

# House Bill No. 1126

House Industry, Business and Labor Public Hearing  
January 13, 2025 9:00am  
327C Room – ND State Capital

Good morning Committee Members,

I am Miranda Nichols, a licensed Master Esthetician and business owner. I have been an actively practicing esthetician since 2014. In relation to HB 1126 I would like to offer perspective and facts to better able the committee to decide what would benefit the citizens and workforce of North Dakota. I both support and oppose various aspects of the bill. The esthetics side of the beauty industry has been rapidly evolving over the past two decades and the regulatory side has been consistently interfering with the success of small businesses by making prohibitory changes to the statutes that are too relevant to the now and allow little to no room for the ever-evolving industry changes. The core purpose of the regulatory board is to ensure the safety of the consumer. In my opinion prioritizing blood borne pathogen, first aid and cpr requirements while allowing more freedom in the practice of cosmetology and esthetics would be a fair way to allow less prohibitory regulations that interfere with the economic liberty of small businesses. This would allow for the industry to evolve as it does without being held back by statutes that are no longer relevant.

## **43-11-01. Definitions**

I support the changes in the percentages of acids to better align with the standard and accepted formulas of the industry. Specifically, I support Resorcinol being permitted up to 15% as this allows for the use of one of the staples of facial peels, the Jessners peel. This almost century old peel formula has been a mainstay in esthetics since its introduction. This peel is proven to be safe and reliable time and time again.

## **43-11-04. Members of board - Qualifications**

I support the addition of additional members and the broadening of qualifications. The esthetic industry is a quickly evolving industry and it is vital that the board commits a seat to a person who is actively working and keeping an eye on the future of esthetics to allow our state to remain a desirable place for licensees to work while still prioritizing consumer safety.

## **43-11-16.1. Internships and apprenticeship programs**

I support apprenticeships in rural areas where access to a state licensed school is unattainable. Any person residing within 60 miles of a state licensed school should be ineligible for an apprenticeship. This is a reasonable commute and an education in a traditional regulated educational setting should be prioritized. This ensures a more consistent education to those

entering the field to help increase their chances of success and maintains that consumer safety is a priority.

**SECTION 30. A new section to chapter 43-11 of the North Dakota Century Code is created and enacted as follows: License requirements - Additional certifications for advanced estheticians**

I support the introduction of an advanced practice license. Allowing different levels of licensing lowers the barriers to entry in the field while still supporting the full scope of the field. This not only supports the economic success of all licensees but also protects the consumer.

I don't support allowing the board of cosmetology to require Red Cross sponsored certifications. There are many programs that meet the appropriate health standards and are organizationally neutral. I also do not support requiring only advanced practice license holders to maintain these certifications. I would suggest requiring this to be mandatory for all active licensees.

I do support the addition of microneedling. I would like to point out though that there may be a better way to allow individuals who are sole proprietors and hold their master licenses but are not interested in truly advanced practice to perform this procedure. Requiring all licensees to maintain blood borne pathogen, first aid and cpr certifications and then requiring a master cosmetology or master esthetician license to perform microneedling at depth equal to or less than .30mm with a fixed needle device would sufficiently meet the FDA classification that .30mm or less is a cosmetic procedure. Any microneedling permitted above this threshold would fall into the purposed advanced practice license. This would allow those who are solo entrepreneurs to thrive and succeed without the requirement of contracting a medical director. Contracting a medical director can be difficult and costly. The economic liberty of the solo entrepreneur is at stake. The main goal of the board of cosmetology is to ensure the safety of the consumer.

I support the addition of permitting advanced practice licensees to perform nonablative procedures under the appropriate medical direction.

**Advanced esthetician license - Grandfather provision**

I support allowing those with the proper experience and documentation to forgo obtaining additional hours to be eligible for an advanced practice license.

This concludes my testimony. Thank you for your time.

