

NOTICE OF RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Barbers and Cosmetologists will hold a rule hearing and regular board meeting to consider the adoption of proposed rules on Monday, August 7th, 2023, at 9:00 a.m. The board meeting will be held at the Regulation and Licensing Department, Toney Anaya, located at 2550 Cerrillos Road, Santa Fe, New Mexico, 87505.

The meeting will also be held via Cisco Webex Meetings for those desiring to attend virtually.
<https://nmrld.webex.com/nmrld/j.php?MTID=m4c418a3a2b4a9ac9ea0b3636e4ae9b1e>

Meeting (Access) Code: 2483 346 5891

Webinar password: qZHXDgts373 (79493487 from phones and video systems)

Join by phone: 1-415-655-0002

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

- 16.34.1 NMAC – General Provisions**
- 16.34.4 NMAC – Special Licenses**
- 16.34.5 NMAC – Regular Licenses**
- 16.34.6 NMAC – Expedited Licensure**
- 16.34.7 NMAC – Establishments and Enterprises**
- 16.34.8 NMAC – Schools**
- 16.34.9 NMAC – Continuing Education**
- 16.34.14 NMAC – Fees**

On Wednesday, July 5, 2023, copies of the proposed rules may be obtained through the Board of Barbers and Cosmetologists website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/barbers-and-cosmetologists/barbers-and-cosmetologists-statute-rules-and-rule-hearings/> or by contacting the Executive Director, Pauline M. Varela at (505) 476-4690.

The Board of Barbers and Cosmetologists will begin accepting written public comment regarding the proposed rule changes beginning Wednesday, July 5, 2023, and ending Friday, August 4, 2023, 5:00 p.m. Please submit written comments on the proposed changes to Pauline M. Varela, Executive Director, via electronic mail to barber.cosmboard@rld.nm.gov, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Thursday, August 3, 2023.

Written comments received during the public comment period (July 5, 2023 – August 4, 2023) will be posted to the website page linked above. Public comment will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending both in-person and virtually. The members of the Board of Barbers and Cosmetologists will not enter into 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 rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/barbers-and-cosmetologists-overview/bc-board-information/bc-board-meetings/>. Copies of the agenda may also be obtained by contacting the Executive Director.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or the regular advisory board meeting, please contact the Executive Director, Pauline Varela at (505) 476-4690 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.

Statutory Authority: Subsection A (1) of Section 61-17A-7 NMSA 1978 of the Barbers and Cosmetologists Act, Sections 61-17A-1 to -25 NMSA 1978, specifically authorizes the Board to “adopt and file, in accordance with the State Rules Act, rules necessary to carry out the provisions of the Barbers and Cosmetologists Act.”

Purpose of the Proposed Rules: The proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, and to ensure continued high levels of professionalism among licensees and certificate holders. In addition, several of the proposed rule changes are intended to address recent statutory changes to the Uniform Licensing Act that were adopted in House Bill 384 during the 2023 Regular Legislative Session.

Summary of Proposed Changes: The Board summarizes its proposed changes to its administrative rules as follows: The proposed changes to Section 16.34.1 NMAC remove definitions that are defined House Bill 384, which was passed during the 2023 Regular Legislative Session, for compliance with the State Rules Act, Section 14-4-5.7(B), NMSA 1978. The definition of “eyelash extensions” was also added to Section 16.34.1 NMAC, to provide clarity to individuals licensed in accordance with the Barbers and Cosmetologists Act, 61-17A-1 to -25, NMSA 1978. Eyelash extensions have been added under the scope of practice for barbers, cosmetologists, barbers/cosmetologists, estheticians, and manicurists/estheticians under Sections 16.34.4 and 16.34.5 NMAC. The definition of “booth establishment” was removed from Section 16.34.1 NMAC, due to the Board of Barbers and Cosmetologists discontinuation of booth establishments, effective November 18, 2021. The proposed changes to Section 16.34.4 include the addition of crossover licenses for barbers/cosmetologists and manicurists/estheticians, as these are considered “special licenses” that the Board has the authority to issue, pursuant to 61-17A-7(A)(8), NMSA 1978. The proposed changes to Section 16.34.5 NMAC include an extension of time that an applicant must apply for licensure after completion of the required course of study from 12 months to 24 months to provide a longer time frame for applicants to become licensed. The proposed changes to Section 16.34.6 remove definitions already defined in statute in accordance with the State Rules Act, Section 14-4-5.7(B), NMSA 1978. Language from Section 16.34.5 NMAC was removed and replaced under Section 16.34.6, as it is guidance for those licensed under expedited licensure. Section 16.34.7 NMAC strikes the language regarding booth establishments, due to the Board’s discontinuation of booth establishments, effective November 18, 2021. The proposed changes to Section 16.34.8 NMAC includes language that was removed from Section 16.34.9 NMAC, as it pertains to advanced training that must be conducted in a licensed school. The proposed changes to Section 16.34.9 NMAC remove the provision permitting the licensure of continuing education providers, due to the Board’s lack of statutory authority to issue such licenses. The proposed changes to Section 16.34.14 NMAC include the addition of a fee for the barbers/cosmetologist, as no fee was provided in the fee schedule for this license type.