

This is an amendment to 16.34.5 NMAC Sections 8, 9, 10, 12, 15, 16, effective 08/29/2023.

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 months; or for a barber license, proof that the applicant has either completed the course of study in a licensed school within the preceding ~~[12]~~ 24 months or has successfully completed a barber apprenticeship program registered by the state apprenticeship agency within the preceding ~~[12]~~ 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.

~~[C. — Applicants who have not completed a course of study equivalent to the license for which he/she is applying may submit notarized letters of employment or employment records to prove licensed, current, verified work experience. Six full months of work experience will equal 150 hours of training. Work experience less than six full months will not be considered toward training hours.~~

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

~~[E.] (4) All 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, 08/29/2023]

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:

- ~~[A.]~~ (1) shave or trim beards;
- ~~[B.]~~ (2) cut and style hair whether by hand or mechanical or electrical apparatus;
- ~~[C.]~~ (3) curl, wave, permanent wave or chemically relax the hair;
- ~~[D.]~~ (4) give facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances;
- ~~[E.]~~ (5) shampoo, bleach, dye, or apply tonics to the hair;
- ~~[F.]~~ (6) apply cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, neck or upper parts of the body;
- ~~[G.]~~ (7) care for and service wigs and hairpieces; and
- ~~[H.]~~ (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.

~~[I.] 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, 08/29/2023]

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, 08/29/2023]

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) ~~[perform lash and brow tinting procedures;]~~ 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, 08/29/2023]

16.34.5.15 ~~[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 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;~~
 - ~~(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) perform 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.] [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 ~~[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.] [RESERVED]
[16.34.5.16 NMAC - N, 12/17/2015; Repealed, 08/26/2023]~~