

Text added to Interim rules in ***bold italics***
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Explanatory comments in *{bracketed blue italics}*

Readopt with amendment Plc 405, eff. 09-02-21 (doc. #13258, Interim), to read as follows:

PART Plc 405 MICROBLADING CERTIFICATE

Plc 405.01 ***Purpose, Applicability, and Definitions.***

(a) ***The purpose of this part is to implement RSA 314-A:2, IV as enacted by Laws of 2021, 60:1, effective July 1, 2021.***

(b) ***This part shall apply to any individual who is not a licensed body art tattoo practitioner who wishes to engage in microblading.***

(~~a~~) “Microblading” means a cosmetic tattoo of the eyebrow as defined in Plc 401.02(k).

Plc 405.02 ~~Training~~ ***Eligibility Requirements.*** (~~a~~) ***To be eligible for a*** microblading certificate, ***an individual*** shall be ~~granted to~~ a New Hampshire licensed esthetician or cosmetologist who has completed the following requirements:

(a) ***Training that meets the requirements of Plc 405.03; and***

(~~3b~~) ~~Completion of a~~ ***A*** course in the ***prevention of disease transmission and*** blood-borne pathogens ~~standard.~~

Plc 405.03 Training Requirements. The training required by Plc 405.02(a) shall:

(~~1a~~) ~~Completion of a course that is~~ ***Be*** at least 100 hours ***in length;*** ~~covering the topics listed in (2) below that has been~~

(b) ***Be provided by an instructor who is*** ~~approved or~~ accredited by one ***or both*** of the following organizations:

~~a.~~(1) The American Academy of Micropigmentation (“AAM”); or

~~b.~~(2) The Society of Permanent Cosmetic Professionals (“SPCP”); ***and***

(~~2c~~) ~~The course must include~~ at a minimum:

(1) ***Instruction in*** the following ~~instruction~~ ***areas:***

a. Microblading fundamentals;

b. Color theory and design;

c. Pigment and ink;

d. Equipment including set-up and break-down procedures;

e. Contraindications of microblading;

f. Stretching the skin;

g. Depth;

h. Infection control;

i. Disinfection procedures; ***and***

j. Aftercare; and

~~k.(2) Completion of a minimum of two (2) sets of eyebrows on a live model, under the direct supervision of the course instructor; and.~~

{(3) moved, renumbered as Plc 405.02(b)}

Plc 405.0304 ***Initial Microblading Initial Certification.***

(a) Any ~~person~~***individual*** who wishes to engage in the practice of microblading ***who does not have a New Hampshire microblading certificate or a body art tattoo practitioner license*** shall file an application for ***initial*** microblading ~~practitioner~~***certificate in accordance with this section.***

(b) Each applicant for an initial ***microblading*** ~~practitioner~~***certificate*** shall submit the following to the office of professional licensure and certification (***OPLC***):

- (1) A completed ~~“Certificate-Initial~~ ***Microblading Certificate Application” that has been signed as specified in Plc 405.06;***
- (2) ~~A-The application processing fee of \$110-specified in Plc 1002;~~
- (3) ~~A-copy-The number~~ ***of the applicant’s active New Hampshire esthetics or cosmetology license;***
- (4) ~~A m~~***Microblading course-training*** completion certificate, ~~containing~~***that states*** the name, ***and*** address ***of the training provider, the organization that accredited the training instructor, the date the course-training*** was completed, and the number of hours of training received; and
- (5) Documentation of the completion of a course in the ***prevention of disease transmission and*** blood borne pathogens ~~standard.~~

Plc 405.0405 ***Microblading Certification Expiration and Renewal.***

(a) ~~In accordance with RSA 314 A:2, II, An initial or renewal~~ microblading certificates shall expire on the last day of the certified person’s birth month and the odd year ***earlier of 2 years from the date of issuance or the expiration of the certificate holder’s esthetics or cosmetology license.***

(b) ***To be eligible to renew a microblading certificate, the holder of the certificate shall:***

- (1) ***Be a New Hampshire licensed esthetician or cosmetologist; and***
- (2) ***Complete not less than 3 hours of continuing education in microblading or prevention of disease transmission and blood-borne pathogens.***

(c) ***The holder of a m***Microblading certificate ~~holders~~***who wishes to renew the certificate*** shall submit the following to the office of professional licensure and certification ***OPLC***:

- (1) A completed ~~“Body Art-Microblading Practitioner and Apprentice Licensure-Certificate Renewal Application” that has been signed as specified in Plc 405.06;~~
- (2) ~~A-The application processing fee of \$110-specified in Plc 1002;~~
- (3) ~~License-The number~~ ***of the applicant’s active New Hampshire esthetics or cosmetology license; and***

(4) Documentation of completion of at least 3 hours of continuing education in microblading or ***the prevention of disease transmission and*** blood-borne pathogens.

{no paragraph (b) in Plc 405.04 Interim}

Plc 405.06 Signature and Certification.

(a) ***Each applicant for an initial or renewal microblading certificate who shall sign and date the application.***

(b) ***An application submitted using the on-line form shall be deemed to be signed and dated by the act of submitting the application.***

(c) ***The applicant's signature shall constitute certification that:***

(1) ***The information provided is true, complete, and not misleading to the best of the applicant's knowledge and belief; and***

(2) ***The applicant understands that the submittal of false, incomplete, or misleading information:***

a. Constitutes grounds to deny the application or to suspend or revoke any certificate that is issued based on the information; and

b. Potentially subjects the applicant to prosecution under RSA 641 relative to falsification in official matters.

Plc 405.0507 Duties of Those Holding a Microblading Certificate.

(a) ~~All~~ ***Each*** microblading certificate holders shall comply with RSA 314-A and Plc 400, including but not limited to the duties and responsibilities of all licensees under Plc 402.02 and standards of hygiene under Plc 402.03 with the following exceptions:

(1) Notwithstanding (a) above and Plc 402.02(b), microblading certificate holders may perform microblading in facilities approved for use as body art establishments or facilities licensed by the board of barbering, cosmetology, and esthetics;

(2) Notwithstanding (a) above and Plc 402.03(a)(8), microblading certificate holders shall use a new, single use ~~implement~~ ***microblading tool*** for the microblading of each individual;

(3) Notwithstanding (a) above and Plc 402.03(a)(12), microblading certificate holders may perform microblading in the same room as where cosmetics are being applied and where eating and drinking are allowed, but shall have a separate workspace that complies with Plc 402.03(a)(12); and

(4) Notwithstanding (a) above and Plc 402.03(a)(2), microblading certificate holders shall bandage according to ~~industry~~ standards ***of the microblading industry.***

(b) ~~All~~ microblading certificate holders shall ~~only~~:

(1) ***Use*** a handheld microblade***ing*** tool to perform services; ***and***

(2) ***Not use a tattoo machine unless also*** ~~only~~ licensed ***as a*** body art tattoo practitioners ~~may use tattoo machines.~~

Plc 405.08 Initiation of Investigations; Disciplinary Proceedings.

(a) The OPLC shall initiate an investigation of the holder of a microblading certificate whenever it receives credible information that the holder:

- (1) Has had a disciplinary proceeding initiated relative to his or her esthetics or cosmetologist license;***
- (2) Otherwise has violated any requirement applicable to obtaining or renewing a microblading certificate; or***
- (3) Has not maintained required health and safety standards relative to microblading.***

(b) If the investigation conducted pursuant to (a), above, produces credible evidence that a violation of any applicable requirement has occurred, the OPLC shall initiate a disciplinary proceeding in accordance with the applicable provisions of Plc 200 and RSA 541-A to suspend or revoke the microblading certificate or to impose limitations on the scope of practice of the microblading certificate holder, in accordance with (c) through (h), below.

(c) If the hearing conducted in accordance with (b), above, proves by a preponderance of the evidence that the violation(s) on which the proceeding was based did in fact occur, the OPLC shall suspend the microblading certificate conditional on obtaining additional training if, for each such violation:

- (1) The violation was committed negligently or unknowingly, such that additional instruction should help to ensure that it will not be repeated; and***
- (2) The holder has not been the subject of a disciplinary proceeding for the same or a similar violation within the preceding 2 years.***

(d) If a microblading certificate is suspended pursuant to (c), above, the holder may request the microblading certificate to be reinstated after obtaining the specified additional training.

(e) If the hearing conducted in accordance with (b), above, proves by a preponderance of the evidence that the violation(s) on which the proceeding was based did in fact occur, the OPLC shall revoke the microblading certificate if, for any such violation:

- (1) The violation was committed recklessly or knowingly; or***
- (2) The microblading certificate holder has been the subject of one or more disciplinary proceedings for the same or any similar violation within the preceding 2 years.***

(f) If a microblading certificate is revoked pursuant to (e), above, the holder shall not apply again for a microblading certificate for at least 2 years from the date of the revocation.

(g) If the hearing conducted in accordance with (b), above, proves by a preponderance of the evidence that the violation(s) on which the proceeding was based did in fact occur, the OPLC shall impose limitations on the scope of practice of the microblading certificate holder to minimize the opportunities for the holder to commit additional or repeat violations or impose requirements for additional training if:

- (1) The violation was committed negligently or unknowingly; and***
- (2) The holder has been the subject of one or more investigations that did not lead to***

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discipline being imposed for the same or a similar violation within the preceding 2 years.

(h) If limitations on the scope of practice are imposed pursuant to (g), above, the holder may request the limitations to be removed upon presenting proof to the OPLC that:

(1) The holder has complied with all terms of the limitations for not less than 2 years; and

(2) The holder has obtained not less than 6 hours of training in the subject area(s) of the violation(s), in addition to the continuing education required by Plc 405.05(b)(2).

Appendix

Rules	State Statute Implemented
Plc 405	RSA 314-A:2, IV [2021, 60:1, effective 7-1-21]