

This is an amendment to 16.34.1 NMAC, Section 7, effective July 16, 2004.

16.34.1.7 DEFINITIONS: As used in the Barbers and Cosmetologists Act:

- A. "applicant" means a person who has applied for a license;
- B. "approval number" means the number assigned by the board to designate an approved provider;
- C. "approved" means accepted as a provider by the board;
- D. "barber" means a person, other than a student, who for compensation engages in barbering;
- E. "barbering" means shaving or trimming the beard or cutting the hair, curling and waving, including permanent waving, straightening the hair, giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances, shampooing, bleaching or dyeing the hair or applying tonics or applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, neck or upper part of the body, caring for and servicing wigs and hair pieces or removing of unwanted hair except by means of electrolysis;
- F. "board" means the board of barbers and cosmetologists;
- G. "booth establishment license" means a license required of an individual who rents space within another licensed establishment for the purpose of rendering licensed services as a separate, independent business.
- H. "branch campus/additional location" the board does not recognize branch campuses or additional locations in the same manner as some accrediting agencies or the US department of education; a school may be approved by other such oversight agencies as a "branch" or an "additional location;" however, they must be approved by the board as a separate school with a stand-alone license;
- I. "contact hour" means one contact hour equals a minimum of fifty minutes of instruction;
- J. "cosmetologist" means a person, other than a student, who for compensation engages in cosmetology;
- K. "cosmetology" means 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, using cosmetic preparations, antiseptics, tonics, lotions or creams or massaging, cleansing, stimulating, manipulating, beautifying or performing similar work on the body of a person, manicuring and pedicuring the nails of a person, caring for and servicing wigs and hair pieces or removing of unwanted hair except by means of electrolysis;
- L. "current work experience" means verified work that has occurred within the previous five years;
- ~~M. "demonstrator" means a person who may not hold a current license in this state or any state who demonstrates a product or technique for the sole purpose of promoting and/or retailing the product or technique to the public, members of the profession and their clients, renders services only incidental to the promotion of the product or technique and receives no compensation of any kind from the subject (model) in connection with the promotion, although compensation may be received from the licensees or sponsors of such demonstrations;]~~
- ~~N.]M.~~ "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;
- ~~O.]N.~~ "enterprise" means a business venture, firm, or organization
- ~~P.]O.~~ "expansion campus facility" means any separate classroom or clinic used for educational purposes that is separate, detached and apart from the primary facility and main address; its purpose is to allow the licensed school to provide adequate space to train students who are enrolled through the primary facility;
- ~~Q.]P.~~ "establishment" means an immobile beauty shop, barbershop, electrolysis clinic, salon or similar place of business in which cosmetology, barbering or electrolysis is performed;
- ~~R.]Q.~~ "esthetician" means a person, other than a student, who for compensation uses cosmetic preparations, including makeup applications, antiseptics, powders, oils, clays or creams or massaging, cleansing, stimulating or manipulating the skin for the purpose of preserving the health and beauty of the skin and body or performing similar work on any part of the body of a person;
- ~~S.]R.~~ "executive director" means the director for the board;
- ~~T.]S.~~ "guest artist" means a non-resident who is granted permission to promote a product or technique in New Mexico for a limited time in accordance with rules adopted by the board;
- ~~U.]T.~~ "HSD" means the New Mexico human services department;
- ~~V.]U.~~ "instructor" means a person licensed to teach in a school of cosmetology, barbering or in a school of electrolysis;
- ~~W.]V.~~ "license" means a certificate, permit or other authorization to engage in each of the professions and occupations regulated by the boards enumerated in Subsection A of the Act;

~~[X-]~~W. "main campus" means a school, which has been licensed by the board for the three most recent years; any change in location of the main campus must comply with the procedures set forth in 16.34.8 NMAC of these rules; the main campus includes the primary facilities and any separate or detached expansion campus facility of the primary training site;

~~[Y-]~~X. "manicurist-esthetician" means a person, other than a student, who for compensation performs work on the nails of a person, applies nail extensions or products to the nails for the purpose of strengthening or preserving the health and beauty of the hands or feet and who uses cosmetic preparations, including makeup applications, antiseptics, powders, oils, clays or creams or massaging, cleansing, stimulating or manipulating the skin for the purpose of preserving the health and beauty of the skin and body or performing similar work on any part of the body of a person;

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

~~[AA-]~~Z. "manicurist-shampooer" means a person who for compensation performs work on the nails of a person, applies nail extensions or products to the nails for the purpose of strengthening or preserving the health and beauty of the hands or feet and practices the art of shampooing, application of conditioners, rinses and scalp manipulations to the hair and scalp of a person and on artificial hair;

~~[BB-]~~AA. "outreach enterprise" means an independent mobile unit, or system of units, equipped with or carrying both professional and special equipment used by a professional licensee of this act to a site or premises for the purpose of providing professional services to the handicapped, restricted, homebound, impaired, incapacitated, delicate, or otherwise constrained client.

~~[CC-]~~BB. "provider" means the person, firm, corporation, institution or agency approved to conduct or sponsor a continuing education program and ensure its integrity;

~~[DD-]~~CC. "revoke a license" means to prohibit the conduct authorized by the license;

~~[EE-]~~DD. "sanitation" means the maintenance of sanitary conditions to promote hygiene and the prevention of disease through the use of chemical agents or products;

~~[FF-]~~EE. "school" means a public or private instructional facility approved by the board that teaches cosmetology or barbering;

~~[GG-]~~FF. "[~~state~~ statement of compliance" means a certified statement from HSD stating that an applicant or licensee is in compliance with a judgment and order for support;

~~[HH-]~~GG. "statement of non-compliance" means a certified statement from HSD stating that an applicant or licensee is not in compliance with a judgment and order for support.

~~[H-]~~HH. "student" means a person enrolled in a school to learn or be trained in cosmetology, barbering or electrolysis;

~~[J-]~~II. "suspend a license" means to prohibit, for a stated period of time, the conduct authorized by the license; "suspend a license" also means to allow for a stated period of time the conduct authorized by the license subject to conditions that are reasonably related to the grounds for suspension;

~~[KK-]~~JJ. "temporary license" means a person, not licensed, who engages in the occupation of or teaches barbering, cosmetology or electrology by authority granted under special permission of the board; and

~~[LL-]~~KK. "verified work experience" means work experience in the applicable discipline in a licensed establishment, enterprise or electrology clinic as verified by:

- (1) certified and notarized statement by employer(s);
- (2) certified and notarized statement by licensed co-worker(s);
- (3) certified and notarized statement by client(s);
- (4) certified and notarized copies of tax returns;
- (5) certified and notarized copies of W-2's; or
- (6) other related form(s) of documentation.

[16.34.1.7 NMAC - Rp 16 NMAC 34.1.7, 06-16-01; A, 07-16-04]