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FISCAL IMPACT REPORT

SPONSOR	Reps. Anyanonu, Roybal Caballero, and Herndon/Sen. Pope	LAST UPDATED	
		ORIGINAL DATE	02/14/2025
SHORT TITLE	Hair Braiding Licensure	BILL	House Bill
		NUMBER	281/aHCEDC
		ANALYST	Montano

REVENUE* (dollars in thousands)

Type	FY25	FY26	FY27	FY28	FY29	Recurring or Nonrecurring	Fund Affected
Fee	Indeterminate but minimal loss	Indeterminate but minimal loss	Indeterminate but minimal loss	Indeterminate but minimal loss	Indeterminate but minimal loss	Recurring	Board of Barbers and Cosmetologists Fund

Parentheses () indicate revenue decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From
Regulation and Licensing Department (RLD)
New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of House Amendment for House Bill 281

The House Commerce and Economic Development Committee amendment to House Bill 281 removes the words “suspended, revoked or” from the conditions for awarding a license, making language protecting a potential hair braider from being denied to practice without a license more concise.

Synopsis of House Bill 281

House Bill 281 (HB281) exempts hair braiding from licensure requirements under the Barbers and Cosmetologists Act, meaning individuals who engage in hair braiding will no longer be required to obtain a cosmetology, barbering, or hairstyling license. The bill also prohibits disciplinary action against individuals for practicing hair braiding without a state-issued license.

The bill defines "hair braiding" as the practice of twisting, wrapping, weaving, extending, locking, or braiding hair, including the use of extensions, fibers, decorative beads, and other accessories. The definition clarifies that hair braiding does not involve cutting, coloring, or chemically altering hair, which remain licensed activities.

Additionally, HB281 removes hair braiding from the scope of hairstyling in state law, ensuring that individuals who braid hair do not need to meet hairstyling education, training, or licensing requirements. The bill also updates the grounds for license revocation, stating that a person cannot be penalized for braiding hair without a license.

The effective date of this bill is July 1, 2025.

FISCAL IMPLICATIONS

The Regulation and Licensing Department (RLD) projects HB281 will reduce revenue to the board of barbers and cosmetologists fund by an unquantified amount. Expected revenue loss would be minimal due to the low number of establishments that specialize in hair braiding.

There will be no fiscal impact on the operating budget of the board.

SIGNIFICANT ISSUES

By eliminating licensing requirements, HB281 seeks to increase economic opportunities for hair braiders, particularly those in cultural and traditional hair practices, while reducing regulatory barriers and allowing for more entrepreneurial activity in the industry

The Board of Barbers and Cosmetologists has expressed strong opposition to HB281. Board Chair Luevano wrote the following:

I am writing to formally express my strong opposition to the exclusion of hair braiding from the current regulations in the state of New Mexico. While hair braiding is often seen as a natural styling technique, it is important to recognize that certain products and chemicals used in the process can pose significant health risks if not handled properly.

Many hair braiders incorporate chemical treatments such as relaxers, bonding adhesives, and other hair care products that, if misused, can cause scalp burns, allergic reactions, and other serious health concerns. Without proper training and oversight, there is an increased risk of harm not only to clients but also to practitioners. Regulations ensure that all individuals providing hair services are adequately educated on sanitation, product safety, and client protection.

Exempting hair braiding from state regulation would lower the professional standards within the industry and compromise consumer safety. I firmly believe that maintaining oversight is essential to upholding public health and professional integrity in the cosmetology field.

I urge the state of New Mexico to uphold the current regulations and ensure that hair braiding remains within the scope of professional standards. Thank you for your time and consideration on this critical matter.

In a February 10, 2025, article¹ in the *Santa Fe New Mexican*, advocates for the bill highlight

¹ https://www.santafenewmexican.com/news/local_news/hair-braiders-rally-at-roundhouse-for-repeal-of-licensure-requirements/article_c151b63e-e819-11ef-8278-cbec3758a029.html

that, because state law requires braiders to complete at least 1,200 hours of cosmetology training, New Mexico has some of the most stringent licensing requirements for natural hair braiders in the country. Advocates also note that braiding hair and bleaching hair are different actions, and that spending thousands of dollars on coursework that does not relate to the profession is inefficient.

The New Mexico Attorney General (NMAG) notes:

HB281's proposes to add the provision, "A license shall not be suspended, revoked, or denied for hair braiding without being licensed for barbering, cosmetology or hairstyling license prior to July 1, 2025," is unclear. It appears, given the bill's title, that the legislative intent may be to prohibit disciplinary action against an individual for hair braiding without being licensed. However, the provision's wording creates contradiction and unclarity.

PERFORMANCE IMPLICATIONS

NMAG notes:

As drafted, HB281 would require the New Mexico Department of Justice (NMDOJ) to provide additional prosecution of licensing violations and defense of the Barbers and Cosmetology Board (the "Board") decisions, which may impact the agency's other performance-based targets without additional resources.

ADMINISTRATIVE IMPLICATIONS

NMAG notes:

HB281 would add prosecutorial jurisdiction and responsibility to the NMAG and could require additional attorney and staff resources. NMAG is required under NMSA 1978, Section 8-5-2 to "prosecute and defend all actions and proceedings brought by or against any ... board or commission". As proposed HB28's licensing requirements are subject to the "Board as established in NMSA 1978, Section 61-17A-1 to -25. This Board handles licensing and the NMDOJ is obligated to prosecute and defend matters for the Board.

OTHER SUBSTANTIVE ISSUES

RLD notes:

Even though eyebrow threading is currently exempt from licensing, eyebrow threading must be performed in a licensed establishment, regulated by the board. *See* § 61-17A-2 (G) of the act. This allows the board to inspect the establishment to ensure that public health and safety measures are in place, including sanitation, disinfecting, and other measures to avoid cross-contamination. In HB281, the hair braiding exception to licensure does not require hair braiding to only occur in a licensed establishment, making it impossible to inspect a hair-braiding-only establishment to ensure that the practice is done in line with public health and safety regulations.