

1 HOUSE BILL 281

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO LICENSURE; EXEMPTING HAIR BRAIDING FROM PROVISIONS  
12 OF THE BARBERS AND COSMETOLOGISTS ACT; PROHIBITING DISCIPLINARY  
13 ACTION FOR HAIR BRAIDING WITHOUT BEING LICENSED PURSUANT TO THE  
14 BARBERS AND COSMETOLOGISTS ACT.  
15

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

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

19 "61-17A-2. DEFINITIONS.--As used in the Barbers and  
20 Cosmetologists Act:

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

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

25 C. "cosmetologist" means a person, other than a

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1 student, who for compensation engages in cosmetology;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3           "61-17A-4.1. HAIRSTYLING DEFINED.--Hairstyling includes  
4 any one or any combination of the following practices when done  
5 upon the upper part of the male or female human body for  
6 cosmetic purposes for the public generally, using the hands or  
7 manual, mechanical or electrical implements or appliances:

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

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

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

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

19           E. trimming a person's beard."

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

22           "61-17A-5. LICENSE REQUIRED.--

23           A. Unless licensed pursuant to the Barbers and  
24 Cosmetologists Act or exempted from the provisions of that act,  
25 no person shall practice barbering, hairstyling or cosmetology

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1 for compensation either directly or indirectly.

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

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

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

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

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

18 "61-17A-21. GROUNDS FOR REFUSAL TO ISSUE, RENEW, SUSPEND  
19 OR REVOKE A LICENSE.--

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

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

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

3 (3) malpractice or incompetency;

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

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

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

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

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

19 (9) renting, loaning or allowing the use of  
20 the license to any person not licensed under the provisions of  
21 the Barbers and Cosmetologists Act;

22 (10) dishonesty or unfair or deceptive  
23 practices;

24 (11) sexual, racial or religious harassment;

25 (12) conduct of illegal activities in an

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1 establishment, enterprise, school or electrology clinic or by a  
2 licensee; or

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

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

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

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

14 "61-17A-22. EXEMPTIONS.--The following persons are  
15 exempt from the provisions of the Barbers and Cosmetologists  
16 Act while in the discharge of their professional duties:

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

19 B. commissioned medical or surgical officers of the  
20 United States army, navy or marine hospital service;

21 C. registered nurses; and

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

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

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

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