

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Barbers and Cosmetologists will hold a rule hearing on Monday, November 15, 2021, at 9:30 a.m. Following the rule hearing, the Board will convene a regular board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held at the Regulation and Licensing Department, 2550 Cerrillos Road, Santa Fe, NM, in Hearing Room I for those desiring to attend in person.

Face masks are required to be worn in the Toney Anaya Building for all in-person attendees.

The meeting will also be held via Cisco Webex Meetings for those desiring to attend virtually.

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e90e0736d11a7ea995eae79f4d986e9e7>

To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 2482 311 1310

The purpose of the rule hearing is to consider proposed amendments to the following rules:

16.34.2 NMAC – Licensing

16.34.14 NMAC – Fees

16.34.17 NMAC – Licensure for Military Service Members, Spouses, Dependent Children and Veterans

To obtain and review copies of the proposed changes and public comments, you may go to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/barbers-and-cosmetologists-overview/bc-board-information/bc-board-meetings/> or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Amanda Lewis, Team Leader, via electronic mail at: barber.cosmoboard@state.nm.us, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Monday, November 13, 2021. Written comments received prior to the rule hearing will be posted within three business days to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/barbers-and-cosmetologists-overview/bc-laws-rules-and-policies/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/barbers-and-cosmetologists-overview/bc-board-information/bc-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Amanda Lewis, Team Leader at (505) 476-4622.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Amanda Lewis, Team Leader (505) 476-4622.

Statutory Authority: The Barbers and Cosmetologists Act, NMSA 1978, Sections 61-17A-1 to 61-17A-25. Section 61-17A-7 (A)(1) specifically provides that the board shall “adopt and file, in accordance with the State Rules Act, rules necessary to carry out the provisions of the Barbers and Cosmetologists Act.” Additional language authority for this rulemaking can be found in the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 to 36.

Purpose of the Proposed Rules: The purpose of the rule hearing is to receive written and oral comments from the public on proposed rules amending 16.34.2 NMAC – Licensing to comply with 2021 legislative changes made during the special session in SB2 Expungement of Certain Records signed into law by the Governor Lujan Grisham on April 12, 2021, amending 16.34.14 NMAC – Fees to comply with legislation passed in 2019, changing the

renewal period for all practitioners from one year to a two year cycle and adding a new part to the rules, 16.34.17 NMAC - Licensure for Military Service Members, Spouses, Dependent Children, and Veterans to comply with 2021 legislative changes made during the regular session in HB 120 Military Spouses Expedited Licensure signed into law by Governor Lujan Grisham on April 6, 2021.

Summary of Proposed Changes:

16.34.2 NMAC – Licensing

The amendments to this part is to add a new section to the rule to be in compliance with the 2021 legislative change regarding SB2 Expungement of Certain Records. The proposed rule sets out what criminal felony convictions directly relate to the particular employment, trade, business or profession of podiatry that may disqualify the applicant or licensee from holding a license. The rule also defines how the conviction may and may not be used when reviewing an application for licensure or for violation of Board statute or rules by a current licensee.

16.34.14 NMAC – Fees

The amendments to this part is to add the work biennial renewal and adjust the fees as listed accordingly. There is no change to the fee amount, however there is a change to the renewal period timeframe. This means the same fee is required, however the fee is collected every two years (rather than every year). The two year renewal requirement was implemented during the 2019 legislative session and codified at NMSA 1978, Section 61-17A-20.

16.34.17 NMAC - Licensure for Military Service Members, Spouses, Dependent Children and Veterans

The new part includes language originally listed in part 16.34.2 NMAC. New language is also added in compliance to the 2021 legislative change regarding HB120 Military Spouses Expedited Licensure. The proposed rule changes the time for approving an application for license from sixty days to thirty days and removes "recent" from the definition of veteran. The rule also sets out application and renewal requirements.