

House Bill No. 1126 Senate Workforce Development March 6, 2025 2:00pm Fort Lincoln ND State Capital Committee Members, I appreciate the opportunity to provide testimony on the proposed changes to the statutes relating to the practice of cosmetology and esthetics. While I support most of the proposed changes, there is one in particular that directly impacts my career and business model: the proposed update regarding the verbiage restricting what I am permitted to do within my business in relation to invasive procedures. I am a licensed master esthetician and a licensed tattoo artist. My company employs seven other estheticians and tattoo artists, a professionally licensed piercer, and we have a contracted nurse practitioner who operates out of our space and serves as our medical director. Most of us hold dual licenses in both esthetics or cosmetology and tattooing. Our establishment is required to uphold the standards set not only by the Board of Cosmetology but also by the local health department. Additionally, our nurse practitioner follows guidelines provided by the Board of Nursing. Both our esthetic and tattooing licenses require extensive training and testing to obtain. We follow universal precautions and maintain certifications in bloodborne pathogens, first aid, and CPR in order to remain actively licensed. However, according to the current statutes, invasive procedures are explicitly prohibited in any establishment licensed by the Board of Cosmetology. This restriction is a direct infringement on the economic liberty of my team and seems unsubstantiated by any logical rationale. In order to comply with these regulations and continue operating my business, I was forced to invest significant time, energy, and financial resources into establishing my business as a medspa under the medical direction of our nurse practitioner. This decision was not made out of choice but rather out of necessity in order to operate within the legal framework set in 2022. The current restrictions are both unnecessary and unreasonable when considering the training, certification, and regulatory requirements that both estheticians and tattoo artists must meet. These regulations have placed undue financial strain on my business. In North Dakota, we take pride in maintaining a balance that keeps government interference in small businesses to a minimum, while ensuring consumer protection. It is crucial that the statutes be amended to reflect a more logical and fair approach, recognizing trades that naturally complement each other when performed within one business. Removing the restrictions on invasive procedures is essential to ensuring that small businesses can operate legally without unnecessary government interference. Services such as cosmetic esthetics provided by nurses and doctors are complementary to those performed by estheticians and cosmetologists. It is illogical to require a business to operate under medical direction simply to perform tattooing. Additionally, cosmetic tattooing is often requested by clients at esthetic studios and day spas, further illustrating the need for such services to be recognized as part of the broader esthetic industry. As the industry evolves, more trades are uniting to offer comprehensive services under one roof. It is imperative that state statutes evolve to support this progression, ensuring that small businesses can thrive and provide the best possible service to their clients without unnecessary restrictions. Thank you for taking the time to consider my testimony. Sincerely, Miranda Nichols