

This is an amendment to 16.34.2 NMAC, Sections 7, 13, 14 and 15, effective 4/15/2022.

**16.34.2.7 DEFINITIONS:**

- ~~A. Military service member: means a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard.~~
- ~~B. Recent veteran: means a person who has received an honorable discharge or separation from military service within the two years immediately preceding the date the person applied for an occupational or professional license pursuant to this section.]~~

**RESERVED**

[16.34.2.7 NMAC - Rp 16 NMAC 34.2.7, 6/16/2001; A, 12/17/2015; A, 4/15/2022]

**16.34.2.13 ~~[EXPEDITED LICENSURE—MILITARY SERVICE MEMBERS, SPOUSES & VETERANS:~~**

- ~~A. Applications shall be completed on a form provided by the board.~~
- ~~B. The information shall include:
  - ~~(1) Completed application and fee pursuant to 16.34.2 NMAC.~~
  - ~~(2) Satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of armed forces of the United States, that has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license the applicant applies for pursuant to Chapter 61, Articles 2 through 34 NMSA 1978.~~
  - ~~(3) Proof of honorable discharge (DD214) or military ID card or accepted proof of military spouse status.~~~~
- ~~C. Electronic signatures will be acceptable for applications submitted pursuant to 16.34.1 NMAC through 16.34.16 NMAC.~~
- ~~D. Renewal for a license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for the issuance set forth in 16.34.2 NMAC pursuant to Chapter 61, Articles 2 through 34 NMSA 1978.]~~ **RESERVED**

[16.34.2.13 NMAC - N, 12/17/2015; Repealed, 4/15/2022]

**16.34.2.14 ~~[RENEWALS EXPEDITED LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES & VETERANS:~~**

- ~~A. Timely renewal of license(s) is the full and complete responsibility of the LICENSEE. Failure to renew the license by the expiration date will result in late fees or reexamination as set forth in the act.~~
- ~~B. Practitioner licenses expire every year, at the end of the practitioner's birth month.~~
- ~~C. A licensee, with a valid instructor license for the preceding 12 months, may use the instructor license to renew or reinstate his original practitioner license.~~
- ~~D. The board will issue renewal licenses within fifteen working days of receipt of the renewal request and applicable fee.~~
- ~~E. Electronic signatures will be acceptable for applications submitted pursuant to 16.34.1 NMAC through 16.34.16 NMAC.]~~ **RESERVED**

[16.34.2.14 NMAC - N, 12/17/2015; Repealed 4/15/2022]

**16.34.2.15 CRIMINAL CONVICTIONS:**

- A. Felony convictions for any of the following offenses, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving or retaining a license issued by the board:
  - (1) homicide or manslaughter;
  - (2) kidnapping, false imprisonment, aggravated assault or aggravated battery;
  - (3) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses;
  - (4) crimes involving child abuse or neglect;
  - (5) crimes involving fraud, forgery, embezzlement, credit card fraud, or receiving stolen property; or

(6) an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.

B. The board shall not consider the fact of a felony criminal conviction as part of an application for licensure unless the felony conviction in question is one of the disqualifying felony criminal convictions listed in Subsection A of this rule.

C. The board shall not deny, suspend or revoke a license on the sole basis of a felony criminal conviction unless the felony conviction in question is one of the disqualifying felony criminal convictions listed in Subsection A of this rule.

D. Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Barbers and Cosmetologists Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying felony criminal convictions listed in Subsection A of this rule.

E. In connection with an application for licensure, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

(1) an arrest not followed by a valid conviction;

(2) a conviction that has been sealed, dismissed, expunged or pardoned;

(3) a juvenile adjudication; or

(4) a conviction for any crime other than the disqualifying criminal convictions listed in

Subsection A of this rule.

[16.34.2.15 NMAC - N, 4/15/2022]