



INSTITUTE FOR JUSTICE

**Institute for Justice’s Written Testimony in Support of House Bill 1426
North Dakota Senate Industry, Business and Labor Committee**

March 22, 2021

Dear Chairman Klein and Members of the Senate Industry, Business and Labor Committee:

Thank you for the opportunity to testify in support of House Bill 1426. My name is Meagan Forbes. I am an attorney at the Institute for Justice. We are a nonprofit public interest law firm that works to protect civil liberties, including economic liberty. We support House Bill 1426 because it removes unnecessary barriers to earning a living in the beauty industry.

Simple hairstyling and makeup application are safe techniques that women do every day. These services offer opportunities for entrepreneurship and employment, but burdensome occupational licensing laws are preventing North Dakotans from providing them.

To style hair and apply makeup at a wedding or special event in North Dakota, an artist must complete 1,800 hours of cosmetology training, which costs as much as \$15,000, and complete an additional 1,000 hours of experience. A good portion of the cosmetology training— such as cuts, color, hair removal, facials and nails— is not relevant to styling hair and applying makeup. This one-size-fits-all approach to licensing benefits beauty schools, which charge tuition and have their students work for free while offering services to paying customers. But it hurts students, who often graduate with a debt that swallows their earnings.¹ This is especially true if a student does not plan to work as a cosmetologist upon graduation.

To address this problem, many states are exempting safe niche beauty services from cosmetology licensing laws. And by doing so, they are creating jobs and opportunities, especially for women, immigrants, and lower-income workers. For example, last year, the Institute for Justice supported a bipartisan bill in Minnesota that exempted hairstyling and makeup artistry from cosmetology licensing.² The bill helped more than 1,000 freelance hair and makeup artists who were working underground and created opportunities for hundreds of people to work in the beauty industry. Some of these artists live right across

¹ Meredith Kolodner, Sarah Butrymowicz, A \$21,000 Cosmetology-School Debt and a \$9-an-hour job, NY Times, Dec. 26, 2018, <https://www.nytimes.com/2018/12/26/business/cosmetology-school-debt-iowa.html>.

² Torey Van Oot, “Ready to Go”: Minnesota Lawmakers Exempt Freelance Hair and Makeup Artists from Cosmetology Licensing, Star Tribune, May 17, 2020, <https://www.startribune.com/minnesota-lawmakers-exempt-freelance-hair-and-makeup-artists-from-licensing/570547592/#:~:text=Local-,%22Ready%20to%20go%22%3A%20Minnesota%20lawmakers%20exempt%20freelance%20hair%20and%20women%20of%20their%20livelihoods.%22>.

the border from Fargo. They can work legally now in Minnesota but risk criminal penalties if they take a job across state lines.

Like Minnesota, Arizona and Virginia also exempt simple hairstyling from cosmetology licensing. North Dakota and 29 other states exempt hair braiding, another form of hairstyling, from cosmetology licensing. At least ten states exempt makeup application from cosmetology licensing. North Dakota also already exempts from licensing makeup application at retail makeup counters. There is no evidence that hairstyling and makeup application are any less safe in these states.

Niche beauty providers add value to our economy and our communities. North Dakota should be encouraging their entrepreneurship, not standing in their way. We ask that you please support this important bill that will create jobs and opportunities for North Dakotans.

Sincerely,

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