

This is an amendment to 16.34.4 NMAC Sections 6, 9, 10, 11, effective 08/29/2023

16.34.4.6 **OBJECTIVE:** ~~[Pursuant to the Barbers and Cosmetologists Act this establishes licensure requirements for all courses of study]~~ 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, 08/29/2023]

16.34.4.9 ~~[SPECIAL LICENSES]~~ **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.

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[16.34.4.9 NMAC - Rp 16 NMAC 34.4.9, 6/16/2001; Repealed, 10/4/2007; N, 10/29/2016; A, 08/29/2023]

16.34.4.10 ~~[RESERVED]~~ **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; N, 08/29/2023]

16.34.4.11 ~~[RESERVED]~~ **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. 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; N, 08/29/2023]