

March 23, 2021

The National Interstate Council of State Boards of Cosmetology (NIC) would like to thank you for the opportunity to provide comments.

NIC is a national non-profit organization that promotes a national forum for collaborating and sharing national standards to promote uniformity in regulation and testing throughout the United States. NIC serves and supports states on a national basis to encourage and promote the protection of the health, safety and welfare of the public while promoting portability opportunities to the barber, cosmetology, manicure and esthetics professions.

Proposed HB 1426 appears to cross over into the current definition of Cosmetology. The proposed definition for hair styling could fall under the statement "it involves the use of tools and/or chemicals which may be dangerous when mixed or applied improperly." In addition, the proposed definition of hair styling also includes mechanical devices and products, which could open it up to provide the ability to utilize many different tools and/or products that are dangerous if not trained correctly. The definition also includes arranging, curling, straightening or styling hair, which could also result in burns and/or spread of infections if the tools are not cleaned and disinfected appropriately.

I would also argue there is not a need for a separate definition of cosmetic application as the North Dakota law already allows for exemptions for: "Services provided by retailers or their sales personnel trained in the demonstration of cosmetics application, beauty aid, or equipment, if the cosmetics are applied only with disposable applicators that are discarded after each customer demonstration. The board may adopt rules to ensure sanitary conditions for services provided under this exemption".

The proposed language states *"The board shall certify an individual who performs only hairstyling and cosmetic application as a niche beauty services provider. The board may require a certificate holder to complete a board approved four-hour course in health, safety, and infection control and state law. A certificate holder is not licensed under this chapter as a cosmetologist, esthetician, or manicurist. A facility at which a niche beauty services provider provides hairstyling and cosmetic services is not subject to regulation under this chapter."*

The proposed language **does not meet** the national standard for education, testing and licensing requirements and will put consumers at risk. It will also prevent portability of licensure for North Dakota licensees as no other state or jurisdiction allows this type of practice. NIC recommends the State of North Dakota not develop a definition that will prevent portability of licensure as there are not other states that have this type of regulation.

We are happy to share national standards and best practices with states and jurisdictions and are available to provide additional information at your request.

Respectfully,
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