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SENATE BILL 289

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Jacob R. Candelaria

AN ACT

RELATING TO PROFESSIONS; CLARIFYING A DEFINITION IN THE BODY  
ART SAFE PRACTICES ACT.

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

SECTION 1. Section 61-17B-3 NMSA 1978 (being Laws 2007,  
Chapter 181, Section 3, as amended) is amended to read:

"61-17B-3. DEFINITIONS.--As used in the Body Art Safe  
Practices Act:

A. "board" means the board of body art  
practitioners;

B. "body art" means tattooing, body piercing or  
scarification but does not include practices that are  
considered medical procedures by the New Mexico medical board;

C. "body art establishment" means a fixed or mobile  
place where body art is administered on the premises;

1           D. "body artist" means a person who administers  
2 body piercing, tattooing or scarification;

3           E. "body piercing" means to cut, stab or penetrate  
4 the skin to create a permanent hole or opening;

5           F. "equipment" means machinery used in connection  
6 with the operation of a body art establishment, including  
7 fixtures, containers, vessels, tools, devices, implements,  
8 furniture, display and storage areas, sinks and other  
9 apparatuses and appurtenances;

10          G. "instruments used for body art" means hand  
11 pieces, needles, needle bars and other items that may come into  
12 contact with a person's body during the administration of body  
13 art;

14          H. "operator" means the owner in charge of a body  
15 art establishment;

16          I. "scarification" means cutting into the skin with  
17 a sharp instrument or branding the skin with a heated  
18 instrument to produce a permanent mark or design on the skin;

19          J. "sharps" means any sterilized object that is  
20 used for the purpose of penetrating the skin or mucosa,  
21 including needles, scalpel blades and razor blades;

22          K. "single use" means products or items that are  
23 intended for one-time, one-person use and are disposed of after  
24 use on each client, including cotton swabs or balls, tissues or  
25 paper products, paper or plastic cups, gauze and sanitary

underscoring material = new  
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1 coverings, razors, piercing needles, scalpel blades, stencils,  
2 ink cups and protective gloves;

3 L. "sterilization" means destruction of all forms  
4 of microbiotic life, including spores; and

5 M. "tattooing" means the practice of depositing  
6 pigment, which is either permanent, semipermanent or temporary,  
7 into the [~~epidermis~~] dermis using needles by someone other than  
8 a state-licensed physician or a person under the supervision of  
9 a state-licensed physician and includes permanent cosmetics,  
10 dermatography, micropigmentation, permanent color technology and  
11 micropigment implantation."

12 SECTION 2. EFFECTIVE DATE.--The effective date of the  
13 provisions of this act is July 1, 2019.