

LFC Requester:

Noah Montano

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 02/07/2025

Check all that apply:

Bill Number: HB281

Original Correction
Amendment Substitute

Sponsor: Rep. Janelle Anyanonu
Rep. Pamelya Herndon
Sen. Harold Pope

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Person Writing

Analysis: Isabelle D. Lopez

Short Title: Hair Braiding Licensure

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: House Bill 281 (“HB281”) proposes to amend the Barbers and Cosmetologists Act (“Act”), NMSA 1978, Section 61-17A-1 to -25. HB281 proposes to (1) exempt hair braiding and eyebrow threading from provisions of the Act, (2) prohibit disciplinary action for hair braiding and eyebrow threading without a license, and (3) offers non-substantive changes.

Section 1 amends Section 61-17A-2, the definition section, to include the term “hair braiding”.

Section 2 amends Section 61-17A-4.1(C), to provide that hairstyling does not include hair braiding.

Section 3 amends Section 61-17A-5 by adding in a provision that a person who engages in eyebrow threading or hair braiding shall not be required to have a license issued by the barbers and cosmetologists board.

Section 4 amends Section 61-17A-21(B) by changing the language of “Any license suspended or revoked” to “A suspended or revoked license” and “any agent” to “an agent”. Section 4 also adds a provision that states a license shall not be suspended, revoked or denied for hair braiding without being licensed for barbering, cosmetology or hairstyling prior to July 1, 2025.

Section 5 amends Section 61-17A-22 by eliminating eyebrow threading from Subsection E.

Section 6 establishes the effective date of July 1, 2025.

FISCAL IMPLICATIONS

The New Mexico Department of Justice (the “NMDOJ”) may have fiscal implications from additional resources needed to fulfill obligations under the proposed legislation, which may be described with detail in Section II, above. HB281 would add prosecutorial jurisdiction and responsibility to the NMDOJ and could require additional attorney and staff resources.

SIGNIFICANT ISSUES

HB281 proposal to add the provision, “A license shall not be suspended, revoked, or denied for

hair braiding without being licensed for barbering, cosmetology or hairstyling license prior to July 1, 2025,” is unclear. It appears, given the bill’s title, that the legislative intent may be to prohibit an individual facing disciplinary action for hair braiding without being licensed. However, the provision’s wording creates contradiction and unclarity. Consider amending this provision.

PERFORMANCE IMPLICATIONS

As drafted, HB281 would require the NMDOJ to provide additional prosecution of licensing violations and defense of the Barbers and Cosmetology Board (the “Board”) decisions, which may impact the agency’s other performance-based targets without additional resources.

ADMINISTRATIVE IMPLICATIONS

HB281 would add prosecutorial jurisdiction and responsibility to the NMDOJ and could require additional attorney and staff resources. The NMDOJ is required under NMSA 1978, Section 8-5-2 to “prosecute and defend all actions and proceedings brought by or against any ... board or commission”. As proposed HB28’s licensing requirements are subject to the “Board as established in NMSA 1978, Section 61-17A-1 to -25. This Board handles licensing and the NMDOJ is obligated to prosecute and defend matters for the Board.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

See “Significant Issues” above.