This is an amendment to 16.36.5 NMAC, Sections 8, 9, & 11 effective 12/23/2025.

16.36.5.8 STANDARDS OF PRACTICE AND PROFESSIONAL STANDARDS: Practitioners are required to comply with the following minimum standards.

A. A practitioner shall perform all body art procedures in accordance with universal precautions set forth by [~~occupational health and safety administration~~] Occupational Safety and Health Administration (OSHA) and the United States [~~centers for disease control~~] Centers for Disease Control and Prevention.

B. Smoking, eating, or drinking by anyone is prohibited in the procedure room while body art preparation, procedure and clean-up is being performed.

C. A practitioner shall refuse service to any person who, in the opinion of a reasonable objective observer, may be under the influence of alcohol or drugs.

D. [~~A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art, the licensee must thoroughly wash their hands in hot running water with liquid antimicrobial soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.~~] The skin of the licensee shall be free of rash or infection. No licensee affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

E. [~~The skin of the licensee shall be free of rash or infection. No licensee affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.~~] Before performing body art, the licensee must thoroughly wash their hands in running water with liquid soap, then rinse hands and dry with disposable paper towels.

F. [~~In performing body art procedures,~~] [~~a~~] A practitioner shall wear disposable single-use gloves. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with Subsection [~~D~~] E before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for hand washing procedures. [~~as part of a good personal hygiene program.~~]

G. If, [~~while performing body art, the licensee's~~] a glove is pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person, the procedures in Subsections D and E above shall be repeated immediately. Any [~~item~~] item(s) or [~~instrument~~] instrument(s) used for body art which [~~is~~] are contaminated during the procedure shall be discarded and replaced immediately with new sanitary items or [~~instrument~~] instrument(s) before the procedure resumes.

H. Contaminated waste, should be handled as follows: [~~which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag which is marked with the international "biohazard" symbol. It must then be disposed of by an approved medical waste facility pursuant to federal and state regulations including but not limited to 29 CFR 1910.1030 and New Mexico solid waste management regulations promulgated by the New Mexico environment department. Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on-site shall not exceed 90 days. Establishment shall maintain records of waste removal.~~]

(1) Waste which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag which is marked with the international "biohazard" symbol. It must then be disposed of by an approved medical waste facility pursuant to federal and state regulations including but not limited to 29 CFR 1910.1030 and New Mexico Solid Waste Management regulations promulgated by the New Mexico Environment Department.

(2) Contaminated waste that does not release liquid or dried blood or body fluids when compressed or when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. All contaminated waste must be properly disposed of, and on-site storage shall not exceed 90 days. The establishment shall maintain documentation of all waste removal.

I. [~~Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its content. The applicator or gauze shall be used once and then discarded.~~] Sharps containers shall be disposed of through an approved medical waste disposal method once they are ready for disposal. The establishment must maintain disposal records, including the date of disposal, disposal method, and destination or facility where sharps were taken, in accordance with EPA standards and state regulations.

J. [~~It is the responsibility of the operator of the body art establishment to be in possession of the most current regulations and aftercare instructions.~~] Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its content. The applicator or gauze shall be used once and then discarded.

K. [~~Jewelry inserted into a newly pierced area must be the appropriate length and diameter for the unique anatomy and placement of the piercing. Materials appropriate to wear in a fresh body piercing must be able to withstand the heat and pressure of an autoclave sterilization and compatible with the body to prevent irritation, allergy, or infection. Materials must be to the specific grade of metal designated by code through the American Society for Testing and Materials Standards (ASTM), the International Organization for Standardization (ISO) or to the standards listed below:~~] It is the responsibility of the operator of the body art establishment to be in possession of the most current aftercare instructions given to the client and current state regulations.

L. Jewelry inserted into a newly pierced area must be appropriately sized to accommodate the client's unique anatomy and the specific placement of the piercing. All materials used in the initial piercings must be both biocompatible and able to withstand heat and pressure from autoclave sterilization without degradation. Materials must meet the standards for safety and compatibility set by the American Society for Testing and Materials (ASTM), the International Organization for Standardization (ISO), or to conform to one of the specific standards listed below:

(1) surgical steel should meet on or more of the following criteria:
- **(a)** ASTM F-138
- **(b)** ISO 5832-1
- **(c)** ISO 10993-6
- **(d)** ISO 10993-10
- **(e)** ISO 10993-11; or
- **(f)** EEC Nickel Directive compliant.

(2) titanium;
- **(a)** ASTM F-136;
- **(b)** ASTM F-1295;
- **(c)** ISO 5832-3; or
- **(d)** commercially pure titanium that is ASTM F-67 compliant.

(3) niobium:

(4) gold that is 14k to 18k, nickel-free, cadmium-free and alloyed for biocompatibility. Gold plated, gold-filled, or fold overlay/vermeil jewelry is not acceptable for fresh piercing.

(5) platinum;

(6) biocompatible polymers;

(7) glass:
- **(a)** fused [~~quarts~~] quartz glass;
- **(b)** lead-free borosilicate; or
- **(c)** lead free soda-lime glass.

[16.36.5.8 NMAC - Rp, 16.36.5.8 NMAC, 2/4/2016; A, 7/12/2022; A, 12/23/2025]

16.36.5.9 STERILE PROCEDURES AND SANITATION:

[~~A. All non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with a liquid soap solution and hot water or an appropriate disinfectant to remove blood and tissue residue and placed in an ultrasonic unit which shall remain on the premises of the body art establishment and which will be operated in accordance with the manufacturer's instructions.~~

~~B. All facilities that reprocess reusable instruments shall have an equipment cleaning room that is physically separated from the work stations. Facilities that use all disposable equipment shall be exempt from this requirement.~~

~~C. After cleaning, all non-disposable instruments used for body art shall be packed individually in paper peel packs and sterilized. All paper peel packs shall contain either a sterilizer indicator or internal~~

~~temperature indicator. Properly packaged, sterilized and stored equipment can be stored no more than one year. Paper peel packs must be dated with an expiration date not to exceed one year. Sterile equipment may not be used after the expiration date without first repackaging and resterilizing.~~

~~**D.** All non-disposable instruments used for body art shall be sterilized in an autoclave at the body art establishment. Off-site sterilization is prohibited. The sterilizer shall be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the board.~~

~~**E.** Each holder of a license to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. These test records shall be retained by the operator for a period of three years and provided to the board upon request.~~

~~**F.** After sterilization, the instrument used for body art, tattooing or body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.~~

~~**G.** All instruments used for body art, tattooing or body piercing shall remain stored in sterile packages until just prior to performing a body art procedure. When assembling instruments used for performing body art, the operator shall wear disposable medical gloves and use techniques to ensure that the instruments and gloves are not contaminated.~~

~~**H.** All inks, dyes, pigments and sharps shall be specifically manufactured for performing body art procedures and shall not be adulterated. Immediately before applying a tattoo, the quantity of the dye to be used for the tattoo shall be transferred from the bottle and placed into sterile, single use paper cups or plastic caps. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.~~

~~**I.** For body piercing and tattooing establishments primarily utilizing a Statim autoclave, reusable items shall be sterilized in an autoclave in a bulk load without sterilization pouches, previous to sterilization in the Statim autoclave, for the body piercing or tattoo procedure. Reusable instruments and single use items sterilized in a Statim autoclave cassette must be used immediately after opening the Statim autoclave cassette. The items contained in the Statim autoclave cassette shall be used for one client only and shall include use of an integrater strip.~~]

A. Sterilization of instruments and equipment shall be as follows:

(1) All non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with a liquid soap solution and water or an appropriate enzymatic cleaner to remove blood and tissue residue and placed in an ultrasonic unit or instrument washer which shall remain on the premises of the body art establishment, and which will be operated in accordance with the manufacturer's instructions.

(2) All facilities that reprocess reusable instruments shall have an equipment cleaning room that is physically separated from the procedure areas. Facilities that use all disposable equipment shall be exempt from this requirement.

(3) After cleaning, all non-disposable instruments used for body art shall be packed individually in paper peel-packs and sterilized. All paper peel-packs shall contain either a sterilizer indicator or internal temperature indicator.

(4.) All non-disposable instruments used for body art shall be sterilized in an autoclave at the body art establishment. Off-site sterilization is prohibited. The sterilizer shall be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the board.

(5.) Each holder of a license to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. These test records shall be retained by the operator for a period of three years and provided to the board upon request.

(6.) Instruments used for body art, tattooing or body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

(7.) Properly packaged, sterilized, and stored equipment and instruments can be kept for up to one year. The packs should be labeled with an expiration date not to exceed one year.

(8.) Any sterile equipment or instrument that reaches its expiration date must be re-sterilized and repackaged before use. If supplies are purchased pre-sterilized and come with an expiration date longer than one year, that expiration date is acceptable.

(9.) All instruments used for body art, tattooing or body piercing shall remain stored in sterile packages until just prior to performing a body art procedure. When assembling instruments used for performing body art, the operator shall wear disposable exam gloves and use techniques to ensure that the instruments and

gloves are not contaminated.

B. All inks, dyes, pigments and sharps shall be specifically manufactured for performing body art procedures and shall be labeled with the manufacturer's expiration date. All expired ink shall be disposed of. Immediately before applying a tattoo, the quantity of the ink to be used for the tattoo shall be transferred from the bottle and placed into sterile, single use paper cups or plastic caps. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

C. For establishments utilizing a cassette-style autoclave for point-of-use sterilization, reusable instruments must first be sterilized in a bulk load - unpacked and not intended for immediate use - prior to reprocessing in the cassette autoclave for client procedures. Items sterilized in a cassette-style autoclave must be used immediately after the cassette is opened and are intended for a single client only. Each cycle must include a chemical integrator strip to confirm that proper sterilization parameters were achieved.

D. All surfaces, tools, or equipment that come in contact with the public and cannot be sterilized must be disinfected using an EPA registered hospital grade disinfectant that is mixed and used according to the manufacturer's directions.

E. All expired chemicals and products shall be disposed of according to EPA recommendations.

[16.36.5.9 NMAC - Rp, 16.36.5.9 NMAC, 2/4/2016; A, 7/12/2022; A, 12/23/2025]

16.36.5.11 CLIENT CARE AND RECORDS REQUIREMENTS:

A. Prior to performing a body art procedure on a client, the practitioner shall:

(1) inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure:

(a) history of diabetes;

(b) history of hemophilia (bleeding);

(c) history of skin disease, skin lesions, or skin sensitivities to soaps, disinfectants etc.;

(d) history of allergies or adverse reactions to pigment, dyes, or other sensitivities;

(e) history of epilepsy, seizures, fainting, or narcolepsy;

(f) use of medications such as anticoagulants, which thin the blood or interfere with blood clotting; and

(g) any other conditions such as hepatitis or HIV.

(2) require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by Subsection J of 16.36.5.8 NMAC.

B. Preparation and care of a client's skin area must comply with the following:

(1) Any skin area or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

(2) Before a body art procedure is performed, the immediate skin area and the areas of the skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-use blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after each use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

(3) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with the OSHA [~~blood borne pathogens standard~~] Bloodborne Pathogens Standard (29 CFR 1910.1030).

C. The body art establishment shall keep a record of all persons who have had body art procedures performed. The record shall include:

(1) client's name;

(2) date of birth;

(3) address;

(4) the date of the procedure;

(5) the name of licensee who performed the procedure(s);

(6) the type of procedure performed and its location on the client's body;

(7) the signature of the client and, if the client is a minor, [~~written proof of parental or legal guardian presence and consent;~~] the signature of the legal guardian, and legal documentation as defined in Subsection T. of 16.36.1.7 NMAC;

(8) specific ink color(s) applied, and, when available, the manufacturer, catalogue identification number or supplier invoice of each color used.

D. For jewelry, a record of the manufacturer, catalogue identification number or supplier invoice shall be maintained.

E. All records described in this paragraph shall be retained for a minimum of three years and provided to the board upon request. Records destroyed after three years shall be destroyed by shredding or appropriate destruction methods.

F. The licensee shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:

(1) on proper cleansing of the area which received the body art;

(2) to consult a health care provider for:

(a) unexpected redness, tenderness or swelling at the site of the body art procedure;

(b) any rash;

(c) unexpected drainage at or from the site of the body art procedure; or

(d) a fever within 24 hours of the body art procedure; and

(3) the address, and phone number of the establishment. [~~; a copy shall be provided to the client; a model set of aftercare instructions shall be made available by the board.~~]

[16.36.5.11 NMAC - Rp, 16.36.5.11 NMAC, 2/4/2016; A, 12/23/2025]