclusion of the public rule hearing.

The agenda for the New Mexico Board of Body Art Practitioners regular meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting, and available on the website page above or by contacting the Board Administrator, Emma Quintana at nmbody.art@rld.nm.gov or (505) 476-4622.

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or the regular board meeting, please contact the Board Administrator Emma Quintana at nmbody.art@rld.nm.gov (505) 476-4622 at least 7 days prior to the rule hearing and regular board meeting. Public documents, including the proposed rules, meeting agenda and minutes, can be provided in various accessible formats.

For inclement weather: If New Mexico state offices are placed on a two-hour delay due to inclement weather, the rule hearing will be pushed back two hours from the noticed hearing time. If New Mexico state offices are closed due to inclement weather, the rule hearing will be rescheduled as soon as possible.

Statutory Authority: The rule changes are authorized by the Body Art Safe Practices Act (Act), Section 61-17B-1 through 61-17B-18 NMSA 1978, which provides explicit authority for the Board of Body Art Practitioner to protect public health and safety and adopt rules for the administration Act. The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of the Proposed Rules: The proposed rule changes are intended to update and expand definitions; modernize the licensure process by requiring online applications and removing outdated references to paper applications; clarifying requirements for apprenticeships and sponsors, strengthening continuing education requirements, enhancing health, sanitation, and safety rules for establishments and practitioners; improving enforcement tools; requiring establishments to maintain and post inspection reports; and adding a \$35.00 fee for returned checks, a \$50.00 re-inspection fee, and a \$10.00 administrative electronic licensing fee per year. More generally, the proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board's statutory obligation to promote, preserve and protect the public health, safety and welfare.

Summary of Proposed Changes:

16.36.1 NMAC – General Provisions. Update changes and clarify definitions, add documentation requirements.

16.36.2 NMAC – Licensure Requirements. Update language to reflect that applications are on an online licensing system, update apprentice and practitioner requirements including training, exams, and renewals, allow sponsors to oversee two apprentices.

16.36.3 NMAC – Requirements for Establishments. Set clearer facility standards.

16.36.4 NMAC – Enforcement, Complaints and Disciplinary Action. Shorten complaint response times, raise fines for violations, and allow immediate license suspension for serious risk, while also explicitly stating that continuing education non-compliance is subject to discipline.

16.36.5 NMAC – Standards of Practice. Strengthen health and hygiene standards for practitioners, require stricter sterilization and waste disposal practices with recordkeeping.

16.36.6 NMAC – Fees. Add three additional fees, one \$35.00 fee for returned checks, second \$50.00 fee for re-inspections, and the third fee is a \$10.00 administrative electronic licensing fee per year. Also introduce the standard for auditing continuing education requirements for license renewal.

16.36.7 NMAC – Licensure Requirements for Special Events, Mobile Body Art and Guests. Move mobile establishment to 16.36.3 NMAC to be in accordance with other establishment requirements. Establish clearer rules for special event sponsors and guest artists.

16.36.8 NMAC – Expedited Licensure. Update and clarify language.

16.36.9 NMAC – Licensure Requirements for Permanent Cosmetics Practitioner. Update language to reflect that applications are on an online licensing system, update apprentice and practitioner requirements including training, exams, and renewals, allow sponsors to oversee two apprentices.

16.36.10 NMAC – Licensure Requirements for Body Piercing-Scarification. Update language to reflect that applications are on an online licensing system, update apprentice and practitioner requirements including training, exams, and renewals, allow sponsors to oversee two apprentices.

*This language is contingent upon the Board's position as to whether to accept public comment virtually, or in-person only.