

HOUSE BILL 281

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO LICENSURE; EXEMPTING HAIR BRAIDING FROM PROVISIONS OF THE BARBERS AND COSMETOLOGISTS ACT; PROHIBITING DISCIPLINARY ACTION FOR HAIR BRAIDING WITHOUT BEING LICENSED PURSUANT TO THE BARBERS AND COSMETOLOGISTS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 61-17A-2 NMSA 1978 (being Laws 1993, Chapter 171, Section 2, as amended) is amended to read:

"61-17A-2. DEFINITIONS.--As used in the Barbers and

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Cosmetologists Act:

A. "barber" means a person, other than a student, who for compensation engages in barbering;

B. "board" means the board of barbers and cosmetologists;

C. "cosmetologist" means a person, other than a student, who for compensation engages in cosmetology;

D. "department" means the regulation and licensing department;

E. "electrologist" means a person, other than a student, who for compensation removes hair from or destroys hair on the human body through the use of an electric current applied to the body with a needle-shaped electrode or probe;

F. "enterprise" means a business venture, firm or organization;

G. "establishment" means an immobile beauty shop, barber shop, electrology clinic, salon or similar place of business in which cosmetology, barbering, eyebrow threading, hairstyling or electrolysis is performed;

H. "esthetician" means a person, other than a student, who for compensation:

(1) uses cosmetic preparations, including makeup applications, antiseptics, powders, oils, clays or creams, for the purpose of preserving the health and beauty of the skin and body;

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(2) massages, cleans, stimulates or manipulates the skin for the purpose of preserving the health and beauty of the skin and body; or

(3) performs activities similar to the activities described in Paragraph (1) or (2) of this subsection on any part of the body of a person;

I. "eyebrow threading" means a method of hair removal in which a thin thread is doubled, twisted and then rolled over areas of unwanted hair, plucking the hair at the follicle level;

J. "hair braiding" means twisting, wrapping, weaving, extending, locking or braiding hair and incidental use of topical agents and mechanical devices and includes use of hair extensions, hair fibers, decorative beads and other accessories incidental to hair braiding;

~~[J.]~~ K. "hairstylist" means a person, other than a student, who for compensation engages in hairstyling;

~~[K.]~~ L. "manicurist-pedicurist" means a person, other than a student, who for compensation performs work on the nails of a person and applies nail extensions or products to the nails for the purpose of strengthening or preserving the health and beauty of the hands or feet;

~~[L.]~~ M. "sanitation" means the maintenance of sanitary conditions to promote hygiene and the prevention of disease through the use of chemical agents or products;

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[M-] N. "school" means a public or private instructional facility approved by the board that teaches cosmetology, barbering or hairstyling; and

[N-] O. "student" means a person enrolled in a school to learn or be trained in cosmetology, barbering, hairstyling or electrolysis."

**SECTION 2.** Section 61-17A-4.1 NMSA 1978 (being Laws 2017, Chapter 112, Section 1) is amended to read:

"61-17A-4.1. HAIRSTYLING DEFINED.--Hairstyling includes any one or any combination of the following practices when done upon the upper part of the male or female human body for cosmetic purposes for the public generally, using the hands or manual, mechanical or electrical implements or appliances:

A. cleansing, massaging or stimulating the scalp with oils, creams, lotions or other cosmetic or chemical preparations;

B. applying cosmetic or chemical preparations, antiseptics, powders, oils, clays or lotions to the scalp;

C. cutting, arranging, applying hair extensions to or styling the hair by any means; provided that hairstyling does not include hair braiding;

D. cleansing, coloring, lightening, waving or straightening the hair with cosmetic or chemical preparations;  
or

E. trimming a person's beard."

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SECTION 3. Section 61-17A-5 NMSA 1978 (being Laws 1993, Chapter 171, Section 5, as amended) is amended to read:

"61-17A-5. LICENSE REQUIRED.--

A. Unless licensed pursuant to the Barbers and Cosmetologists Act or exempted from the provisions of that act, no person shall practice barbering, hairstyling or cosmetology for compensation either directly or indirectly.

B. Unless licensed pursuant to the Barbers and Cosmetologists Act, no person shall operate a school or establishment for compensation.

C. Unless licensed pursuant to the Barbers and Cosmetologists Act or exempted from the provisions of that act, no person shall teach barbering, hairstyling, cosmetology or electrology for compensation.

D. Unless licensed by the board pursuant to the Barbers and Cosmetologists Act, no person shall practice as a manicurist-pedicurist, esthetician or electrologist for compensation.

E. A person who engages in eyebrow threading or hair braiding shall not be required to have a license issued by the board."

SECTION 4. Section 61-17A-21 NMSA 1978 (being Laws 1993, Chapter 171, Section 21, as amended) is amended to read:

"61-17A-21. GROUNDS FOR REFUSAL TO ISSUE, RENEW, SUSPEND OR REVOKE A LICENSE.--

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A. The board shall, in accordance with the provisions of the Uniform Licensing Act, issue a fine or penalty, restrict, refuse to issue or renew or shall suspend or revoke a license for any one or more of the following causes:

(1) the commission of any offense described in the Barbers and Cosmetologists Act;

(2) the violation of any sanitary regulation promulgated by the board;

(3) malpractice or incompetency;

(4) advertising by means of knowingly false or deceptive statements;

(5) working in a capacity regulated pursuant to the Barbers and Cosmetologists Act while under the influence of intoxicating liquor or drugs;

(6) continuing to practice in or be employed by an establishment, an enterprise, a school or an electrology clinic in which the sanitary rules of the board, of the department of health or of any other lawfully constituted board or state agency, promulgated for the regulation of establishments, enterprises, schools or electrology clinics, are known by the licensee to be violated;

(7) default of a licensee on a student loan;

(8) gross continued negligence in observing the rules and regulations;

(9) renting, loaning or allowing the use of

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the license to any person not licensed under the provisions of the Barbers and Cosmetologists Act;

(10) dishonesty or unfair or deceptive practices;

(11) sexual, racial or religious harassment;

(12) conduct of illegal activities in an establishment, enterprise, school or electrology clinic or by a licensee; or

(13) aiding, abetting or conspiring to evade or violate the provisions of the Barbers and Cosmetologists Act.

B. ~~[Any license]~~ A suspended or revoked license shall be delivered to the department or ~~[any]~~ an agent of the department upon demand.

C. A license shall not be HCEDC→suspended, revoked  
or←HCEDC denied for hair braiding without being licensed for  
barbering, cosmetology or hairstyling prior to July 1, 2025."

SECTION 5. Section 61-17A-22 NMSA 1978 (being Laws 1993, Chapter 171, Section 22, as amended) is amended to read:

"61-17A-22. EXEMPTIONS.--The following persons are exempt from the provisions of the Barbers and Cosmetologists Act while in the discharge of their professional duties:

A. persons licensed by the law of this state to practice medicine and surgery or chiropractic;

B. commissioned medical or surgical officers of the

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United States army, navy or marine hospital service;

C. registered nurses; and

D. funeral service practitioners. [~~and~~

~~E. persons providing only eyebrow-threading services]~~"

SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

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