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FISCAL IMPACT REPORT

ORIGINAL DATE 01/22/21

SPONSOR Romero, A. LAST UPDATED _____ HB 54

SHORT TITLE Barber & Cosmetologist Duties SB _____

ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of Bill

House Bill 54 amends the Barbers and Cosmetologists Act beginning with Section 61-17A-1 to eliminate unnecessary terms, remove restrictive language and enumerate the various duties of RLD.

Section 1 adds “department” to mean RLD under definitions in the Barbers and Cosmetologists Act. The board of Barbers and Cosmetologists (board) is administratively attached to RLD.

Section 2 adds a new section to clarify and codify RLD’s administrative functions. Those include, among others, processing and issuing licenses, investigating and reporting violations, selecting and supervising staff assigned to the board, carrying out the operations of the board to include budgeting expenditures, maintaining records and keeping licensing records of licensees.

Section 3 revises the board’s duties by eliminating the requirement to furnish copies of rules and sanitary requirements to owners and managers of establishments, enterprises or schools.

Sections 4, 5, and 6 eliminate a requirement for barbers, hairstylists and cosmetologists to have an education equivalent to the completion of the second year of high school.

Section 7 eliminates the requirement for four years high school course of study or its equivalent,

for licensed barbers and cosmetologists.

Section 11 makes changes to the grounds for refusing to issue or revoking a license by updating language related to working while under the influence of alcohol or drugs, and by eliminating the term “conviction of a crime involving moral turpitude” as grounds for refusal to issue a license.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

No fiscal impact on the board which is supported primarily by professional licensing and license renewal fees. The board has authority to set fees to ensure sufficient revenue to cover expenses.

SIGNIFICANT ISSUES

According to RLD, HB54 would remove barriers related to licensure that are unrelated to the profession. These barriers delay licensure and in some instances prohibit licensure. Specifically, the current requirement to provide proof of two years of high school education or high school graduation or the equivalent are unrelated to an applicant’s proficiency to perform barber and/or cosmetology services. Obtaining these documents in many cases can substantially delay licensure. Additionally, the authority for the board to refuse to renew, suspend or revoke an applicant or licensee’s license for conviction of a crime of “moral turpitude” is a barrier for individuals with felony convictions, which is counter to the vocational training offered by the Department of Corrections to individuals who are incarcerated. HB54 also codifies the administrative functions that the department is currently providing to the board pursuant to Section 9-1-7, NMSA 1978.

PERFORMANCE IMPLICATIONS

RLD notes removing these barriers will substantially improve the timely issuance of licensure and provide a viable career pathway for individuals with prior convictions.

ADMINISTRATIVE IMPLICATIONS

The board will need to conduct a rulemaking to revise the board’s rules related to educational requirements and disciplinary procedures.

SUBSTANTIVE ISSUES

The board regulates barbers, cosmetologists, estheticians, electrologists, hairdressers, manicurists/pedicurists licensed establishments and approved schools. It sets professional, training and hygienic standards, investigates complaints and takes disciplinary actions when appropriate.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Unrelated educational requirements will be required and licensure will continue to be unattainable for individuals with a prior conviction.