

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 34 BARBERS AND COSMETOLOGISTS
PART 4 SPECIAL LICENSES

16.34.4.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Barbers and Cosmetologists
[16.34.4.1 NMAC - Rp 16 NMAC 34.4.1, 6/16/2001]

16.34.4.2 SCOPE: All barbers, cosmetologists, hairstylists, estheticians, manicurist/pedicurists, manicurist/estheticians, instructors, electrologists, schools, enterprises, and establishments; applicants for examination and students.
[16.34.4.2 NMAC - Rp 16 NMAC 34.4.2, 6/16/2001; A, 12/17/2015; A, 7/14/2018]

16.34.4.3 STATUTORY AUTHORITY: Section 61-17A-7 - Board Powers and Duties - The board may create and establish standards for special licenses. Section 61-17A-11 - Requirements for licensure of instructors.
[16.34.4.3 NMAC - Rp 16 NMAC 34.4.3, 6/16/2001]

16.34.4.4 DURATION: Permanent
[16.34.4.4 NMAC - Rp 16 NMAC 34.4.4, 6/16/2001]

16.34.4.5 EFFECTIVE DATE: June 16, 2001 unless a later date is cited in the history note at the end of a section.
[16.34.4.5 NMAC - Rp 16 NMAC 34.4.5, 6/16/2001]

16.34.4.6 OBJECTIVE: To create and establish standards and fees for special licenses pursuant to Paragraph 8 of Subsection A of Section 61-17A-7 NMSA 1978 of the Barbers and Cosmetologists Act.
[16.34.4.6 NMAC - Rp 16 NMAC 34.4.6, 6/16/2001; A, 8/29/2023]

16.34.4.7 DEFINITIONS: Refer to Part 1.
[16.34.4.7 NMAC - Rp 16 NMAC 34.4.7, 6/16/2001]

16.34.4.8 [RESERVED]
[16.34.4.8 NMAC - Rp 16 NMAC 34.4.8, 6/16/2001; A, 10/04/2007; Repealed, 12/17/2015]

16.34.4.9 BARBER APPRENTICE LICENSE: The board shall issue a barber apprentice license to an applicant who submits the apprentice license fee, the application form required and provided by the board, and a copy of the apprenticeship agreement between the apprentice and the registered apprenticeship program, issued by the state apprenticeship agency. Applicants for a barber apprenticeship program, must contact the Department of Workforce Solutions. Upon acceptance into a barber apprenticeship program, the applicant shall apply for a barber apprentice license. Upon successful completion of the apprenticeship program, the barber apprentice shall apply for a barber license.

A. A barber apprentice license is valid during the time the apprentice is active in a registered apprenticeship program, but in no case longer than 36 months from the date of issuance. A barber apprentice license will automatically become invalid upon the apprentice's cancellation from a registered apprenticeship program or deregistration of an apprenticeship program by the state apprenticeship agency. The apprentice is responsible for returning the invalid license to the board within 30 days of the apprentice's cancellation or deregistration of the program.

B. The board may recommend to the state apprenticeship agency deregistration of a barber apprenticeship program for any violation of the board's rules or regulations.

C. A barber apprentice may receive related instruction from a journey worker/licensed barber instructor outside of a licensed establishment; however, barber apprentice services may not be performed on the public and practical application may not be taught outside of a licensed establishment.
[16.34.4.9 NMAC - Rp 16 NMAC 34.4.9, 6/16/2001; Repealed, 10/4/2007; A, 10/29/2016; A, 8/29/2023 A, xx/xx/xxxx]

16.34.4.10 MANICURIST/ESTHETICIAN LICENSE (900 HOURS OR EQUIVALENT CREDIT:

- A.** A combined manicurist/esthetician license permits the practitioner to:
- (1)** trim the nails of a person, including the trimming of otherwise healthy ingrown toenails;

- (2) reduce corns callouses by using softening preparations or abrasion in order to beautify the foot;
 - (3) use chemical substances on the nails for the purpose of strengthening, repairing or lengthening the nails using nail tips, wraps or acrylic nail products. Nail extensions may be applied only after the nails, cuticles and nail plate have been properly prepared for the service and applicable product;
 - (4) apply massage and manipulations to the hands, arms and feet for the purpose of stimulating and smoothing;
 - (5) apply polish, oils or other cosmetic preparations for the purpose of beautifying the hands and feet;
 - (6) use cosmetic preparations, antiseptics, powders, oils, clays or lotion to any part of the body of a person;
 - (7) apply massage and manipulation techniques using the hands or mechanical apparatus;
 - (8) apply light therapy, high frequency and other types of facial treatments; and use specialized skin care and facial machines in applying facial treatments;
 - (9) apply cosmetic makeup preparations to contour and beautify the skin;
 - (10) application of product to eyelashes and eyebrows, including eyelash extensions and lash and brow tinting procedures; and
 - (11) remove superfluous or unwanted hair from the body of a person by any means except electrolysis or other invasive techniques and shaving.
- B.** A manicurist/esthetician shall not treat an obviously infected ingrown toenail or use any technique involving mechanical penetration of the skin beneath a callous or corn.
- C.** A manicurist/esthetician shall not perform facial services on any person with a communicable skin disease.
- D.** A manicurist/esthetician shall not perform any services other than those listed above. To do so may lead to revocation of the license or other disciplinary action by the board.
[16.34.4.10 NMAC – Rp, 16 NMAC 34.4.10, 06/16/2001; Repealed, 07/16/2004; A, 8/29/2023]

16.34.4.11 BARBER/COSMETOLOGY LICENSE (CROSSOVER): A barber/cosmetology license may be issued to any licensee who has completed a crossover course in either barbering or cosmetology, ~~[and]~~ has taken and passed the appropriate exams, completes online application, and pays initial licensure fee. Upon completion of the crossover, the licensee must contact the board office and request that their licenses be combined.
[16.34.4.11 NMAC – Rp 16 NMAC 34.4.10, 06/16/2001; Repealed, 04/12/2010; A, 8/29/2023 A, xx/xx/xxxx]

16.34.4.12 [RESERVED]
[16.34.4.12 NMAC - Rp 16 NMAC 34.4.12, 6/16/2001; Repealed, 7/16/2004]

16.34.4.13 QUALIFIED INSTRUCTORS:

- A.** An eligible applicant may be issued an instructor license provided he or she submits a transcript for a 1000-hour instructor training course or proof of two years of current and consecutive work experience and passes the instructor licensing examination which can be taken only once for multiple licenses.
- B.** A provisional instructor license will be issued to an eligible applicant who meets the board requirements and has completed three full years of current verified full time work experience as a practitioner in the field in which he/she seeks licensure as an instructor under the following terms and conditions:
- (1) The work experience must be current to ensure up-to-date knowledge in the field in which the applicant seeks provisional licensure.
 - (2) The provisional license will be effective ~~[until the next renewal period of]~~ up to 24 months and will expire on March ~~[thirty-one]~~ 31st.
 - (3) The provisional license will only be renewed ~~[twice]~~ once upon completion of the required continuing education in professional development and the required fee as set forth by board rules.
 - (4) To obtain an instructor license, the holder of a provisional instructor license must complete an examination application and pass the instructor licensing examination. Failing any portion of the instructor examination automatically voids the provisional instructor license. The provisional license must then be returned to the board office.
 - (5) The holder of a provisional instructor license must sit for the licensing examination prior to the expiration of the provisional license.

(6) No more than fifty percent of the total instructional staff at any licensed school in the state of New Mexico may be licensed under this category. When determining ratios, more than one part-time provisional instructor may be combined to count as one instructor.
[16.34.4.13 NMAC - Rp 16 NMAC 34.4.13, 6/16/2001; A, 10/4/2007; A, 4/12/2010; A, 12/17/2015 A, xx/xx/xxxx]

16.34.4.14 STUDENT PERMIT:

A. Upon receipt of a complete student registration form and applicable fee, which shall be received in the board office within ~~15~~30 days of date ~~[of registration]~~[the student starts school], the board will issue a student permit and permit number. The student permit authorizes the holder to practice course related skills in an approved school and perform services on the public only after fifteen percent of the required hours for graduation from the course of study are accrued.

B. Student permit are valid for ~~[90]~~120 days following completion of graduation requirements. The student permit will be issued to the student upon graduation of course of study by a school official and can be used to enter a licensed establishment and provide all services in the applicable course of study under the constant supervision of a licensee of the board, in the applicable course of study. The student permit holder may not assume supervisory or managerial responsibilities of a licensed establishment at any time. The student permit is valid for ~~90~~120 days while waiting to test. Once the ~~[90]~~120 days has expired ~~[the student permit must be turned into the state board office and]~~ the student must terminate working at the licensed establishment. It is the responsibility of the licensed establishment to monitor the expiration of the student permit. ~~[The student permit must be turned into the board with initial licensure application as part of the application process.]~~ No extensions will be given after the ~~[90]~~120 days has terminated.

C. Student permits are the property of the board and must be returned to the ~~[board office]~~ school with the notice of termination or official transcript of credit by the school. Additional requirements applicable to student permits are found in Paragraph 7 of Subsection A of 16.34.8.13 NMAC of these rules.

D. Student permits cannot be used outside a school environment without board approval.

E. Student permits are not to be used as a student externship permit as defined in 16.34.8.17 NMAC.
[16.34.4.14 NMAC - Rp 16 NMAC 34.4.14, 6/16/2001; A, 7/16/2004; A, 10/4/2007; A, 4/12/2010; A, 11/14/2010; A, 12/17/2015; A, 7/14/2018 A, xx/xx/xxxx]

16.34.4.15 DUPLICATE LICENSES: ~~[A duplicate license will be issued to any board licensee who submits a written request along with the required fee.]~~

A. A duplicate license will be issued to any board licensee who submits an online request along with the required fee.

B. A licensee who works at more than one establishment must obtain an official duplicate license for each establishment.

[16.34.4.15 NMAC - Rp 16 NMAC 34.4.15, 6/16/2001; A, 10/4/2007; A, 12/17/2015 A, xx/xx/xxxx]

HISTORY OF 16.34.4 NMAC:

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

Article III, Special Cosmetology Practitioners Licenses, 12/21/1981

Rule 3, Special Licenses, 3/8/1990

Rule 3, Special Licenses, 3/9/1992

Rule 3, Special Licenses, 10/19/1993

Rule 3, Special Licenses, 8/12/1994

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 34.4, Special Licenses - Repealed, 6/16/2001