

Addendum - Barber and Cosmetology Licensure Information

ARTICLE 17A

Barbers and Cosmetologists

61-17A-1. Short title. (Repealed effective July 1, 2026.)

Chapter 61, Article 17A NMSA 1978 may be cited as the "Barbers and Cosmetologists Act".

History: [Laws 1993, ch. 171, § 1](#); [2013, ch. 166, § 3](#).

ANNOTATIONS

The 2013 amendment, effective June 14, 2013, added the NMSA chapter and article for the Barbers and Cosmetologists Act; and at the beginning of the sentence, deleted "Sections 1 through 24 of this act" and added "Chapter 61, Article 13 NMSA 1978".

Law reviews. — For article, "Constitutional Limitations on the Exercise of Judicial Functions by Administrative Agencies," see 7 Nat. Res. J. 599 (1972).

Am. Jur. 2d, A.L.R. and C.J.S. references. — 11 Am. Jur. 2d Barbers and Cosmetologists §§ 4 to 12.

Places or persons within purview of statute or ordinance as to licensing of barbers, 31 A.L.R. 433, 59 A.L.R. 543.

Validity, construction, and effect of statute or ordinance regulating beauty culture schools, 56 A.L.R.2d 879.

39A C.J.S. Health and Environment §§ 37 to 39.

61-17A-2. Definitions. (Repealed effective July 1, 2026.)

As used in the Barbers and 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. "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;

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

F. "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;

G. "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;

(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;

H. "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;

I. "hairstylist" means a person, other than a student, who for compensation engages in hairstyling;

J. "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;

K. "sanitation" means the maintenance of sanitary conditions to promote hygiene and the prevention of disease through the use of chemical agents or products;

L. "school" means a public or private instructional facility approved by the board that teaches cosmetology, barbering or hairstyling; and

M. "student" means a person enrolled in a school to learn or be trained in cosmetology, barbering, hairstyling or electrolysis.

History: [Laws 1993, ch. 171, § 2](#); [1997, ch. 218, § 1](#); [2017, ch. 108, § 1](#); [2017, ch. 112, § 3](#).

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25 NMSA 1978](#).

2017 Multiple Amendments. — [Laws 2017, ch. 108, § 1](#) and [Laws 2017, ch. 112, § 3](#), both effective June 16, 2017, enacted different amendments to this section that can be reconciled. Pursuant to [12-1-8 NMSA 1978](#), [Laws 2017, ch. 112, § 3](#), as the last act signed by the governor is set out above and incorporates both amendments.

The nature of the difference between the amendments is that [Laws 2017, ch. 108, § 1](#), defined "eyebrow threading" and revised the definition of "establishment" to include "eyebrow threading" as used in the Barbers and Cosmetologists Act, and [Laws 2017, ch. 112, § 3](#), defined "hairstylist" and revised the definitions of certain terms as used in the Barbers and

Cosmetologists Act.

Laws 2017, ch. 112, § 3, effective June 16, 2017, defined "hairstylist" and revised the definitions of certain terms as used in the Barbers and Cosmetologists Act; in Subsection F, after "barbering,", added "hairstyling"; added new Subsection H and redesignated the succeeding subsections accordingly; in Subsection K, after "cosmetology", deleted "or", and after "barbering", added "or hairstyling"; and in Subsection L, after "barbering,", added "hairstyling".

Laws 2017, ch. 108, § 1, effective June 16, 2017, defined "eyebrow threading" and revised the definition of "establishment" to include "eyebrow threading" as used in the Barbers and Cosmetologists Act; in Subsection F, after "barbering", added ", eyebrow threading"; and added new Subsection H and redesignated the succeeding subsections according.

The 1997 amendment added Subsections E, I and K and redesignated former Subsections E to H accordingly, inserted "other than a student" near the beginning of Subsections D and H, rewrote Subsection G, and made minor stylistic changes throughout the section. Laws 1997, ch. 218 contains no effective date provision, but, pursuant to **N.M. Const., art. IV, § 23**, is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

61-17A-3. Barbering defined. (Repealed effective July 1, 2026.)

Barbering includes any one or any combination of the following practices when done upon the upper part of the human body for cosmetic purposes for the public generally, upon male or female:

- A. shaving or trimming the beard or cutting the hair;
- B. curling and waving, including permanent waving, the hair;
- C. giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances;
- D. shampooing, bleaching or dyeing the hair or applying tonics; or
- E. applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, neck or upper part of the body.

History: **Laws 1993, ch. 171, § 3.**

ANNOTATIONS

Delayed repeals. — For delayed repeal, see **61-17A-25** NMSA 1978.

61-17A-4. Cosmetology defined. (Repealed effective July 1, 2026.)

Cosmetology means the practice of those services that include:

- A. arranging, dressing, curling, waving, cleansing, cutting, bleaching, coloring, straightening or similar work upon the hair of a person, whether by hand or through the use of chemistry or of mechanical or electrical apparatus or appliances;
- B. using cosmetic preparations, antiseptics, tonics, lotions or creams or massaging, cleansing, stimulating, manipulating, beautifying or performing similar work on the body of a person;
- C. manicuring and pedicuring the nails of a person;
- D. caring for and servicing wigs and hair pieces; or
- E. removing of unwanted hair except by means of electrology.

History: [Laws 1993, ch. 171, § 4.](#)

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25](#) NMSA 1978.

61-17A-4.1. Hairstyling defined. (Repealed effective July 1, 2026.)

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;
- D. cleansing, coloring, lightening, waving or straightening the hair with cosmetic or chemical preparations; or
- E. trimming a person's beard.

History: [Laws 2017, ch. 112, § 1.](#)

ANNOTATIONS

Delayed repeals. — For the delayed repeal of this section, see [61-17A-25](#) NMSA 1978.

Effective dates. — Laws 2017, ch. 112 contained no effective date provision, but, pursuant to

N.M. Const., art. IV, § 23, was effective June 16, 2017, 90 days after the adjournment of the legislature.

61-17A-5. License required. (Repealed effective July 1, 2026.)

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.

History: **Laws 1993, ch. 171, § 5; 1997, ch. 218, § 2; 2017, ch. 112, § 4.**

ANNOTATIONS

Delayed repeals. — For delayed repeal, see **61-17A-25** NMSA 1978.

Cross references. — For the Parental Responsibility Act, see Chapter **40**, Article **5A** NMSA 1978.

The 2017 amendment, effective June 16, 2017, required individuals who engage in the practice of hairstyling or who teach hairstyling to obtain a license pursuant to the Barbers and Cosmetologists Act; and in Subsections A and C, after "barbering", added "hairstyling".

The 1997 amendment substituted "License required" for "Certification required" in the section heading and substituted "Unless licensed" for "Unless certified" at the beginning of Subsection D. Laws 1997, ch. 218 contains no effective date provision, but, pursuant to **N.M. Const., art. IV, § 23**, is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

Inapplicable in federal enclave. — The state of New Mexico may not require that barbers employed at White Sands missile range by a concessionaire under contract with the army and air force exchange service be subject to licensing and other regulation under the laws of New Mexico as administered by the state board of barber examiners. 1960 Op. Att'y Gen. No. **60-15** (rendered under former law).

Inspection prerequisite to reopening. — The opening of a barber shop after it was closed for some years constitutes the opening or establishment of such shop for which the inspection fee is payable. 1938 Op. Att'y Gen. No. **38-1974** (rendered under former law).

61-17A-6. Board created; membership. (Repealed effective July 1, 2026.)

A. The "board of barbers and cosmetologists" is created. The board is administratively attached to the regulation and licensing department. The board consists of seven members appointed by the governor. Members shall serve three-year terms; provided that at the time of initial appointment, the governor shall appoint members to abbreviated terms to allow staggering of subsequent appointments. Vacancies shall be filled in the manner of the original appointment.

B. Of the seven members of the board, five shall be licensed pursuant to the Barbers and Cosmetologists Act and shall have at least five years' practical experience in their respective occupations. Of those five, one member shall be a licensed barber, one member shall be a licensed hairstylist, two members shall be licensed cosmetologists and one member shall represent school owners. The remaining two members shall be public members. Neither the public members nor their spouses shall have ever been licensed pursuant to the provisions of the Barbers and Cosmetologists Act or similar prior legislation or have a financial interest in a school or establishment.

C. Members of the board shall be reimbursed pursuant to the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

D. The board shall elect from among its members a chair and such other officers as it deems necessary. The board shall meet at the call of the chair, not less than four times each year. A majority of members currently serving shall constitute a quorum for the conduct of business.

E. No board member shall serve more than two full consecutive terms and any member who fails to attend, after proper notice, three meetings shall automatically be recommended for removal unless excused for reasons set forth by board rule.

History: Laws 1993, ch. 171, § 6; 1997, ch. 218, § 3; 2007, ch. 181, § 15; 2015, ch. 129, § 1; 2017, ch. 112, § 5.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, see [61-17A-25 NMSA 1978](#).

The 2017 amendment, effective June 16, 2017, revised the composition of the board of barbers and cosmetologists, requiring one member to be a licensed hairstylist and reducing the number of members who must be licensed barbers; in Subsection B, after "Of those five," deleted "two members" and added "one member", after "shall be", added "a", and after the second occurrence of "licensed", deleted "barbers" and added "barber, one member shall be a licensed hairstylist".

The 2015 amendment, effective July 1, 2015, reduced the number of board members and changed the composition of the board of barbers and cosmetologists ; in Subsection A, in the first sentence, after "The board", deleted "shall be" and added "is", and in the third sentence, after "The board", deleted "shall consist" and added "consists", and after "of", deleted "nine" and added "seven"; in Subsection B, after "Of the", deleted "nine" and added "seven", after

"represent school owners.", deleted "Two members shall be licensed body artists pursuant to the Body Art Safe Practices Act and shall have at least five years in practice in their occupation.", and after "Cosmetologists Act", deleted "the Body Art Safe Practices Act"; and in Subsection E, after "set forth by board", deleted "regulation" and added "rule".

Temporary provisions. — [Laws 2015, ch. 129, § 10](#) provided:

A. On July 1, 2015:

- (1) all personnel and all money, appropriations, records, furniture, equipment, supplies and other property that belonged or were allocated to the board of barbers and cosmetologists for use in connection with the implementation of the Body Art Safe Practices Act are transferred to the board of body art practitioners;
- (2) all money that is in the barbers and cosmetologists fund that was paid into the fund pursuant to the Body Art Safe Practices Act or regulations promulgated pursuant to that act shall be transferred to the body art practitioners fund;
- (3) all existing contracts, agreements and other obligations that relate to the Body Art Safe Practices Act or the board of barbers and cosmetologists work pursuant to that act shall be binding on the board of body art practitioners;
- (4) all pending court cases, legal actions, appeals and other legal proceedings and all pending administrative proceedings that involve the board of barbers and cosmetologists that relate solely to the implementation of the Body Art Safe Practices Act shall be unaffected and shall continue in the name of the board of body art practitioners. Pending legal or administrative proceedings described in this paragraph that relate to the board of barbers and cosmetologists and to the implementation of the Body Art Safe Practices Act shall be unaffected, but the board of body art practitioners shall be joined as a party;
- (5) all rules, orders and other official acts of the board of barbers and cosmetologists pursuant to the Body Art Safe Practices Act shall continue in effect until amended, replaced or repealed by the board of body art practitioners; and
- (6) references in the law, rules and orders to the board of barbers and cosmetologists in connection with the Body Art Safe Practices Act shall be deemed references to the board of body art practitioners.

B. Licenses that were issued before the effective date of this act by the board of barbers and cosmetologists pursuant to the Body Art Safe Practices Act shall remain in effect until the license expires or is renewed or reissued by the board of body art practitioners.

The 2007 amendment, effective June 15, 2007, provides that two members of the board shall be licensed body artists who shall have at least five years in practice in their occupation.

The 1997 amendment deleted "or certified" following "shall have ever been licensed" in the last sentence of Subsection B. Laws 1997, ch. 218 contains no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

Removal without hearing. — Members of the former state board of barber examiners were policy-making persons, having no property interest in their positions; they were not statutorily, nor constitutionally, entitled to hearings before removal from their positions. *State ex rel. Duran v. Anaya*, 1985-NMSC-044, 102 N.M. 609, 698 P.2d 882 (rendered under former law).

Am. Jur. 2d, A.L.R. and C.J.S. references. — 11 Am. Jur. 2d Barbers and Cosmetologists § 9.

61-17A-7. Board powers and duties. (Repealed effective July 1, 2026.)

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;
- (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 and electrologists;
- (5) adopt a seal;
- (6) furnish copies of rules and sanitary requirements adopted by the board to each owner or manager of an establishment, enterprise or school;
- (7) keep a record of its proceedings and a register of applicants for licensure;
- (8) provide for the licensure of barbers, hairstylists, cosmetologists, manicurists-pedicurists, estheticians, electrologists, instructors, schools, enterprises and establishments;
- (9) establish administrative penalties and fines;
- (10) create and establish standards and fees for special licenses;
- (11) establish guidelines for schools to calculate tuition refunds for withdrawing students; and
- (12) issue cease and desist orders to persons violating the provisions of the Barbers and Cosmetologists Act and rules promulgated in accordance with that act.

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

C. A member of the board, its employees or agents may enter and inspect a school, enterprise or establishment at any time during regular business hours for the purpose of determining compliance with the Barbers and Cosmetologists Act.

History: Laws 1993, ch. 171, § 7; 1997, ch. 218, § 4; 2003, ch. 408, § 23; 2007, ch. 181, § 16; 2013, ch. 162, § 1; 2015, ch. 129, § 2; 2017, ch. 112, § 6.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, see [61-17A-25 NMSA 1978](#).

The 2017 amendment, effective June 16, 2017, required the board of barbers and cosmetologists to provide for the licensure of hairstylists; in Subsection A, Paragraph A(8), after "licensure of barbers", added "hairstylists".

The 2015 amendment, effective July 1, 2015, removed the board of barbers and cosmetologists' oversight authority over the Body Art Safe Practices Act; in Paragraph (1) of Subsection A, after "Cosmetologists Act", deleted "and the Body Art Safe Practices Act"; in Paragraph (4) of Subsection A, after "estheticians", added "and", and after "electrologists", deleted "and body artists and operators pursuant to the Body Art Safe Practices Act"; in Paragraph (8) of Subsection A, after "estheticians", deleted "body artists and operators pursuant to the Body Art Safe Practices Act"; in Paragraph (11) of Subsection A, after "students", added "and"; deleted Paragraph (12) of Subsection A, relating to the hiring staff to administer the provisions of the Body Art Safe Practices Act, and redesignated former Paragraph (13) of Subsection A as Paragraph (12) of Subsection A; in Paragraph (12) of Subsection A, after "Cosmetologists Act", deleted "or the Body Art Safe Practices Act", and after "in accordance with", deleted "those acts" and added "that act"; in Subsection C, after "Cosmetologists Act", deleted "and the Body Art Safe Practices Act".

Temporary provisions. — [Laws 2015, ch. 129, § 10](#) provided:

A. On July 1, 2015:

- (1) all personnel and all money, appropriations, records, furniture, equipment, supplies and other property that belonged or were allocated to the board of barbers and cosmetologists for use in connection with the implementation of the Body Art Safe Practices Act are transferred to the board of body art practitioners;
- (2) all money that is in the barbers and cosmetologists fund that was paid into the fund pursuant to the Body Art Safe Practices Act or regulations promulgated pursuant to that act shall be transferred to the body art practitioners fund;
- (3) all existing contracts, agreements and other obligations that relate to the Body Art Safe Practices Act or the board of barbers and cosmetologists work pursuant to that act shall be binding on the board of body art practitioners;
- (4) all pending court cases, legal actions, appeals and other legal proceedings and all pending administrative proceedings that involve the board of barbers and cosmetologists that relate solely to the implementation of the Body Art Safe Practices Act shall be unaffected and shall continue in the name of the board of body art practitioners. Pending legal or administrative proceedings described in this paragraph that relate to the board of barbers and cosmetologists and to the implementation of the Body Art Safe Practices Act shall be unaffected, but the board of body art practitioners shall be joined as a party;

(5) all rules, orders and other official acts of the board of barbers and cosmetologists pursuant to the Body Art Safe Practices Act shall continue in effect until amended, replaced or repealed by the board of body art practitioners; and

(6) references in the law, rules and orders to the board of barbers and cosmetologists in connection with the Body Art Safe Practices Act shall be deemed references to the board of body art practitioners.

B. Licenses that were issued before the effective date of this act by the board of barbers and cosmetologists pursuant to the Body Art Safe Practices Act shall remain in effect until the license expires or is renewed or reissued by the board of body art practitioners.

The 2013 amendment, effective June 14, 2013, added the power to issue cease and desist orders; and added Paragraph (13) of Subsection A.

The 2007 amendment, effective June 15, 2007, requires the board to adopt rules to carry out the Body Art Safe Practices Act and establish standards and provide examination and licensure for body artists and operators pursuant to the Body Art Safe Practices Act and adds Paragraph (12) of Subsection A.

Appropriations. — [Laws 2007, ch. 181, § 18](#), effective June 15, 2007, appropriates \$300,000 from the barbers and cosmetology fund to the board of barbers and cosmetologists for expenditure in fiscal year 2008 for administration of the Body Safe Practices Act.

The 2003 amendment, effective July 1, 2003, deleted "and regulations" following "State Rules Act, rules" near the middle of Paragraph A(1); deleted "and regulations" following "copies of rules" near the beginning of Paragraph A(6); and deleted former Paragraph A(11), concerning hire of director and staff, and redesignated former Paragraph A(12) as present Paragraph A(11).

The 1997 amendment, in Subsection A, substituted "licensure and license renewal" for "certification and renewal of certification" in Paragraph (4), inserted "enterprise" in Paragraph (6), deleted "certification or" preceding "licensure" in Paragraph (7), rewrote Paragraph (8), inserted "and fees" in Paragraph (10), added Paragraph (12) and made minor stylistic changes at the end of Subsections (10) and (11) accordingly; and, in Subsection C, inserted "enterprise". [Laws 1997, ch. 218](#) contains no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

Board deemed state officers for venue purposes. — The former board of barber examiners was clothed by the legislature with powers and duties of statewide scope, the exercise of which involved some portion of the governmental power. Hence the board itself, as well as its component members, was a state officer for venue purposes. *Tudesque v. N.M. State Bd. of Barber Exam'rs*, [1958-NMSC-128](#), [65 N.M. 42](#), [331 P.2d 1104](#).

Fee not waivable. — A barber shop had to pay the establishment license fee in order to be a valid operation and the state board had no authority to waive the requirement that a shop pay the fee. 1952 Op. Att'y Gen. No. 51-5407 (rendered under former law).

Inspection fee not chargeable for relocation. — Inspection fee provision applied only to barber shops which were opening for business for the first time. It did not apply where mere

location of shop was changed. 1937 Op. Att'y Gen. No. [37-1709](#) (rendered under former law).

Inspection fee chargeable for reopening. — The opening of a barber shop after it was closed for some years constituted the opening or establishment of such shop for which the inspection fee was payable under former Section [61-17-13](#) NMSA 1978. 1938 Op. Att'y Gen. No. [38-1974](#) (rendered under former law).

No fee chargeable for certificate transfer. — The board could pass a rule requiring a transfer of the annual establishment license mentioned in former Section [61-17-13](#) NMSA 1978 in the books of the board, or by an exchange of the certificate transferred for a new certificate issued in lieu of the old one and in the name of the vendee, but it could not make any charge for this transfer or exchange of license certificates, since former Section [61-17-13](#) NMSA 1978 did not authorize such a charge and the board could not, by rule, require the payment of charges not authorized by this section. 1939 Op. Att'y Gen. No. [39-3233](#) (rendered under former law).

Am. Jur. 2d, A.L.R. and C.J.S. references. — 11 Am. Jur. 2d Barbers and Cosmetologists § 9 et seq.

61-17A-8. Licensure requirements; barbers. (Repealed effective July 1, 2026.)

A. Except as provided in Subsection B of this section, a barber license shall be issued to any person who files a completed application, accompanied by the required fees and documentation, and who:

- (1) has an education equivalent to the completion of the second year of high school;
- (2) is at least seventeen years of age;
- (3) has completed a course in barbering of at least one thousand two hundred hours in a school or apprenticeship approved by the board; and
- (4) has passed an examination approved by the board.

B. A barbering license shall be issued to a person who files a completed application, accompanied by the required fees and documentation, meets the requirements of Paragraphs (1) through (4) of Subsection A of this section and shows proof of having successfully completed a registered barbering apprenticeship approved by the state apprenticeship agency and the board of barbers and cosmetologists.

C. The holder of a barber license has the right and privilege to use the title "barber", and the initials "R.B." following the holder's surname and to use a barber pole, the traditional striped, vertical emblem of the barbering trade.

History: [Laws 1993, ch. 171, § 8](#); [1997, ch. 218, § 5](#); [2015, ch. 85, § 1](#).

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25](#) NMSA 1978.

The 2015 amendment, effective June 19, 2015, authorized the issuance of a barber license for any person who shows proof of having completed an approved registered barbering apprenticeship; in the introductory sentence of Subsection A, added "Except as provided in Subsection B of this section"; in Subsection A, Paragraph (3), after "school", added "or apprenticeship"; added Subsection B and redesignated the succeeding subsection accordingly; and in Subsection C, after "'barber'", added "and".

The 1997 amendment deleted "submits satisfactory evidence that he" at the end of Subsection A, substituted "one thousand two hundred hours" for "twelve hundred hours" in Paragraph A(3), and inserted ", the initials 'R.B.' following the holder's surname" in Subsection B. Laws 1997, ch. 218 contains no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

Paroled felon not barred from applying. — A convicted felon, while on parole, is under no disqualification that would prevent him from applying for a license to practice barbering or any other trade, profession or occupation in this state. 1958 Op. Att'y Gen. No. [58-214](#) (rendered under former law).

Am. Jur. 2d, A.L.R. and C.J.S. references. — 11 Am. Jur. 2d Barbers and Cosmetologist §§ 11, 12.

61-17A-8.1. Licensure requirements; hairstylists. (Repealed effective July 1, 2026.)

A. Except as provided in Subsection B of this section, a hairstylist license shall be issued to a person who files a completed application, accompanied by the required fees and documentation, and who:

- (1) has an education equivalent to the completion of the second year of high school;
- (2) is at least seventeen years of age;
- (3) has completed a course in hairstyling of at least one thousand two hundred hours in a school; and
- (4) has passed an examination approved by the board.

B. A hairstylist license shall be issued to a person who files a completed application, accompanied by the required fees and documentation, and meets the requirements of Paragraphs (1) through (4) of Subsection A of this section.

C. The holder of a hairstylist license has the right and privilege to use the title "hairstylist".

History: [Laws 2017, ch. 112, § 2.](#)

ANNOTATIONS

Delayed repeals. — For the delayed repeal of this section, see [61-17A-25 NMSA 1978](#).

Effective dates. — Laws 2017, ch. 112 contained no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), was effective June 16, 2017, 90 days after the adjournment of the legislature.

61-17A-9. Licensure requirements; cosmetologists. (Repealed effective July 1, 2026.)

A. A cosmetologist license shall be issued to any person who files a completed application, accompanied by the required fees and documentation, and who:

- (1) is at least seventeen years of age;
- (2) has an education equivalent to the completion of the second year of high school;
- (3) has completed a course in cosmetology of at least one thousand six hundred hours at a school approved by the board; and
- (4) has passed an examination approved by the board.

B. The name of a licensed cosmetologist may be immediately followed by the initials "R.C.", as a right and privilege of licensure.

History: [Laws 1993, ch. 171, § 9](#); [1997, ch. 218, § 6](#).

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25 NMSA 1978](#).

The 1997 amendment deleted "submits satisfactory evidence that he" at the end of the introductory language of Subsection A, substituted "one thousand six hundred hours" for "sixteen hundred hours" in Paragraph A(3), and rewrote Subsection B. Laws 1997, ch. 218 contains no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

Am. Jur. 2d, A.L.R. and C.J.S. references. — Products liability: perfumes, colognes, or deodorants, 46 A.L.R.4th 1197.

61-17A-10. Licensure requirements of manicurists-pedicurists, estheticians and electrologists. (Repealed effective July 1, 2026.)

A. The board shall provide for the licensure of manicurists-pedicurists. The board shall issue

a manicurist-pedicurist license to any person who files a completed application, accompanied by the required fees and documentation, and who submits satisfactory evidence of compliance with all requirements established by the board. The name of a licensed manicurist-pedicurist may be immediately followed by the initials "R.M.", as a right and privilege of licensure.

B. The board shall provide for the licensure of estheticians. The board shall issue an esthetician license to any person who files a completed application, accompanied by the required fees and documentation, and who submits satisfactory evidence of compliance with all requirements established by the board. The name of a licensed esthetician may be immediately followed by the initials "R.F.", as a right and privilege of licensure.

C. The board shall provide for the licensure of electrologists. The board shall issue an electrologist license to any person who files a completed application, accompanied by the required fees and documentation, and who submits satisfactory evidence of compliance with all requirements established by the board. The name of a licensed electrologist may be immediately followed by the initials "R.E.", as a right and privilege of licensure.

History: [Laws 1993, ch. 171, § 10](#); [1997, ch. 218, § 7](#).

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25 NMSA 1978](#).

The 1997 amendment substituted "Licensure requirements" for "Certification" in the section heading, substituted "licensure" for "certification" and "license" for "certificate" throughout the section, rewrote the last sentences of Subsections A, B and C, and made gender neutral changes throughout the section. Laws 1997, ch. 218 contains no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

61-17A-11. Licensure of instructors. (Repealed effective July 1, 2026.)

A. A cosmetologist instructor license shall be issued to any person who files a completed application, accompanied by the required fees and documentation, and who:

- (1) is a licensed cosmetologist;
- (2) has completed at least a four-year high school course of study or its equivalent as approved by the board;
- (3) has met all requirements established by the board; and
- (4) has passed an examination approved by the board.

B. A barber instructor license shall be issued to any person who files a completed application, accompanied by the required fees and documentation, and who:

- (1) is a licensed barber;
- (2) has completed at least a four-year high school course of study or its equivalent as approved by the board;
- (3) has met all requirements established by the board; and
- (4) has passed an examination approved by the board.

C. An electrologist instructor license shall be issued to any person who files a completed application, accompanied by the required fees and documentation, and who submits satisfactory evidence of compliance with all requirements established by the board.

D. The name of a licensed instructor may be immediately followed by the initials "R.I.", as a right and privilege of licensure.

History: [Laws 1993, ch. 171, § 11](#); [1997, ch. 218, § 8](#).

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25](#) NMSA 1978.

The 1997 amendment deleted "submits satisfactory evidence that he" at the end of the introductory paragraphs of Subsections A and B, substituted "of compliance" for "that he complies" near the end of Subsection C, and rewrote Subsection D. Laws 1997, ch. 218 contains no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

College teaching credit not required. — The New Mexico state barbers board (now board of barbers and cosmetologists) could not require that instructors in barbers colleges in New Mexico have 10 hours teaching credit in or at an accredited college or university. 1957 Op. Att'y Gen. No. [57-245](#) (rendered under former law).

Am. Jur. 2d, A.L.R. and C.J.S. references. — 11 Am. Jur. 2d Barbers and Cosmetologists § 8.

61-17A-12. Licensure of schools. (Repealed effective July 1, 2026.)

A. The board shall provide for the licensure of barber schools. The board shall issue a barber school license to any barber school that submits a completed application, accompanied by the required fees and documentation, and that submits satisfactory evidence that it complies with all enrollment, curriculum, instructional and graduation requirements and record-keeping procedures established by the board.

B. The board shall provide for the licensure of cosmetology schools. The board shall issue a cosmetology school license to any cosmetology school that submits a completed application, accompanied by the required fees and documentation, and that submits satisfactory evidence

that it complies with all enrollment, curriculum, instructional and graduation requirements and record-keeping procedures established by the board.

C. The board shall provide for the licensure of electrology schools. The board shall issue an electrology school license to any electrology school that submits a completed application, accompanied by the required fees and documentation, and that submits satisfactory evidence that it complies with all enrollment, curriculum, instructional and graduation requirements and record-keeping procedures established by the board.

D. The board shall provide for the licensure of specialty schools. The board shall issue a specialty school license to any specialty school that submits a completed application, accompanied by the required fees and documentation, and that submits satisfactory evidence that it complies with all enrollment, curriculum, instructional and graduation requirements and record-keeping procedures established by the board.

E. The board shall establish crossover credit standards for training available at either barber schools or cosmetology schools that may be used in meeting licensure requirements in either profession.

F. The board shall establish a corporate surety bond requirement for schools to indemnify students for fees and tuition paid to a school if the school ceases operation or terminates a program prior to the completion of a student's contract with the school.

History: [Laws 1993, ch. 171, § 12](#); [1997, ch. 218, § 9](#).

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25](#) NMSA 1978.

The 1997 amendment rewrote Subsection F. Laws 1997, ch. 218 contains no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

No upper limit on required hours. — The language of former Section [61-17-4](#) NMSA 1978 clearly stated the minimum number of hours necessary for graduation and placed no maximum hours upon the course of study. 1957 Op. Att'y Gen. No. [57-153](#) (rendered under former law).

Students not required to charge fees. — Former Section [61-17-4](#) NMSA 1978 was silent as to fees to be charged by student barbers, if any. The legislature could authorize a minimum fee to be charged for services performed by student barbers, but in lieu of such specific statutory authorization, student barbers, attending barber school, could refuse to accept or collect any charge for barbering services rendered to the public. 1957 Op. Att'y Gen. No. [57-153](#) (rendered under former law).

College teaching credit not required. — Under former Section [61-17-4](#) NMSA 1978, the New Mexico state barbers board could not require that instructors in barbers colleges in New Mexico have 10 hours teaching credit in or at an accredited college or university. 1957 Op. Att'y Gen. No. [57-245](#) (rendered under former law).

Am. Jur. 2d, A.L.R. and C.J.S. references. — 11 Am. Jur. 2d Barbers and Cosmetologists § 8.

Liability of cosmetology school for injury to patron, 81 A.L.R.4th 444.

61-17A-13. Repealed.

ANNOTATIONS

Repeals. — [Laws 1997, ch. 218, § 18](#) repealed 61-17A-13, as enacted by [Laws 1993, ch. 171, § 13](#), relating to the tuition recovery fund, effective June 20, 1997. For provisions of former section, see the 1996 NMSA 1978 on *NMOneSource.com*.

61-17A-14. Barbers and cosmetologists fund created. (Repealed effective July 1, 2026.)

The "barbers and cosmetologists fund" is created in the state treasury. All license fees, charges and fines imposed by the board shall be deposited in the fund. Money in the fund is appropriated to the board for the purpose of carrying out the provisions of the Barbers and Cosmetologists Act [[61-17A-1 NMSA 1978](#)]. Any balance remaining in the fund at the end of each fiscal year shall not revert to the general fund.

History: [Laws 1993, ch. 171, § 14](#).

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25 NMSA 1978](#).

61-17A-15. Licensure of all establishments and enterprises. (Repealed effective July 1, 2026.)

The board shall provide for the licensure of all establishments and enterprises. The board shall issue a license to establishments, enterprises and clinics that submit a completed application, accompanied by the required fees and documentation, and that submit satisfactory evidence of compliance with all requirements established by the board.

History: [Laws 1993, ch. 171, § 15](#); [1997, ch. 218, § 10](#).

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25 NMSA 1978](#).

The 1997 amendment added "and enterprises" at the end of the section heading and at the end of the first sentence, and inserted "enterprises" near the beginning of the second sentence. Laws 1997, ch. 218 contains no effective date provision, but, pursuant to **N.M. Const., art. IV, § 23**, is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

61-17A-16. Fees. (Repealed effective July 1, 2026.)

Except as provided in Section **61-1-34** NMSA 1978, the board may, by rule, establish initial license and renewal fees not to exceed the following:

establishment license.....	\$200
school license.....	\$600
relocation of a school.....	\$300
cosmetologist license.....	\$100
barber license.....	\$100
hairstylist license.....	\$100
specialty license.....	\$100
instructor license.....	\$100
duplicate license.....	\$50.00
temporary license.....	\$25.00
administrative fee.....	\$100
limited license fee.....	\$100
licensure through reciprocity.....	\$200
transcript.....	\$50.00
examinations.....	\$100.

History: Laws 1993, ch. 171, § 16; 1997, ch. 218, § 11; 2017, ch. 112, § 7; 2019, ch. 243, § 1; 2020, ch. 6, § 45.

ANNOTATIONS

Delayed repeals. — For delayed repeal, see **61-17A-25** NMSA 1978.

The 2020 amendment, effective July 1, 2020, provided an exception to the licensure fee for qualified military service members, their spouses and dependent children, and for certain veterans; and added "Except as provided in Section **61-1-34** NMSA 1978".

The 2019 amendment, effective July 1, 2019, increased the maximum fee that may be imposed by the board for certain professional and occupational licenses; after "cosmetologist license", deleted "50.00" and added "100", after "barber license", deleted "50.00" and added "100", after "hairstylist license", deleted "50.00" and added "100", after "specialty license", deleted "50.00" and added "100", and after "instructor license", deleted "50.00" and added "100".

The 2017 amendment, effective June 16, 2017, provided the fee for a hairstylist license; after "barber license . . . \$ 50.00", added "hairstylist license . . . \$ 50.00".

The 1997 amendment, in the table of fees, substituted "specialty license" for "specialty certificate", and increased various fees throughout. Laws 1997, ch. 218 contains no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

61-17A-17. Licensure under prior law; endorsement. (Repealed effective July 1, 2026.)

A. Any person licensed as a barber, a cosmetologist, an esthetician, an electrologist, an instructor of cosmetology or barbering or an instructor of electrology, a manicurist-pedicurist or any person holding an establishment license, clinic license or school owner's license under any prior laws of this state, which license is valid on the effective date of the Barbers and Cosmetologists Act [[61-17A-1 NMSA 1978](#)], shall be held to be licensed under the provisions of that act and shall be entitled to the renewal of his license as provided in that act.

B. The board may grant a license pursuant to the provisions of the Barbers and Cosmetologists Act without an examination, upon payment of the required fee, provided that the applicant:

(1) holds a current license from another state, territory or possession of the United States, or the District of Columbia, that has training hours and qualifications similar to or exceeding those required for licensure in New Mexico; and

(2) meets all other requirements for reciprocity as determined by regulation of the board.

History: [Laws 1993, ch. 171, § 17](#); [1997, ch. 218, § 12](#).

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25 NMSA 1978](#).

The 1997 amendment substituted "licensed as a barber, a cosmetologist, an esthetician" for "licensed or certified as a barber, or cosmetologist" near the beginning of Subsection A, deleted "or certified" and "or certificate" following "licensed" and "license", respectively, near the end of Subsection A, in Subsection B, deleted "submits proof that he" at the end of the introductory paragraph and deleted "or certification" following "license" in Paragraph (1). Laws 1997, ch. 218 contains no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

61-17A-18. License to be displayed; notice of change of place of business. (Repealed effective July 1, 2026.)

Every holder of a license shall notify the executive director of any change in place of business. Upon receipt of the notification, the executive director shall make the necessary change in the books. A license shall be displayed conspicuously at the holder's place of business.

History: [Laws 1993, ch. 171, § 18](#); [1997, ch. 218, § 13](#).

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25 NMSA 1978](#).

The 1997 amendment rewrote this section to the extent that a detailed comparison is impracticable. Laws 1997, ch. 218 contains no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

61-17A-19. License nontransferable. (Repealed effective July 1, 2026.)

Each license shall be issued under the authority of the Barbers and Cosmetologists Act [[61-17A-1 NMSA 1978](#)] by the board in the name of the licensee. The license may not be the subject of a sale, transfer, assignment, conveyance, lease, bequest, gift or other means of transfer.

History: [Laws 1993, ch. 171, § 19](#).

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25 NMSA 1978](#).

61-17A-20. Duration, restoration and renewal of licenses. (Repealed effective July 1, 2026.)

A. The original issuance and renewal of licenses to practice as a barber, hairstylist, cosmetologist, instructor, esthetician, manicurist-pedicurist or electrologist shall be for a period of two years or less from the date of issuance. If the licensee fails to renew the license for the next two-year period, the license is void; provided the license may be restored at any time during the year following expiration upon the payment of the appropriate fee and a late charge not to exceed one hundred dollars (\$100) as set forth by board rules. If the licensee fails to restore the license within one year following its expiration, the licensee may request restoration of the license pursuant to rules promulgated by the board.

B. The original issuance and annual renewal of licenses to operate an establishment or school shall be for a period of twelve months or less following the issuance of the license. If the licensee fails to renew the license within thirty days after its expiration, the license is void, and,

to again obtain a license, an application, required documentation, payment of the renewal fee and a late fee not to exceed one hundred dollars (\$100) as established by board rules is required.

C. The board may establish a staggered system of license expiration.

History: Laws 1993, ch. 171, § 20; 1997, ch. 218, § 14; 2007, ch. 181, § 17; 2017, ch. 112, § 8; 2019, ch. 243, § 2.

ANNOTATIONS

Delayed repeals. — For delayed repeal of this section, see [61-17A-25 NMSA 1978](#).

The 2019 amendment, effective July 1, 2019, increased the duration of a license issued to a barber, hairstylist, cosmetologist, instructor, esthetician, manicurist-pedicurist or electrologists from one to two years; and in Subsection A, after "for a period of", deleted "one year" and added "two years", and after "for the next", deleted "year" and added "two-year period".

The 2017 amendment, effective June 16, 2017, provided that the original issuance and renewal of licenses to practice as a hairstylist shall be for a period of one year or less from the date of issuance; in Subsection A, after "barber,", added "hairstylist".

The 2007 amendment, effective June 15, 2007, appropriates \$300,000 from the barbers and cosmetology fund to the board of barbers and cosmetologists for expenditure in fiscal year 2008 for administration of the Body Art Safe Practices Act.

The 1997 amendment rewrote this section to the extent that a detailed comparison is impracticable. Laws 1997, ch. 218 contains no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

Am. Jur. 2d, A.L.R. and C.J.S. references. — 11 Am. Jur. 2d Barbers and Cosmetologists § 12.

61-17A-21. Grounds for refusal to issue, renew, suspend or revoke a license. (Repealed effective July 1, 2026.)

A. The board shall, in accordance with the provisions of the Uniform Licensing Act [[61-1-1 NMSA 1978](#)], 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 [[61-17A-1](#) to [61-17A-24 NMSA 1978](#)];

(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) habitual drunkenness or habitual addiction to the use of habit-forming drugs;
- (6) continuing to practice in or be employed by an establishment, an enterprise, a school or an electrology clinic in which the sanitary regulations of the board, of the department of health or of any other lawfully constituted board, 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 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;
- (13) conviction of a crime involving moral turpitude; or
- (14) aiding, abetting or conspiring to evade or violate the provisions of the Barbers and Cosmetologists Act.

B. Any license suspended or revoked shall be delivered to the board or any agent of the board upon demand.

History: [Laws 1993, ch. 171, § 21](#); [1997, ch. 218, § 15](#).

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25 NMSA 1978](#).

The 1997 amendment, in Subsection A, substituted "continuing to practice in or be employed by an establishment, an enterprise, a school or an electrology clinic" for "continuing to be employed or practicing in an establishment" at the beginning of Paragraph (6) and inserted "enterprise" near the end of Paragraph (6), substituted "default of a licensee" for "notification of a licensee's default" in Paragraph (7), inserted "enterprise, school or electrology clinic" in Paragraph (12), and made a stylistic change in Paragraph (9). Laws 1997, ch. 218 contains no effective date provision, but, pursuant to [N.M. Const., art. IV, § 23](#), is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.

Law reviews. — For note, "On Building Better Laws for New Mexico's Environment," see 4 N.M.L. Rev. 105 (1973).

Am. Jur. 2d, A.L.R. and C.J.S. references. — 11 Am. Jur. 2d Barbers and Cosmetologists § 12.

Bias of members of license revocation board, 97 A.L.R.2d 1210.

53 C.J.S. Licenses § 44.

61-17A-22. Exemptions. (Repealed effective July 1, 2026.)

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 United States army, navy or marine hospital service;
- C. registered nurses;
- D. funeral service practitioners; and
- E. persons providing only eyebrow-threading services.

History: [Laws 1993, ch. 171, § 22](#); [2017, ch. 108, § 2](#).

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25](#) NMSA 1978.

The 2017 amendment, effective June 16, 2017, exempted persons who provide only eyebrow threading services from the provisions of the Barbers and Cosmetologists Act; and added Subsection E.

Am. Jur. 2d, A.L.R. and C.J.S. references. — 11 Am. Jur. 2d Barbers and Cosmetologists § 11.

61-17A-23. Penalties. (Repealed effective July 1, 2026.)

Each of the following constitutes a misdemeanor punishable upon conviction by a fine of less than one thousand dollars (\$1,000) or by imprisonment in the county jail for less than one year, or both, in the discretion of the court:

- A. the violation of any of the provisions of the Barbers and Cosmetologists Act [[61-17A-1](#) NMSA 1978] or a violation of any regulation promulgated pursuant to that act;
- B. obtaining or attempting to obtain a license for money other than the required fee or for any other thing of value or by fraudulent misrepresentations; or
- C. practicing or attempting to practice by fraudulent misrepresentations.

History: [Laws 1993, ch. 171, § 23.](#)

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25](#) NMSA 1978.

Am. Jur. 2d, A.L.R. and C.J.S. references. — 12 Am. Jur. 2d Bribery §§ 4 to 7.

61-17A-24. Criminal offender's character evaluation. (Repealed effective July 1, 2026.)

The provisions of the Criminal Offender Employment Act [[28-2-1](#) NMSA 1978] shall govern any consideration of criminal records required or permitted by the Barbers and Cosmetologists Act [[61-17A-1](#) NMSA 1978].

History: [Laws 1993, ch. 171, § 24.](#)

ANNOTATIONS

Delayed repeals. — For delayed repeal, see [61-17A-25](#) NMSA 1978.

61-17A-25. Termination of agency life; delayed repeal. (Repealed effective July 1, 2026.)

The board of barbers and cosmetologists is terminated on July 1, 2025 pursuant to the Sunset Act [[12-9-11](#) through [12-9-21](#) NMSA 1978]. The board shall continue to operate according to the provisions of the Barbers and Cosmetologists Act until July 1, 2026. Effective July 1, 2026, the Barbers and Cosmetologists Act is repealed.

History: [Laws 1993, ch. 171, § 27](#); [1997, ch. 218, § 16](#); [2001, ch. 100, § 1](#); [2005, ch. 208, § 15](#); [2013, ch. 166, § 4](#); [2019, ch. 168, § 2.](#)

ANNOTATIONS

The 2019 amendment, effective July 1, 2019, extended the termination date for the board of barbers and cosmetologists; and changed "July 1, 2019", to "July 1, 2025", and changed "July 1, 2020", to "July 1, 2026".

The 2013 amendment, effective June 14, 2013, changed the agency termination date from 2013 to 2019, the termination of the operations date from 2014 to 2020, and the repeal date from 2014 to 2020.

The 2005 amendment, effective June 17, 2005, changes the termination, operation and repeal dates.

The 2001 amendment, effective July 1, 2001, extended the life of the board of barbers and cosmetologists by changing the termination date of the board from July 1, 2001 to July 1, 2005 and delaying the repeal of the Barbers and Cosmetologists Act from July 1, 2002 to July 1, 2006.

The 1997 amendment substituted "July 1, 2001" for "July 1, 1998" in the first sentence and substituted "July 1, 2002" for "July 1, 1999" in the second and third sentences. Laws 1997, ch. 218 contains no effective date provision, but, pursuant to **N.M. Const., art. IV, § 23**, is effective June 20, 1997, 90 days after adjournment of the legislature. See Volume 14 NMSA 1978 for "Adjournment Dates of Sessions of Legislature" table.



**STATE OF NEW MEXICO
BARBER EXAMINATIONS**



CANDIDATE INFORMATION BULLETIN

This *Candidate Information Bulletin* ("CIB") is intended for your use in preparing for and understanding the processes and procedures for applying for licensure and scheduling to test. The New Mexico Board for Barbers and Cosmetology (the "Board") is responsible for licensing and regulating the profession of barber in the State of New Mexico. The Board has contracted with Professional Credential Services ("PCS") to provide administrative examination services. The Board, through PCS, will exclusively use the National-Interstate Council of State Boards of Cosmetology ("NIC") examinations. The Board first requires the submission of an Examination & License Application ("Application"). This is required to determine your eligibility for testing. Any questions regarding your application or eligibility should be directed to PCS.

(U.S. Postal Service)

Professional Credential Services
New Mexico Cosmetology Coordinator
P.O. Box 198768
Nashville, Tennessee 37219-8689
Toll-free: (888) 822-3272
E-mail: nmcos@pcshq.com

(Courier Delivery)

Professional Credential Services
New Mexico Cosmetology Coordinator
150 Fourth Avenue North Suite, 800
Nashville, Tennessee 37219
Fax: (615) 846-0153
Web site: www.pcshq.com

New Mexico Regulation and Licensing Department
Board of Barbers and Cosmetologists
2550 Cerrillos Road, 2nd Floor
P.O. Box 25101
Santa Fe, New Mexico 87504
Phone: (505) 476-4690
Fax: (505) 476-4645
Web site: www.rld.state.nm.us/BarbersCosmetologists

Eligibility Requirements: A candidate who wishes to obtain a barber license must pass 3 examinations: **practical**, **theory** and **State Law theory**. To qualify to take these examinations, a candidate **must**:

1. Be at least 17 years old;
2. Have successfully completed a **1,200-hour** course of instruction in a licensed school of barbering.

Required Documentation: Must submit with the examination application:

1. **Proof of age:** (copy of driver's license, birth certificate, Visa or passport). **DO NOT SEND ORIGINALS.**
2. **New Mexico Training Affidavit:** An official transcript of hours completed from the school attended. This transcript must include a curriculum breakdown of hours and the official school seal. Transcript of hours showing that the training hours were completed within the preceding twenty-four months.

Crossover Eligibility Requirements:

Cosmetology to Barber: A New Mexico licensed Cosmetologist who is looking to acquire a Barber license.

If you hold a COSMETOLOGY license and want a BARBER license you **must**:

- A. Provide proof of successfully completing a **50-hour** course of instruction in beard trimming and shaving in a licensed school.

Once you have been determined eligible, you must take and pass the **Shaving** portion of the practical examination.

Reciprocity: If you hold a license in a state other than New Mexico, then contact the board at (505) 476-4690.

Reinstatement:

1. If you hold a license that has been expired for less than one year, then contact the board at (505) 476-4690.
2. If you hold a license that has been expired for more than one year yet less than five years, then complete a PCS application (Applications are available online at www.pcshq.com). You are required to take and pass the **practical** examination.
3. If you hold a license that has been expired for more than five years, then contact the board at (505) 476-4690.

How to Apply: Complete all areas on the examination application and attach requested documentation.

Specifically:

1. Fees should be submitted with the examination application and made payable to PCS in the form of a cashier's check, money order, or credit card. **Personal checks are not accepted.**
2. If the name on the first page of the examination application differs from any supporting eligibility documentation that is submitted to PCS, you **must** provide legal documentation connecting the former name to the current name (marriage certificate, divorce decree, or court order).
3. **Special Accommodations:** If you need special accommodations under the **Americans with Disabilities Act**, you must make the request at the time you submit your examination application to PCS, along with supporting medical documentation. The request and documentation will be reviewed and approved by PCS. You may obtain an ADA Accommodations Form online at www.pcshq.com or from your school.
4. Examination application and all required documentation must be received no later than 15 business days prior to the date you wish to take a practical examination.

Fees: Fees will be paid to PCS and submitted with your examination application. Fees are as follows:

Theory \$115

Practical \$60

Both Theory & Practical \$175

Approval Process: If approved, you will receive notification from PCS.

You will receive an **Admission Notice** for the practical examination you are scheduled for approximately 10 days prior to the actual practical test date at the location you select. If you do not receive your Admission Notice via mail on the Monday prior to the approved examination date, please call PCS for further instructions. Any questions regarding scheduling for the practical examination must be directed to PCS. Do **not** call the Board office.

Approval process (continued):

You will receive an **Authorization to Test (ATT)** for the theory examination as soon as you have been approved to test. If you do not receive your ATT via mail within 7 days, please call PCS to verify your mailing address is correct.

If you are **not** approved because of an incomplete application, discrepancies, missing documentation, including signatures, you will be contacted by PCS and your application will be pending until you make the necessary and requested corrections. If you mail any documentation separate and apart from the application, please make reference to this on your information.

YOUR APPLICATION FOR EXAMINATION AND LICENSURE WILL NOT BE CONSIDERED UNTIL THE ENTIRE PACKET IS COMPLETE.

How to Schedule For and Take the Theory Examination: Upon receipt of your ATT, you may request to take the theory examination by contacting PSI Testing Center at www.psiexams.com or at 800-733-9267. An ATT **cannot be faxed** to you or to the PSI site.

Internet Scheduling

For the fastest and most convenient test scheduling process, PSI recommends that candidates register for their examinations using the Internet. Candidates register online by accessing PSI's registration website at www.psiexams.com. Internet registration is available 24 hours a day. In order to register by Internet, complete the steps below:

Log onto PSI's website. Complete the associated registration form online and submit your information to PSI via the internet.

Upon completion of the online registration form, you will be given the available examination dates and locations for scheduling your examination. Select your desired testing date and location.

Telephone Scheduling

The second fastest method of scheduling is via the telephone with PSI's Interactive Voice Response system (IVR) during non-business hours, or through live registrars during business hours.

Call 800-733-9267, 24 hours a day and register using the Automated Registration System. Otherwise, PSI registrars are available Monday through Friday, between 7:30am and 8:00pm and Saturday, between 11:00am and 5:00pm, Eastern Time, to schedule your appointment for the examination.

Theory examinations are offered on a daily basis using a computer-based testing platform. Since PSI tests for many different professions, please allow three business days between the time you call to schedule your examination and the time you wish to sit for the examination. A "seat" may not be available at the time you wish to test if there is not sufficient lead-time in placing your scheduling call. There are several PSI Testing Centers throughout New Mexico, however, you can examine at any PSI test center located throughout the United States. You may access test center information at www.psiexams.com. Maps and test center hours are available from this web site as well.

You will take your theory examination on a personal computer. You select answers either by using a mouse or the keyboard. Please visit www.psiexams.com for additional information on computer-based testing. If you encounter any problems with the computer, you should notify the test administrator. You will be given 90 minutes to complete the entire examination. Examination questions are multiple-choice with one correct answer and three incorrect responses. There is no penalty for guessing. You must attain a score of 75 or higher to achieve a passing score on the theory examination. PSI personnel have no knowledge of, are not responsible for, and cannot answer questions about the content of the examinations, references, passing scores, etc.

Theory and Practical Examination Admission Requirements:

You must register for your examination with your LEGAL first and last name as it appears on your government issued identification. All required identification below must match the first and last name under which you registered. Candidates are required to bring **a recent 2"x2" passport type photo** and **two (2) forms of valid (non-expired) identification** to the test site. One of the identifications presented must be Government issued identification with photograph and signature. Photocopies of identification will **NOT** be accepted. Candidates must present two forms of ID: One Primary and One Secondary.

PRIMARY IDENTIFICATION – Choose One

- State issued driver's license
- State issued identification card
- US Government issued Passport
- US Government issued Military Identification Card
- US Government issued Alien Registration Card

SECONDARY IDENTIFICATION – Choose One

- Credit card (must be signed)
- Social Security Card
- US issued Birth Certificate

***NOTE:** Student ID and employment ID are **NOT** acceptable forms of identification.

Candidates must register with the full legal name as it appears on their government issued identification. The name on the identification must be the same as the name used to register for the examination. If the candidate fails to bring proper identification or the candidate names do not match, the candidates will not be allowed to test and their examination fee will not be refunded.

It is your responsibility to arrive at the test center on time. Candidates will not be permitted into the examination room after your scheduled testing time. It is strongly suggested that you visit the site before the day of the examination in order to become familiar with the route and the travel time. Candidates are not permitted to bring anyone into the examination room. Candidates are not permitted to talk to one another once inside the examination room.

General Policies and Procedures for Theory and Practical Examinations:

Security Policies: Suspected security breaches during either the theory or practical test administrations, such as an act of impersonation, creating a disturbance, giving or receiving unauthorized information or aiding other candidates, attempting to remove test information by any means, possessing prohibited materials or sharing supplies may be sufficient cause to dismiss you from the examination site or to invalidate or cancel your scores. Suspected breaches may be identified by observation or suspicion by the test center staff, or may be evidenced by subsequent statistical analysis of examination materials. PCS reserves the right to investigate each incident of misconduct and will report such incidents directly to the Board. The Board will make all final decisions on examination score invalidations or cancellations. **No visitors, guests or children are allowed in the test center.**

Copyrighted Examination Questions: All test questions are the express copyrighted property of NIC. It is forbidden under federal copyright law to copy, reproduce, record, distribute or display these test questions by any means, in whole or in part. Doing so may subject you to severe civil and criminal penalties, including prison incarceration and/or fined up to \$250,000 for criminal violations.

Prohibited Items: No food, beverages, purses, notebooks, magazines, backpacks, briefcases, hats, caps, reference books or electronic devices such as cameras, computers or computerized devices, walkmans, ipods, radios, recording devices, portable fax machines, cellular telephones, calculator watches, reproduction equipment, beepers or pagers are permitted in the examination room. If any of the aforementioned items are found in a candidate's possession, the Test Center Administrator will collect the item until the end of the examination and provide an incident report of the incident to the Board and PCS. Smoking or the use of tobacco is strictly prohibited in the examination room. PCS is not responsible for **any** personal items brought into the examination site.

Environmental Distracters: Although every attempt is made to provide a quiet and comfortable test environment, noise and room temperature may be an unforeseen and unavoidable distracter. It is suggested that you wear the type of clothing that would allow you to adapt to a cooler or warmer climate at the testing site.

Emergency Policy: In the event of inclement weather or similar emergency, a scheduled examination may be canceled or delayed. However, this decision is made only in rare instances and at the discretion of PCS and/or PSI. If a test center is open for testing, and you choose not to appear for your scheduled examination, your fee will be forfeited. You will have to reschedule your appointment and resubmit the appropriate fee to PCS. If you have reason to question whether or not a center will be closed due to an emergency, please call PCS to make inquiries regarding the practical examination and PSI for inquiries regarding the theory examination.

Refunds and Rescheduling Policies: You may reschedule for the theory examination without losing your fee **if** you contact PSI within three working days **prior** to your scheduled examination date. If you reschedule **after** the three-day window, you will forfeit your fee. **NOTE:** A voicemail message is not an acceptable form of cancellation. Please use the internet, automated telephone system or call PSI and speak to a Customer Service Representative. Rescheduling is **not** permitted for the practical examination unless you are hospitalized or are involved in a traffic accident on the way to the test center that prevents you from arriving on time. Refunds are **not** issued nor are fees transferable for either the theory or practical examinations. Documentation of the above-noted exceptions is required.

Score Information: When you complete the theory examination, the computer will print out an unofficial "Pass" or "Fail" Score Report. For failing candidates, this will include a strength and weakness report by major content areas. For the theory examination, a score of 75 is required in order to pass. If your score report does not print out because of technical problems, a score report will be provided to you within 24 hours after you test.

The official pass or fail results of the theory and practical examination will be mailed to you by first-class mail 10 business days after you take the examination. Failing candidates will receive a strength and weakness report, as well as information on how to retest. For the practical examination, an overall score of 75 must be achieved.

Confidentiality: Test results are confidential and are not provided over the telephone.

Passing Candidates: When you have passed both the theory and the practical examinations, you will be provided with a **Licensure Fee Notice** with your score. Please mail this form with the required fees to the NM Board for your license. Please be sure to notify PCS of any mailing address changes. Once you have met all licensure requirements please allow the Board 30 business days to process and mail your license. It is not necessary to notify the Board that you have passed an examination; the Board is provided candidate scores on a daily basis.

Failing Candidates: If you fail the examination or are absent, you must reapply and resubmit fees to PCS by calling: 1-888-822-3272.

Expiration of Training Hours: Pursuant to New Mexico Regulation 16.34.2.8A(2)(c) All required examinations must be taken and passed within 24 months of the date training was completed. After 24 months, you are required to complete a minimum of 150 hours of remedial education; upon completion, you must submit a new application to PCS along with proof of completing these additional hours. You must also pass a **practical, theory and state law** examination.

IT IS THE CANDIDATES RESPONSIBILITY TO FAX, MAIL, OR E-MAIL ANY CHANGE OF ADDRESS TO THE NEW MEXICO COSMETOLOGY COORDINATOR AT PCS AND THE NEW MEXICO STATE BOARD OF COSMETOLOGY.

*******STATE GUIDELINES*******

National-Interstate Council of State Boards of Cosmetology (NIC):

Please visit www.nictesting.org/cand_info.htm for the most current theory and practical content outline of the Barber Styling examination.

Practical Examination:

The New Mexico State Board of Cosmetology and Barbers require candidates to be examined in the following services:

Core Domain Services

Set Up and Client Protection
Shaving with a Straight Razor
Haircutting
Chemical Waving
Hair Lightening/Coloring
Chemical Relaxing

Mannequins:

A mannequin is required for all services. The candidate must provide the necessary clamp to properly secure a mannequin head to a table during the examination.

Aerosol Products:

Candidates are not permitted to use aerosol products at anytime during the examination.

Kit Size:

Recommended kit size is no larger than 30"x30". For safety reason all kits must be able to fit completely under the table area.

Approval Process (continued):

You will receive an **Authorization to Test (ATT)** for the theory examination as soon as you have been approved to test. If you do not receive your ATT via mail within 7 days, please call PCS to verify your mailing address is correct.

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Prohibited Items: No food, beverages, purses, notebooks, magazines, backpacks, briefcases, hats, caps, reference books or electronic devices such as cameras, computers or computerized devices, walkmans, ipods, radios, recording devices, portable fax machines, cellular telephones, calculator watches, reproduction equipment, beepers or pagers are permitted in the examination room. If any of the aforementioned items are found in a candidate's possession, the Test Center Administrator will collect the item until the end of the examination and provide an incident report of the incident to the Board and PCS. Smoking or the use of tobacco is strictly prohibited in the examination room. PCS is not responsible for **any** personal items brought into the examination site.

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National-Interstate Council of State Boards of Cosmetology (NIC):

Please visit www.nictesting.org/cand_info.htm for the most current theory and practical content outline of the Cosmetology examination.

Practical Examination:

The New Mexico State Board of Cosmetology and Barbers requires candidates to be examined in the following services:

Core Domain Services

- Set Up and Client Protection
- Thermal Curling
- Haircutting
- Chemical Waving
- Virgin Hair Lightening Application and Hair Color Retouch
- Virgin Relaxer Application and Relaxer Retouch

Mannequins:

A mannequin is required for all services. The candidate must provide the necessary clamp to properly secure a mannequin head to a table during the examination.

Thermal Curling Irons:

Candidates will use a **cold** curling iron for the Thermal Curling section of the practical examination.

Aerosol Products:

Candidates are not permitted to use aerosol products at anytime during the examination.

Kit Size:

Recommended kit size is no larger than 30"x30". For safety reason all kits must be able to fit completely under the table area.

MMA:

Due to health and safety issues associated with Methyl Methacrylate Polymers (MMA), it is required that odorless sculptured nail products be used for the practical examination.