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FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/19

SPONSOR Stewart **LAST UPDATED** _____ **HB** _____

SHORT TITLE Out of State Body Art License Equivalence **SB** 142/ec

ANALYST Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Minimal	Minimal	Minimal	Minimal	Recurring	Body Art Practitioners Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation & Licensing Department (RLD)

SUMMARY

Synopsis of Bill

Senate Bill 142 makes two major changes to the Body Art Safe Practices Act (“Act”), which governs the licensing and discipline of body artists, being persons who administer body piercing, tattooing or scarification. That Act creates the Board of Body Art Practitioners (“Board”), which is charged by existing statute with determining the requirements for licensure under that Act.

SB 142 first amends the Act to require the board grant credit for training and experience and experience obtained from any source, whether obtained within or outside the state, if the applicant demonstrates that the training and experience of the applicant is equivalent to that required by the board.

This bill also changes the composition of the Board. Under existing law, the Board has five members: two operators, two body artists, and one public member who has never been licensed under the Act and has no financial interest in a body art establishment. SB 142 changes the Board membership to one operator, one body artist and three public members (with the same limitations as imposed under current law).

SB 142 contains an emergency clause and would become effective immediately upon signature by the governor.

FISCAL IMPLICATIONS

Requiring a case-by-case determination by the board of the equivalency of an applicant's training and experience might be expected to result in more board meetings and the associated expenses such as per diem and mileage that would be incurred as a result.

SIGNIFICANT ISSUES

RLD expresses concern that the bill provides a broad standard for the source of training, "from any source", that may cause controversy and inconsistencies with the board issued standard. It advises that the current board standard source for the apprenticeship training is "a licensed practitioner with instruction and experience in the kind of body art for which the applicant seeks a body art practitioner license." 16.36.2.14 NMAC. The board approved sources for the required health and safety trainings include a nationally accredited organization, the red cross, a board approved source, or a training sponsored by any of the following entities: a local government, a hospital, a college, or OSHA. 16.36.2.13A NMAC.

As to the restructuring of the board to include more general public members (from one to three) and fewer professional members (from four to two, with only one of those being a body artist) RLD comments that the new composition appears to reduce the professional experience and knowledge base needed to determine the proper practice standards for the various forms of body art. RLD suggests that it would be in the public's best interest to keep the composition of the Board as is or to add another professional board member.

However, in conducting sunset reviews of state licensing boards, LFC has used the Texas Sunset Occupational Licensing Model. Under that Model, an occupational board should be composed of as close to one-third public members as possible. The key is to balance the need for expertise, generally provided by regulated board members, and the dispassionate judgment provided by public members.

MD/al