

NOTICE OF PUBLIC RULE HEARING AND BARBERS AND COSMETOLOGISTS BOARD MEETING

The New Mexico Board of Barbers and Cosmetologists and the Regulation and Licensing Department will hold a rule hearing on Monday, November 10th, 2025, at 10:00am, immediately followed by a meeting of the Board of Barbers and Cosmetologists for adoption of the proposed rules listed below. The hearing and subsequent board meeting will be held at the Regulation and Licensing Department, located at 5500 San Antonio Dr. NE, Albuquerque, NM 87109 in the Sandia Conference Room

The hearing and subsequent Board of Barbers and Cosmetologists meeting will also be held via Microsoft Teams for those desiring to attend virtually.

Meeting Link: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 236 324 309 995 7

Meeting (Access) Code: AF3ae3ER

Join by phone: +1 505-312-4308, 43535622#

Access Code: 435 356 22#

The purpose of the rule hearing is to consider the initiation of rulemaking for the following rules:

Rule 16.34.1 NMAC, GENERAL PROVISIONS

Rule 16.34.2 NMAC, LICENSING

Rule 16.34.3 NMAC, EXAMINATIONS

Rule 16.34.4 NMAC, SPECIAL LICENSES

Rue 16.34.5 NMAC, REGULAR LICENSES

Rule 16.34.7 NMAC, ESTABLISHMENTS AND ENTERPRISES

Rule 16.34.8 NMAC, SCHOOLS

Rule 16.34.9 NMAC, CONTINUING EDUCATION

Rule 16.34.11 NMAC, VIOLATIONS

Rule 16.34.14 NMAC, FEES

Rule 16.34.15 NMAC, ADMINISTRATIVE PENALTIES AND FINES

Rule 16.34.16 NMAC, PARENTAL RESPONSIBILITY ACT COMPLIANCE

On Friday, October 10, 2025, copies of the proposed rules may be obtained through the New Mexico Board of Barbers and Cosmetologists website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/barbers-and-cosmetologists/board-information/> or by contacting the Board Administrator, Naomi Baldonado at (505) 476-4622.

The New Mexico Board of Barbers and Cosmetologists and the Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Friday October 10, 2025, at 8:00a.m. and ending Sunday November 9, 2025, at 8:00 a.m. Written public comment may be submitted either by email to barber.cosmoboard@rld.nm.gov, or by postal mail to the following address:

New Mexico Regulation and Licensing Department
Attn: New Mexico Board of Barbers and Cosmetologists
P.O. Box 25101
Santa Fe, NM 87504

Written comments received during the public comment period (October 9, 2025, and November 9, 2025) will be posted to the website page linked above. Public comments will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending in-person. The members of the New Mexico Board of Barbers and Cosmetology will not enter substantive discussion of public comments during the rule hearing but will consider and deliberate any public comment during the regular board meeting immediately following the conclusion of the public rule hearing.

The agenda for the New Mexico Board of Barbers and Cosmetology regular meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting, and available on the website linked above or by contacting the Board Administrator, Naomi Baldonado at (505) 476-4622.

If you are an individual with a disability who needs a reader, amplifier, qualified signed language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or the regular board meeting, please contact the Board Administrator, Naomi Baldonado at (505) 476-4622 at least 7 days prior to the rule hearing and regular board meeting. Public documents, including the proposed rules, meeting agenda and minutes, can be provided in various accessible formats.

For inclement weather: If the New Mexico state offices are placed on a two-hour delay to inclement weather, the rule hearing will be pushed back two hours from the noticed hearing time. If New Mexico state offices are closed due to inclement weather, the rule hearing will be rescheduled as soon as possible.

Statutory Authority: The rule changes are authorized by the Barbers and Cosmetologists Act, Section 61-17A-7-A-1 through 61-17A-7-A-10 NMSA 1978, which provides explicit authority for the New Mexico Board of Barbers and Cosmetologists to protect public health and safety and adopt rules for the administration of the Act. The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25 through 1.24.25.16 NMAR.

Purpose of the Proposed Rules: The proposed rule changes aim to update and expand definitions as well as modernize the licensure process by requiring online applications and removing outdated references to paper applications. Imputing general licensing procedure previously omitted and expanding the expiration time of practicing licenses being issued. Lowering passing percentage to 70% for national exams for licensure. Implement changes to the requirements for school's curriculum and allow for upcoming study hours required and continuing education. To enhance health, sanitation and safety rules for establishment and practitioners. Improve enforcement tools and penalties including higher fines for unlicensed activity and sanitation violations also defining hours of operation. Changes also add a \$10.00 administrative electronic license processing fee per year as well as Administrative returned check fee of \$35.00.

Summary of Proposed Changes: The Board summarizes its proposed changes to its administrative rules as follows: 16.34.1 NMAR – General Provisions. Adding definitions and removing definitions no longer relevant. 16.34.2 NMAR – Licensing. Adding on General Licensing procedure previously omitted in error. Changes for modernization for Online applications. 16.34.3 NMAR – Examinations. Reducing minimum required score to remain in even filed with other jurisdictions. Adding clarification on failure of any portion of national exams. 16.34.4 NMAR – Special Licenses. Adding on clarification verbiage for Barber Apprentice license. Increasing time post completion of schooling for student permits from 90 to 120 days to allow sufficient time prior to national testing. Duplicate licenses. clarification and requirements. 16.34.5 NMAR – Regular License. Providing change to license issuance time from 12 to 24 months. Requiring supervised hours to be adjusted for Manicurist/Pedicurist and Instructor licensing. 16.34.7 NMAR – Establishments and Enterprises. Adding definitions, correction of verbiage for address amendments for establishments. 16.34.8 NMAR – Schools. Changing the requirements for school applicants to provide more clarity. Under curriculum hours required, updating for Barber, Cosmetology, Manicurist/Pedicurist,

Manicurist/Esthetician, and Instructor course. Crossover credits hours for Manicuring/Pedicuring, Cosmetology to Barbering hours increasing requirements for beard trimming and shaving. Remainder with clarification on words. 16.34.9 NMAC – Continuing Education. Continuing Education requirements listed clearly. Hours for trade shows increased from six to twelve. Process added for Audits of Continuing Education and Disciplinary action for Audits. 16.34.11 NMAC — Violations. Adding process for Failure to Respond to Board Requests. 16.34.12 NMAC – Fees. Updating terms to match the Uniform Licensing Act for original and renewal licenses. Administrative Fee added for Returned check and electronic license processing fee. 16.34.15 NMAC – Administrative Penalties and Fines. Administrative Penalty Fines have been established for Safety and unlicensed activity for first, second and third offences. 16.34.16 -- Parental Responsibility Act Compliance. Removed initial and input formal name of Human Services Division. Added “any other governing agency” as notification source.