

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 34 BARBERS AND COSMETOLOGISTS
PART 5 REGULAR LICENSES

16.34.5.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Barbers and Cosmetologists.

[16.34.5.1 NMAC - Rp 16 NMAC 34.5.1, 6/16/2001]

16.34.5.2 SCOPE: All barbers, cosmetologists, hairstylists, estheticians, manicurist/pedicurists, manicurist/estheticians, instructors, electrologists, schools, enterprises and establishments.

[16.34.5.2 NMAC - Rp 16 NMAC 34.5.2, 6/16/2001; A, 7/14/2018]

16.34.5.3 STATUTORY AUTHORITY: Sections 61-17A-5, 61-17A-7, 61-17A-8, 61-17A-9, 61-17A-10, 61-17A-11, 61-17A-12 and 61-17A-15 NMSA 1978 of the Barbers and Cosmetologists Act. The board may provide the standards for the licensure of barbers, cosmetologists, hairstylists, manicurist/pedicurists, estheticians, and electrologists and the licensure of instructors, schools, enterprises and establishments.

[16.34.5.3 NMAC - Rp 16 NMAC 34.5.3, 6/16/2001; A, 7/14/2018]

16.34.5.4 DURATION: Permanent.

[16.34.5.4 NMAC - Rp 16 NMAC 34.5.4, 6/16/2001]

16.34.5.5 EFFECTIVE DATE: June 16, 2001 unless a later date is cited in the history note at the end of a section.

[16.34.5.5 NMAC - Rp 16 NMAC 34.5.5, 6/16/2001]

16.34.5.6 OBJECTIVE: Pursuant to the Barbers and Cosmetologists Act this part establishes licensure requirements for all courses of study.

[16.34.5.6 NMAC - Rp 16 NMAC 34.5.6, 6/16/2001]

16.34.5.7 DEFINITIONS: Refer to 16.34.1 NMAC

[16.34.5.7 NMAC - Rp 16 NMAC 34.5.7, 6/16/2001; A, 10/29/2016]

16.34.5.8 GENERAL LICENSURE REQUIREMENTS:

A. Any person is eligible to be registered as a practitioner and is qualified to receive a license as a registered barber, cosmetologist, hairstylist, manicurist, esthetician, manicurist/esthetician, or electrologist who submits proof that the applicant:

(1) is at least 17 years of age;
(2) has completed the course of study for the license in a licensed school within the preceding ~~12~~24 months; or for a barber license, proof that the applicant has either completed the course of study in a licensed school within the preceding 24 months or has successfully completed a barber apprenticeship program registered by the state apprenticeship agency within the preceding 24 months;

(3) has paid the required fees as set forth in these rules; and

(4) has passed the practical and written examination conducted by the board.

B. Any person is eligible for initial registration or re-registration as an instructor and is qualified to receive a license as an instructor who submits proof that the applicant has met all the above requirements and in addition:

(1) ~~[for barber instructors,]~~ has an education equivalent to the completion of four years of high school; ~~[and]~~.

(2) holds a current license in New Mexico as a practitioner in the field in which the applicant is seeking licensure as an instructor.

(3) submits a transcript for 500-hour instructor training course or proof of two years of current and consecutive work experience.

(4) passes the instructor licensing examination.

(5) ~~(3)~~ [Applications] applications are valid for one year from date of receipt.

(6) ~~(4)~~ [AH] application fees are non-refundable.

[16.34.5.8 NMAC - Rp 16 NMAC 34.5.8, 6/16/2001; A, 7/16/2004; A, 12/17/2015; A, 10/29/2016; A, 7/14/2018, A, 12/27/2022; A, 8/29/2023 A, xx/xx/xxxx]

16.34.5.9 BARBER LICENSE (1200 HOURS OR EQUIVALENT CREDIT):

A. A barber license permits the practitioner to perform the following services upon the upper part of the human body for cosmetic purposes:

- (1) shave or trim beards;
- (2) cut and style hair whether by hand or mechanical or electrical apparatus;
- (3) curl, wave, permanent wave or chemically relax the hair;
- (4) give facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances;
- (5) shampoo, bleach, dye, or apply tonics to the hair;
- (6) apply cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, neck or upper parts of the body;
- (7) care for and service wigs and hairpieces; and
- (8) remove superfluous or unwanted hair from the body of a person by any means except electrolysis; and
- (9) application of product to eyelashes and eyebrows, including eyelash extensions and lash brow tinting procedures.

B. A barber shall not perform any type of nail services without obtaining appropriate licensure. [16.34.5.9 NMAC - Rp 16 NMAC 34.5.9, 6/16/2001; A, 12/17/2015; A, 8/29/2023]

16.34.5.10 COSMETOLOGIST LICENSE (1600 HOURS OR EQUIVALENT CREDIT):

- A.** A cosmetologist license permits the practitioner to:
- (1) cut and style hair whether by hand or mechanical or electrical apparatus;
 - (2) braid, natural hair braid, curl, wave, permanent wave or chemically relax the hair;
 - (3) give facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances, including removal of superfluous or unwanted hair except by means of shaving and electrolysis;
 - (4) shampoo, bleach, dye, or apply tonics to the hair;
 - (5) apply cosmetic preparations, antiseptics, powders, oils, clays or lotions to any part of the body of a person;
 - (6) manicure and pedicure the nails of a person and add nail extensions;
 - (7) care for and service wigs and hairpieces;
 - (8) cut or trim beards with clippers or scissors only; and
 - (9) application of product to eyelashes and eyebrows, including eyelash extensions and lash and brow tinting procedures.

B. A cosmetologist shall not perform any type of shaving using a straight edge (or razor blade in any form) with or without a safety guard without obtaining appropriate licensure. [16.34.5.10 NMAC - Rp 16 NMAC 34.5.10, 6/16/2001; A, 10/4/2007; A, 12/17/2015; A, 8/29/2023]

16.34.5.11 MANICURIST/PEDICURIST LICENSE (~~1400~~600 HOURS OR EQUIVALENT CREDIT):

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

B. A manicurist/pedicurist shall not treat an obviously infected ingrown to a nail or use any technique involving mechanical penetration of the skin beneath a callous or corn.

C. A manicurist/pedicurist shall not perform any type of temporary or permanent hair removal techniques without first obtaining appropriate licensure.

[16.34.5.11 NMAC - Rp 16 NMAC 34.5.11, 6/16/2001; A, 12/17/2015 A, xx/xx/xxxx]

16.34.5.12 ESTHETICIAN LICENSE (600 HOURS OR EQUIVALENT CREDIT):

- A.** An esthetician license permits the practitioner to:

- (1) use cosmetic preparations on the skin for cleansing and stimulating;
- (2) apply massage and manipulation techniques using the hands or mechanical apparatus;
- (3) apply light therapy, high frequency and other types of facial treatments;
- (4) use specialized skin care and facial machines in applying facial treatments;
- (5) apply cosmetic makeup preparations, antiseptics, powders, oils, clays or lotions to any part of the body of a person;
- (6) application of product to eyelashes and eyebrows, including eyelash extensions and lash and brow tinting procedures;
- (7) remove superfluous or unwanted hair from the body of a person by any means except electrolysis or other invasive techniques and shaving.

B. An 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.

C. Using the term or title of “medical esthetician” is not allowable under the act. This term is misleading and could be deemed deceptive or fraudulent.

[16.34.5.12 NMAC - Rp 16 NMAC 34.5.12, 6/16/2001; A, 10/4/2007; A, 8/29/2023]

16.34.5.13 ELECTROLOGIST LICENSE (600 HOURS OR EQUIVALENT CREDIT): An electrologist license permits the licensee to remove from or destroy hair on the human body through the use of electrolysis or any other means of temporary or permanent hair removal. Electrolysis is defined as the decomposition of a chemical compound or body tissues, particularly hair root protein through the use of an electric current applied to the body with an invasive, needle-shaped electrode or probe.

[16.34.5.13 NMAC - Rp 16 NMAC 34.5.13, 6/16/2001]

16.34.5.14 INSTRUCTOR LICENSE (~~1000~~ 500 HOURS OR EQUIVALENT CREDIT):

A. An instructor license permits the instructor to teach only those courses or subjects in which he/she has had practical training and received licensure as a practitioner as follows;

- (1) a cosmetologist who obtains a cosmetologist instructor license can teach all phases of cosmetology, esthetics, manicuring/pedicuring and salon business, but cannot teach or supervise shaving.
- (2) a barber who obtains a barber instructor license can teach barbering, esthetics and salon business, but cannot teach or supervise manicuring/pedicuring.
- (3) a manicurist/pedicurist who obtains a license as a manicuring instructor can teach manicuring/pedicuring and salon business, but cannot teach or supervise other cosmetology or barbering services.
- (4) an esthetician who obtains a license as an esthetician instructor can teach esthetics and salon business, but cannot teach or supervise other cosmetology, barbering, manicuring/pedicuring or electrology services.
- (5) an electrologist who obtains a license as an electrology instructor can teach electrology and salon business, but cannot teach or supervise, cosmetology, barbering, manicuring or esthetic services.
- (6) a manicurist/esthetician who obtains a license as a manicurist/esthetician instructor can teach manicuring/pedicuring, esthetics and salon business, but cannot teach or supervise other cosmetology, barbering, or electrology services.
- (7) a hairstylist who obtains a license as a hairstylist instructor can teach hairstyling and salon business, but cannot teach or supervise other cosmetology, barbering, manicuring/pedicuring, esthetics or electrology services.

B. Teaching or supervising unauthorized subjects or courses may lead to revocation of the instructor license or other disciplinary action by the board.

[16.34.5.14 NMAC - Rp 16 NMAC 34.5.14, 6/16/2001 A, xx/xx/xxxx]

16.34.5.15 [RESERVED]

[16.34.5.15 NMAC - Rp 16 NMAC 34.5.15, 6/16/2001; A, 12/17/2015; Repealed, 08/29/2023]

16.34.5.16 [RESERVED]

[16.34.5.16 NMAC - N, 12/17/2015; Repealed, 8/29/2023]

16.34.5.17 HAIRSTYLIST LICENSE (1200 HOURS OR EQUIVALENT):

A. A hairstylist license permits the practitioner to:

- (1) cleanse, massage or stimulate the scalp with oils, creams, lotions or other cosmetic or chemical preparations;

- scalp;
- (2) apply cosmetic or chemical preparations, antiseptics, powders, oils, clays or lotions to the
 - (3) cut, arrange, apply hair extensions to or style the hair by any means;
 - (4) shampoo, bleach, dye, or apply tonics to the hair;
 - (5) cleanse, color, lighten, wave or straighten the hair with cosmetic or chemical
- preparations;

(6) cut or trim beards with clippers or scissors only;

B. A hairstylist 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.
[16.34.5.17 - N, 7/14/2018]

16.34.5.18 EXEMPTIONS: The following persons are exempt from the provision of the Barbers and Cosmetologists Act while in the discharge of their professional duties:

- A. Persons licensed by the law of this state to practice medicine and surgery or chiropractic;**
- B. Commissioned medical or surgical offices of the United States Army, Navy, Marine or Air force hospital services;**
- C. Registered nurses;**
- D. Funeral service practitioners;**
- E. Persons providing only eyebrow threading services. However the establishment where services are being provided must have a current establishment license;**
- F. Persons providing only hair braiding services;**
- G. Persons who are employed as make-up artists or hairstylists for theatrical or cinematic productions only. Services must be provided at production or film locations only;**

HISTORY OF 16.34.5 NMAC:

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

Rule 4, Regular Licenses, 10/19/1993.

Rule 4, Regular Licenses, 5/13/1994.

Rule 4, Regular Licenses, 8/12/1994.

Rule 4, Regular Licenses, 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 34.5, Regular Licenses - Repealed, 6/16/2001.