

HOUSE BILL 557

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

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AN ACT

RELATING TO BOARDS; ADDING THE POWER TO ISSUE CEASE AND DESIST ORDERS TO THE BOARD OF BARBERS AND COSMETOLOGISTS; ADDING CRIMINAL MISDEMEANOR PENALTIES TO THE BODY ART SAFE PRACTICES ACT.

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

SECTION 1. Section 61-17A-7 NMSA 1978 (being Laws 1993, Chapter 171, Section 7, as amended) is amended to read:

"61-17A-7. BOARD POWERS AND DUTIES.--

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 and the Body Art Safe Practices Act;

(2) establish fees;

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1 (3) provide for the examination, licensure and
2 license renewal of applicants for licensure;

3 (4) establish standards for and provide for
4 the examination, licensure and license renewal of manicurists-
5 pedicurists, estheticians, electrologists and body artists and
6 operators pursuant to the Body Art Safe Practices Act;

7 (5) adopt a seal;

8 (6) furnish copies of rules and sanitary
9 requirements adopted by the board to each owner or manager of
10 an establishment, enterprise or school;

11 (7) keep a record of its proceedings and a
12 register of applicants for licensure;

13 (8) provide for the licensure of barbers,
14 cosmetologists, manicurists-pedicurists, estheticians, body
15 artists and operators pursuant to the Body Art Safe Practices
16 Act, electrologists, instructors, schools, enterprises and
17 establishments;

18 (9) establish administrative penalties and
19 fines;

20 (10) create and establish standards and
21 fees for special licenses;

22 (11) establish guidelines for schools to
23 calculate tuition refunds for withdrawing [~~student; and~~]
24 students;

25 (12) hire an administrator and other such

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1 staff as necessary to carry out the provisions of the Body Art
2 Safe Practices Act; and

3 (13) issue cease and desist orders to persons
4 violating the provisions of the Barbers and Cosmetologists Act
5 and the Body Art Safe Practices Act.

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

8 C. A member of the board, its employees or agents
9 may enter and inspect a school, enterprise or establishment at
10 any time during regular business hours for the purpose of
11 determining compliance with the Barbers and Cosmetologists Act
12 and the Body Art Safe Practices Act."

13 SECTION 2. Section 61-17B-11 NMSA 1978 (being Laws 2007,
14 Chapter 181, Section 11) is amended to read:

15 "61-17B-11. ENFORCEMENT--PENALTIES--

16 A. The board may seek relief in district court to
17 enjoin the operation of a body art establishment or the
18 practice of a body artist not in compliance with the Body Art
19 Safe Practices Act.

20 B. The district court may impose a civil penalty
21 not exceeding five hundred dollars (\$500) for a violation of
22 the Body Art Safe Practices Act. Each violation of the
23 provisions of the Body Art Safe Practices Act constitutes a
24 separate offense.

25 C. The board may promulgate rules imposing a

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1 schedule of penalties for violations of the Body Art Safe
2 Practices Act, provided that no penalty exceeds one hundred
3 fifty dollars (\$150).

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

8 (1) the violation of any of the provisions of
9 the Body Art Safe Practices Act or a violation of any
10 regulation promulgated pursuant to that act;

11 (2) obtaining or attempting to obtain a
12 license for money other than the required fee or for any other
13 thing of value or by fraudulent misrepresentation; or

14 (3) practicing or attempting to practice by
15 fraudulent misrepresentation."