

AN ACT  
RELATING TO LICENSURE; EXEMPTING HAIR BRAIDING FROM  
PROVISIONS OF THE BARBERS AND COSMETOLOGISTS ACT; PROHIBITING  
DISCIPLINARY ACTION FOR HAIR BRAIDING WITHOUT BEING LICENSED  
PURSUANT TO THE BARBERS AND COSMETOLOGISTS ACT.

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

SECTION 1. Section 61-17A-2 NMSA 1978 (being Laws 1993, Chapter 171, Section 2, as amended) is amended to read:

"61-17A-2. DEFINITIONS.--As used in the Barbers and Cosmetologists Act:

A. "barber" means a person, other than a student,  
who for compensation engages in barbering;

B. "board" means the board of barbers and cosmetologists;

C. "cosmetologist" means a person, other than a student, who for compensation engages in cosmetology;

D. "department" means the regulation and licensing  
department;

E. "electrologist" means a person, other than a student, who for compensation removes hair from or destroys hair on the human body through the use of an electric current applied to the body with a needle-shaped electrode or probe;

F. "enterprise" means a business venture, firm or organization;

1           G. "establishment" means an immobile beauty shop,  
2 barber shop, electrology clinic, salon or similar place of  
3 business in which cosmetology, barbering, eyebrow threading,  
4 hairstyling or electrolysis is performed;

5           H. "esthetician" means a person, other than a  
6 student, who for compensation:

7                 (1) uses cosmetic preparations, including  
8 makeup applications, antiseptics, powders, oils, clays or  
9 creams, for the purpose of preserving the health and beauty  
10 of the skin and body;

11                (2) massages, cleans, stimulates or  
12 manipulates the skin for the purpose of preserving the health  
13 and beauty of the skin and body; or

14                (3) performs activities similar to the  
15 activities described in Paragraph (1) or (2) of this  
16 subsection on any part of the body of a person;

17           I. "eyebrow threading" means a method of hair  
18 removal in which a thin thread is doubled, twisted and then  
19 rolled over areas of unwanted hair, plucking the hair at the  
20 follicle level;

21           J. "hair braiding" means twisting, wrapping,  
22 weaving, extending, locking or braiding hair and incidental  
23 use of topical agents and mechanical devices and includes use  
24 of hair extensions, hair fibers, decorative beads and other  
25 accessories incidental to hair braiding;

1           K. "hairstylist" means a person, other than a  
2 student, who for compensation engages in hairstyling;

3           L. "manicurist-pedicurist" means a person, other  
4 than a student, who for compensation performs work on the  
5 nails of a person and applies nail extensions or products to  
6 the nails for the purpose of strengthening or preserving the  
7 health and beauty of the hands or feet;

8           M. "sanitation" means the maintenance of sanitary  
9 conditions to promote hygiene and the prevention of disease  
10 through the use of chemical agents or products;

11           N. "school" means a public or private  
12 instructional facility approved by the board that teaches  
13 cosmetology, barbering or hairstyling; and

14           O. "student" means a person enrolled in a school  
15 to learn or be trained in cosmetology, barbering, hairstyling  
16 or electrolysis."

17           **SECTION 2.** Section 61-17A-4.1 NMSA 1978 (being Laws  
18 2017, Chapter 112, Section 1) is amended to read:

19           "61-17A-4.1. HAIRSTYLING DEFINED.--Hairstyling includes  
20 any one or any combination of the following practices when  
21 done upon the upper part of the male or female human body for  
22 cosmetic purposes for the public generally, using the hands  
23 or manual, mechanical or electrical implements or appliances:

24           A. cleansing, massaging or stimulating the scalp  
25 with oils, creams, lotions or other cosmetic or chemical

1 preparations;

2 B. applying cosmetic or chemical preparations,  
3 antiseptics, powders, oils, clays or lotions to the scalp;

4 C. cutting, arranging, applying hair extensions to  
5 or styling the hair by any means; provided that hairstyling  
6 does not include hair braiding;

7 D. cleansing, coloring, lightening, waving or  
8 straightening the hair with cosmetic or chemical  
9 preparations; or

10 E. trimming a person's beard."

11 SECTION 3. Section 61-17A-5 NMSA 1978 (being Laws 1993,  
12 Chapter 171, Section 5, as amended) is amended to read:

13 "61-17A-5. LICENSE REQUIRED.--

14 A. Unless licensed pursuant to the Barbers and  
15 Cosmetologists Act or exempted from the provisions of that  
16 act, no person shall practice barbering, hairstyling or  
17 cosmetology for compensation either directly or indirectly.

18 B. Unless licensed pursuant to the Barbers and  
19 Cosmetologists Act, no person shall operate a school or  
20 establishment for compensation.

21 C. Unless licensed pursuant to the Barbers and  
22 Cosmetologists Act or exempted from the provisions of that  
23 act, no person shall teach barbering, hairstyling,  
24 cosmetology or electrology for compensation.

25 D. Unless licensed by the board pursuant to the

1 Barbers and Cosmetologists Act, no person shall practice as a  
2 manicurist-pedicurist, esthetician or electrologist for  
3 compensation.

4 E. A person who engages in eyebrow threading or  
5 hair braiding shall not be required to have a license issued  
6 by the board."

7 SECTION 4. Section 61-17A-21 NMSA 1978 (being Laws  
8 1993, Chapter 171, Section 21, as amended) is amended to  
9 read:

10 "61-17A-21. GROUNDS FOR REFUSAL TO ISSUE, RENEW,  
11 SUSPEND OR REVOKE A LICENSE.--

12 A. The board shall, in accordance with the  
13 provisions of the Uniform Licensing Act, issue a fine or  
14 penalty, restrict, refuse to issue or renew or shall suspend  
15 or revoke a license for any one or more of the following  
16 causes:

17 (1) the commission of any offense described  
18 in the Barbers and Cosmetologists Act;

19 (2) the violation of any sanitary regulation  
20 promulgated by the board;

21 (3) malpractice or incompetency;

22 (4) advertising by means of knowingly false  
23 or deceptive statements;

24 (5) working in a capacity regulated pursuant  
25 to the Barbers and Cosmetologists Act while under the

1 influence of intoxicating liquor or drugs;

2 (6) continuing to practice in or be employed  
3 by an establishment, an enterprise, a school or an electrology  
4 clinic in which the sanitary rules of the board, of the  
5 department of health or of any other lawfully constituted  
6 board or state agency, promulgated for the regulation of  
7 establishments, enterprises, schools or electrology clinics,  
8 are known by the licensee to be violated;

9 (7) default of a licensee on a student loan;

10 (8) gross continued negligence in observing  
11 the rules and regulations;

12 (9) renting, loaning or allowing the use of  
13 the license to any person not licensed under the provisions of  
14 the Barbers and Cosmetologists Act;

15 (10) dishonesty or unfair or deceptive  
16 practices;

17 (11) sexual, racial or religious harassment;

18 (12) conduct of illegal activities in an  
19 establishment, enterprise, school or electrology clinic or by  
20 a licensee; or

21 (13) aiding, abetting or conspiring to evade  
22 or violate the provisions of the Barbers and Cosmetologists  
23 Act.

24 B. A suspended or revoked license shall be  
25 delivered to the department or an agent of the department upon HB 281/a  
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1 demand.

2 C. A license shall not be denied for hair braiding  
3 without being licensed for barbering, cosmetology or  
4 hairstyling prior to July 1, 2025."

5 SECTION 5. Section 61-17A-22 NMSA 1978 (being Laws  
6 1993, Chapter 171, Section 22, as amended) is amended to read:

7 "61-17A-22. EXEMPTIONS.--The following persons are  
8 exempt from the provisions of the Barbers and Cosmetologists  
9 Act while in the discharge of their professional duties:

10 A. persons licensed by the law of this state to  
11 practice medicine and surgery or chiropractic;

12 B. commissioned medical or surgical officers of  
13 the United States army, navy or marine hospital service;

14 C. registered nurses; and

15 D. funeral service practitioners."

16 SECTION 6. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2025. \_\_\_\_\_

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