



INSTITUTE FOR JUSTICE

Institute for Justice's Testimony in Support of HB 542

November 30, 2022

Dear Chairman Roegner and Members of the Senate Government Oversight and Reform Committee,

Thank you for the opportunity to testify in support of HB 542's amendment 3852 which would create more jobs and opportunities for aspiring beauty entrepreneurs. My name is Jessica Poitras, and I am Legislative Counsel at the Institute for Justice. The Institute for Justice is a national nonprofit organization that advocates for individual rights. For nearly 30 years, we have helped reform beauty industry laws in over 24 states through litigation and legislative efforts. We also recently published the first-of-its-kind report, *Beauty School Debt and Drop-Outs: How State Cosmetology Licensing Fails Aspiring Beauty Workers* which details how state-mandated cosmetology programs are roadblocks rather than steppingstones.

Ohio's beauty industry is ripe with opportunity, but current licensing laws shut people out of jobs. Ohio's beauty service professionals are required to comply with one of the country's most complex and complicated licensing regimes. Outdated licensing requirements force beauty professionals into time consuming and costly traditional cosmetology programs — even when those programs do not teach services that aspiring professionals want to offer.

Traditional cosmetology licensing laws prevent niche beauty professionals from entering the industry. Niche beauty services include braiding, blow dry styling, eyelash extension application, makeup application, and threading. These services are different from the practices of cosmetology or barbering because they do not use dangerous tools, chemicals, or dyes; they are limited in their scope of practice; and niche beauty professionals train outside of traditional cosmetology programs through methods like private certification or cultural exchange. Most traditional cosmetology programs do not teach niche beauty services and if they do it is at a rudimentary level. Even so, aspiring niche beauty professionals must complete traditional cosmetology programs as a requirement for licensure to legally provide their services.

The average student in Ohio takes out about \$7,896 of Federal Student Loan debt to complete their first program and most students do not graduate on time. In 2016-17, only about 26% of cosmetology students graduated on time. Their peers were forced to incur even more debt to finish their training. The result being that many niche beauty professionals work in underground economies, where they face exploitation, or they continue to incur insurmountable debt that also raises costs for consumers, without giving them any more benefit. Amendment 3852 to HB 542 is a solution for aspiring beauty professionals based on proven methods of reforms that have created jobs and opportunities.

I encourage this committee to support this amendment for three reasons. First, niche beauty services are safe. Braiding, blow dry styling, eyelash extension application, makeup

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application, and threading pose virtually no risks to consumers. Nationwide, there have been very few complaints filed with state boards of cosmetology about health and safety issues related to these niche services. When complaints are made, they are typically about whether the service provider is licensed — not health or sanitation concerns.

Second, most states already exempt niche beauty services from licensure requirements. West Virginia, Indiana, Kentucky, Michigan and 28 other states exempt natural hair braiding from licensing requirements. Over a dozen states exempt shampooing from licensing requirements. Five states exempt blow dry styling from licensing requirements. 20 states exempt makeup application from cosmetology or esthetician licensing requirements. Most states also exempt makeup application for theatre, television, movie, radio, and modeling purposes or make-up counter demonstrations from licensing requirements. Seven states exempt eyelash extensions professionals from licensing requirements. Finally, 15 states exempt threaders from cosmetology and esthetician licensing requirements. In several states, threading also falls into a regulatory gray area which means that other states do not regulate threaders. States across the country are adapting their laws to reflect the growth and changes of the beauty industry to ensure that aspiring professionals have opportunities.

Third, this amendment promotes job creation. Reducing licensing barriers for aspiring beauty professionals is a proven measure known to reduce barriers to entry which creates job opportunities for workers across the state. For example, after Minnesota passed its freelance hair and make-up licensing reform in 2020, about 1,000 bridal hair and make-up artists were free to legitimately work without fear of enforcement. Also, Mississippi, which does not license braiders, has 6,714 registered braiders, whereas Louisiana, which does license braiders, has only 18 licensed braiders despite having the larger African American population. Additionally, this amendment mostly benefits lower-to-middle income women who do not have the time, money, or resources to attend a traditional cosmetology program, but have the training to provide these in-demand services. Finally, this bill allows citizens across the state to benefit from the wealth of new talent and beauty techniques that are currently difficult to find.

In conclusion, I encourage this committee to support the amendment so that aspiring beauty workers have every opportunity to thrive in Ohio. Thank you for the opportunity to testify before you.

Sincerely,

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