

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 34 BARBERS AND COSMETOLOGISTS**  
**PART 2 LICENSING**

**16.34.2.1 ISSUING AGENCY:** Regulation and Licensing Department, Board of Barbers and Cosmetologists  
[16.34.2.1 NMAC - Rp 16 NMAC 34.2.1, 6/16/2001]

**16.34.2.2 SCOPE:** All barbers, cosmetologists, hairstylists, estheticians, manicurist/pedicurists, manicurist/estheticians, instructors, electrologists, schools, enterprises, and establishments.  
[16.34.2.2 NMAC - Rp 16 NMAC 34.2.2, 6/16/2001; A, 7/14/2018]

**16.34.2.3 STATUTORY AUTHORITY:** ~~[Section 61-17A-5—License required to provide services for compensation directly or indirectly.]~~ These rules are promulgated pursuant to the Barbers and Cosmetology Act, Sections 61-17A-1 to -25 NMSA 1978.  
[16.34.2.3 NMAC - Rp 16 NMAC 34.2.3, 6/16/2001; A, xx/xx/2022]

**16.34.2.4 DURATION:** Permanent  
[16.34.2.4 NMAC - Rp 16 NMAC 34.2.4, 6/16/2001]

**16.34.2.5 EFFECTIVE DATE:** June 16, 2001 unless a later date is cited in the history note at the end of a section.  
[16.34.2.5 NMAC - Rp 16 NMAC 34.2.5, 6/16/2001]

**16.34.2.6 OBJECTIVE:** Pursuant to the Barbers and Cosmetologists Act this part establishes licensure requirements for barbers, cosmetologists, hairstylists, manicurist/pedicurists, estheticians and electrologists. It further provides for licensure requirements of establishments, enterprises, electrology clinics, schools and instructors.  
[16.34.2.6 NMAC - Rp 16 NMAC 34.2.6, 6/16/2001; A, 7/14/2018]

**16.34.2.7 DEFINITIONS:** [RESERVED]  
[16.34.2.7 NMAC - Rp 16 NMAC 34.2.7, 6/16/2001; A, 12/17/2015; A, 4/15/2022]

**16.34.2.8** [RESERVED]

**16.34.2.9 CUSTODY AND ALTERATION OF LICENSES:**  
**A.** All board issued licenses and permits are property of the board and shall remain in the custody of the licensee at the discretion of the board.  
**B.** Licenses and permits shall not be altered in any way.  
**C.** Inspectors or board designees may retrieve any license or permit which is altered, suspended, revoked, expired, or left by a licensee who is no longer employed at an establishment, an enterprise, an electrology clinic, or school.  
[16.34.2.9 NMAC - Rp 16 NMAC 34.2.9, 6/16/2001; A, 10/04/2007; A, 12/17/2015]

**16.34.2.10 LICENSES POSTED:**  
**A.** All licenses, except identification licenses, issued by the board shall be posted where clearly visible to the public upon entry to the establishment at all times.  
**B.** Licensees must attach a recent passport size colored photograph to the board issued license and sign the license where indicated.  
**C.** All licensees, who have been placed on probation, will be issued a license, which states the licensee is on disciplinary probation. The license shall be posted where clearly visible to the public upon entry to the establishment at all times.  
**D.** Licensees must present a driver's license or other identification when requested by the public, the board or its authorized representative.  
**E.** Hours of operation shall be posted where clearly visible to the public at all times.

F. Most recent inspection report shall be printed and posted in each establishment within 72 hours of the inspection and posted where clearly visible to the public. It is the responsibility of the licensee that signed the inspection report and the operator to ensure this requirement is met.

[16.34.2.10 NMAC - Rp 16 NMAC 34.2.10, 6/16/2001; A, 10/04/2007; A, 12/17/2015]

~~[16.34.2.11 PROVISIONS FOR EMERGENCY LICENSURE:~~

~~A. Barbers, cosmetologists, hairstylist, manicurists/pedicurists, estheticians, electrologists, and instructors currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure in a state in which a federal disaster has been declared, may be licensed in New Mexico during the four months following the declared disaster upon satisfying the following requirements:~~

~~(1) receipt by the board of a completed application which has been signed and which is accompanied by proof of identity, which may include a copy of a driver's license, passport or other photo identification issued by a governmental entity;~~

~~(2) refer to 16.34.2.8 NMAC, general licensing procedures; 16.34.5.8 NMAC, general licensure requirements; and 16.34.6.8 NMAC, reciprocity;~~

~~(3) other required verification will be that the board office will contact the applicant's prior licensing board by email, mail, or telephone for confirmation of what is provided by the applicant.~~

~~B. The board may waive the following requirements for licensure:~~

~~(1) application fees;~~

~~(2) specific forms or documentation required, on an individual case by case basis, under 16.34.2.8, 16.34.5.8, and 16.34.6.8 NMAC if the applicant is unable to obtain documentation from the federal declared disaster areas.~~

~~C. Nothing in this section shall constitute a waiver of the requirements for licensure contained in 16.34.2.8, 16.34.5.8, and 16.34.6.8 NMAC.~~

~~D. Licenses issued under (the emergency provision) shall be issued for a period of one year or less following the date of issuance, unless the board or an agent of the board approves a renewal application. Application for renewal shall be made on or before one year following the date of issue to avoid late renewal fees. The board reserves the right to request additional documentation, including but not limited to, recommendation forms and work experience verification forms prior to approving license renewal.] [RESERVED]~~

[16.34.2.11 NMAC - N/E, 11/10/2005; A, 7/14/2018; Repealed, xx/xx/2022]

~~[16.34.2.12 EMERGENCY LICENSE TERMINATION:~~

~~A. The emergency license shall terminate upon the following circumstances:~~

~~(1) the issuance of a permanent license under section 16.34.2.8, 16.37.5.8, and 16.34.6.8 NMAC; or~~

~~(2) proof that the emergency license holder has engaged in fraud deceit, misrepresentation in procuring or attempting to procure a license under this section.~~

~~B. Termination of an emergency license shall not preclude application for permanent licensure.] [RESERVED]~~

[RESERVED]

[16.34.2.12 NMAC - N/E, 11/10/2005; Repealed, xx/xx/2022]

**16.34.2.13 [RESERVED]**

[16.34.2.13 NMAC - N, 12/17/2015; Repealed, 4/15/2022]

**16.34.2.14 [RESERVED]**

[16.34.2.14 NMAC - N, 12/17/2015; Repealed 4/15/2022]

**16.34.2.15 CRIMINAL CONVICTIONS:**

A. Felony convictions for any of the following offenses, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving or retaining a license issued by the board:

(1) homicide or manslaughter;

(2) kidnapping, false imprisonment, aggravated assault or aggravated battery;

(3) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or

other related felony sexual offenses;

(4) crimes involving child abuse or neglect;

(5) crimes involving fraud, forgery, embezzlement, credit card fraud, or receiving stolen property; or

(6) an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.

**B.** The board shall not consider the fact of a felony criminal conviction as part of an application for licensure unless the felony conviction in question is one of the disqualifying felony criminal convictions listed in Subsection A of this rule.

**C.** The board shall not deny, suspend or revoke a license on the sole basis of a felony criminal conviction unless the felony conviction in question is one of the disqualifying felony criminal convictions listed in Subsection A of this rule.

**D.** Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Barbers and Cosmetologists Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying felony criminal convictions listed in Subsection A of this rule.

**E.** In connection with an application for licensure, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

(1) an arrest not followed by a valid conviction;

(2) a conviction that has been sealed, dismissed, expunged or pardoned;

(3) a juvenile adjudication; or

(4) a conviction for any crime other than the disqualifying criminal convictions listed in

Subsection A of this rule.

[16.34.2.15 NMAC - N, 4/15/2022]

**HISTORY OF 16.34.2 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with State Records Center and Archives under:

Article I, Licensing, 12/21/1981

Rule 1, Licensing, 3/8/1990

Rule 1, Licensing, 3/9/1992

Rule 1, Licensing, 10/19/1993

Rule 1, Licensing, 5/23/1995

BBE Rule 86-1, Board of Barber Examiners, Rules and Regulations - 1986, 6/27/1986

BBE Rule 87-1, NM Board of Barber Examiners, Rules and Regulations - 1987, 11/4/1987

BBE Rule 88-1, NM Board of Barber Examiners, Rules and Regulations - 1988, 10/4/1988

**History of Repealed Material:**

16 NMAC 34.2, Licensing - Repealed, 6/16/2001