

Good morning Mr. Chairman and committee members

My name is Rebecca Wood. I am a licensed cosmetologist of 20 years, a salon owner of 15 years, and I am currently serving as the secretary of the Board of Cosmetology for the state of North Dakota. Today I am testifying in a personal capacity in opposition to HB 1426.

On the surface HB 1426 may seem black and white, essentially a no-brainer to pass. I can understand, that unless you are in this industry it may be impossible to grasp the negative ramifications the passage of this bill could have. I have spent many hours reading the testimonies of others and educating myself on the other side of this discussion. I've played the devil's advocate. I've researched the pros and the cons of allowing just anyone to offer these services. I am here to tell you that I really struggle with most all of the justifications and arguments for the passage of this bill. The argument I frequently read, is that the Board of Cosmetology is requiring educational hours that are making it burdensome for ND citizens to simply become make-up artists, hairstylists and eyelash technicians. The claim is that it is unnecessary and costly. ND just passed a bill lowering the required hours of education from 1800 down to 1500. This means that you can become a fully licensed and legitimate cosmetologist in less than 9 months. Furthermore, many of these individual testimonies discuss the desire to be allowed to offer make-up services. You can become a licensed esthetician in just over 3 months. At that time, would be licensed to offer make-up, skincare, waxing, and body treatments. Is 3 months really a barrier to entry? Is 3 months too much to ask to properly prepare these individuals to safely and effectively offer these services to the public?

The intention of regulating these services is not to create a monopoly, it's not to create barriers to entry, and it is certainly not to prevent ND citizens from earning a living. The single most important point of this required education is to protect our ND citizens. Article 32-01-01-01 in the North Dakota Rules and Regulations states that in 1927 the legislative assembly passed the Cosmetology Practice and Training Act. It states that "it is the duty of the board to protect the public health, welfare, and safety through prevention of the creating and spreading of infectious and contagious disease." The vast majority of our population is not affected by the

licensing requirements to become hairstylists and make-up artists. The vast majority of our population would be affected by unlicensed, and unregulated freelancers. How many citizens will be receiving these services from individuals that they assume are fully educated on how to properly perform said service? Would you even think to ask your technician if they are licensed when for nearly 100 years a license has been required in ND? Can anyone name one other profession that requires ZERO training? I have tried, and I cannot think of one. How can we even consider arguing that taking a tool that heats to 450 degrees to someone else's head requires zero training? Just because an iron can get that hot, doesn't mean it should. It depends on the hair texture, porosity, and whether or not their hair is chemically or mechanically compromised. Furthermore, an unlicensed individual will not have access to any supply stores offering professional only products that are critical in protecting a client's hair from mechanical damage. Just one heat styling on unprotected hair with an iron that is too hot can cause significant damage, and even loss of hair.

Let's discuss make-up application. Let's put skill aside and talk about the fact that we have 3 mucous membranes on the face alone. The eyes, nose and mouth serve as perfect entry points for bacteria and fungus. So, you take your 4-hour sanitation course, you check that box, and you go on your way. You have nothing and no one making sure you maintain the cleanliness of your make-up kit for the rest of time. A study from the Journal of the American Medical Association found, and I quote "The clinical significance of contaminated ocular cosmetics is illustrated by the case of a 47-year-old woman in whom a *Pseudomonas* corneal ulcer developed immediately after she sustained minor corneal trauma with a mascara applicator. *Pseudomonas aeruginosa* was cultured from the corneal ulcer and the mascara. In addition to the causative role in acute corneal ulcers, contaminated eye cosmetics contribute to chronic external eye infections. Retail eye cosmetics are typically free of contamination when purchased. The inoculation of the cosmetic occurs during normal use." During normal use!! When products are not thrown away upon expiration, when they are used on multiple individuals without disposable applicators, or when tools are not properly sanitized, it's a recipe for

disaster. Again, we assume that 10 years from now all freelancers are following these safety protocols?

A regulatory board was not designed to keep anyone from earning a living. It was designed to protect the general public, and I believe as legislators you have a duty to do that. Allowing this bill to pass would be letting down a large number of ND citizens who rely on you, and us to keep them safe.

Even licensed, properly trained individuals, who know they will be inspected don't get it right sometimes. In this case, however, a board can step in to require and ensure the situation is remedied. To emphasize again, unlicensed individuals can simply take a 4-hour sanitation course and then offer these services with no oversight or repercussion when sanitation violations happen. What is the incentive for these individuals to maintain these standards? What happens when inevitably something does go wrong? The consumer now has to hire a private attorney and incur costly legal fees to remedy a situation that never should have happened. Or worse yet, it is never reported and more citizens are negatively impacted. In ND, if a consumer has a concern about the way business is being conducted, they simply need to file a complaint to the Board. The Board is then obligated to follow up with the individual or salon to ensure these issues are remedied.

I have heard the argument that Minnesota doesn't regulate makeup and hairstyling, so why should we? What about South Dakota and Montana? If ND were to allow freelancers, an artist in Beach ND would not be able to offer their services in Montana, just minutes from their backyard. They would need to hold a Montana cosmetology license. If they are in Fort Yates, Hettinger, Ellendale or Forman, they would need a South Dakota cosmetology license to perform services in South Dakota. Thanks to reciprocity agreements, a ND licensed cosmetologist could obtain SD and MT licenses with some simple paperwork and a fee. It is completely irrelevant that Minnesota made the choice to disregard the professionalism of a licensed esthetician or cosmetologist and allow anyone with ZERO training to perform these services.

You might you wonder why I am so passionate about this. As many of the proponents for this bill state, "it does not, under any circumstances affect the ability for cosmetologists to do their jobs as they currently are." I

completely agree. It does not affect me, or my job. I have nothing to lose or gain with the passage of this bill. However, the proponents of this bill do have much to gain. They are concerned about an easier, quicker, cheaper mode of entry. They are concerned about a larger pool of potential students. I commend those here today that are representing their beliefs. Maybe they are the exception to the rule. Maybe they won't be the issue. However, I must ask the question: If the current licensing requirements are so limiting and are keeping so many from earning a living, where are they? Where is their testimony? I am passionate because I believe in this industry and what it stands for. In September of 2001, during my first week of cosmetology school, one of my instructors stated that the average cosmetologist makes \$12,000 per year. I was stunned. At that moment I decided that needed to change. After finishing cosmetology school and graduating from NDSU with my business degree, I decided to open a salon so that I could also help others destroy the industry income averages. I have spent my career helping others make a darn good living as hairdressers. I have worked hard to break down the stereotypes that so often come with this profession, and I want nothing more than to continue to elevate the professionalism of cosmetology. This, in my opinion, is a giant step in the wrong direction. I believe that we owe it to our clients, the citizens of ND, to be fully prepared for the services we are offering them.

Please take a really hard look at the full picture of this bill before you make your decision, and please understand there is so much more than what's simply on the surface. Please think of the citizens you represent.

Thank you for your time, I will stand for questions

Rebecca Wood