

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

AN ACT

RELATING TO BOARDS; ADDING THE POWER TO ISSUE CEASE AND  
DESIST ORDERS TO THE BOARD OF BARBERS AND COSMETOLOGISTS;  
ADDING PENALTIES TO THE BODY ART SAFE PRACTICES ACT.

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

SECTION 1. Section 61-17A-7 NMSA 1978 (being Laws 1993,  
Chapter 171, Section 7, as amended) is amended to read:

"61-17A-7. BOARD POWERS AND DUTIES.--

A. The board shall:

(1) adopt and file, in accordance with the  
State Rules Act, rules necessary to carry out the provisions  
of the Barbers and Cosmetologists Act and the Body Art Safe  
Practices Act;

(2) establish fees;

(3) provide for the examination, licensure  
and license renewal of applicants for licensure;

(4) establish standards for and provide for  
the examination, licensure and license renewal of  
manicurists-pedicurists, estheticians, electrologists and  
body artists and operators pursuant to the Body Art Safe  
Practices Act;

(5) adopt a seal;

(6) furnish copies of rules and sanitary  
requirements adopted by the board to each owner or manager of

1 an establishment, enterprise or school;

2 (7) keep a record of its proceedings and a  
3 register of applicants for licensure;

4 (8) provide for the licensure of barbers,  
5 cosmetologists, manicurists-pedicurists, estheticians, body  
6 artists and operators pursuant to the Body Art Safe Practices  
7 Act, electrologists, instructors, schools, enterprises and  
8 establishments;

9 (9) establish administrative penalties and  
10 fines;

11 (10) create and establish standards and  
12 fees for special licenses;

13 (11) establish guidelines for schools to  
14 calculate tuition refunds for withdrawing students;

15 (12) hire an administrator and other such  
16 staff as necessary to carry out the provisions of the Body  
17 Art Safe Practices Act; and

18 (13) issue cease and desist orders to  
19 persons violating the provisions of the Barbers and  
20 Cosmetologists Act or the Body Art Safe Practices Act and  
21 rules promulgated in accordance with those acts.

22 B. The board may establish continuing education  
23 requirements as requirements for licensure.

24 C. A member of the board, its employees or agents  
25 may enter and inspect a school, enterprise or establishment

1 at any time during regular business hours for the purpose of  
2 determining compliance with the Barbers and Cosmetologists  
3 Act and the Body Art Safe Practices Act."

4 SECTION 2. Section 61-17B-11 NMSA 1978 (being Laws  
5 2007, Chapter 181, Section 11) is amended to read:

6 "61-17B-11. ENFORCEMENT--PENALTIES.--

7 A. The board may seek relief in district court to  
8 enjoin the operation of a body art establishment or the  
9 practice of a body artist not in compliance with the Body Art  
10 Safe Practices Act.

11 B. The district court may impose a civil penalty  
12 not exceeding five hundred dollars (\$500) for a violation of  
13 the Body Art Safe Practices Act. Each violation of the  
14 provisions of the Body Art Safe Practices Act constitutes a  
15 separate offense.

16 C. The board may promulgate rules imposing a  
17 schedule of penalties for violations of the Body Art Safe  
18 Practices Act. Except as provided in Subsection D of this  
19 section, no penalty shall exceed one hundred fifty dollars  
20 (\$150).

21 D. Penalties for the following violations shall  
22 not exceed one thousand dollars (\$1,000):

23 (1) obtaining or attempting to obtain a  
24 license by fraudulent misrepresentation;

25 (2) willfully falsifying by oath or

1 affirmation information required pursuant to the Body Art

2 Safe Practices Act; or

3 (3) practicing or attempting to practice

4 under an assumed name or by fraudulent misrepresentation."       

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25