

2017 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2095

2017 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

SB 2095
1/11/2017
Job Number 26776

- Subcommittee
 Conference Committee

Committee Clerk Signature

Era Libelt

Explanation or reason for introduction of bill/resolution:

Relating to licensure and reciprocity of cosmetologists, manicurists and estheticians

Minutes:

Attachment 1

Chairman Klein: Opened the hearing on SB 2095.

Megan Buchholz, North Dakota Board of Cosmetology: Written Testimony, see attachment 1. (:59-2:28)

Chairman Klein: Are you trying to make it easier to become a cosmetologist in North Dakota?

Megan Buchholz: You are correct, reciprocity. As an example, we just had a lady in the office that was from Pennsylvania who had applied for reciprocity, who had twenty-five years of work experience and was not able to get her license because she only had twelve hundred hours of school training. The way our law is right now the maximum hours she can receive credit for her work experience is only three hundred hours. She only made it to fifteen hundred which isn't equal to our requirements right now. She couldn't get her license even though she has been working for twenty plus years in another state.

Senator Burckhard: Is the demand for more cosmetology increasing in our state because of the population increase?

Megan Buchholz: I don't know that are numbers are down. I think we just have a lot of people moving into our state and that is the situation we're running into and trying to change. They've found it's not as easy to continue working in our field as they thought it would be.

Senator Poolman: Thank you for coming to us and making it easier for people to move into the state and practice what they have been practicing.

Chairman Klein: Any more questions for Megan, it seems pretty straight forward.

Senator Roers: Asked about the minimum standards in order to practice in the state.

Sue Meier, Board of Cosmetology: When we decided to require three years out of the past five years of work experience. The majority of individuals that came to North Dakota did work full-time or owned their own salon in their state. So we decided to accept the work experience because most of them were full time stylist and owned their own business.

Senator Poolman: Just to clarify in addition to that they have a license from that state and they have gone to school.

Sue Meier: They have to have proof that they graduated from a cosmetology school and they have to provide proof that they have taken a practical and theory examination in their state and that their license is current and in good standings.

Senator Poolman: So someone who has worked part-time in their home, they have their salon in their home, will still qualify. That's why you don't want to go down the path of saying if you were full-time or part-time.

Sue Meier: That is correct.

Chairman Klein: Closed the hearing.

Senator Poolman moved a do pass.

Senator Burckhard seconded the motion.

Roll Call Vote: Yes-7 No-0 Absent-0

Senator Marcellais will carry the bill.

**2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2095**

Senate Industry, Business and Labor Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Senator Poolman Seconded By Senator Burckhard

Senators	Yes	No	Senators	Yes	No
Chairman Klein	x		Senator Marcellais	x	
Vice Chairman Campbell	x				
Senator Roers	x				
Senator Burckhard	x				
Senator Casper	x				
Senator Poolman	x				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Marcellais

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2095: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2095 was placed on the Eleventh order on the calendar.

2017 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2095

2017 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

SB 2095
2/15/2017
28391

- Subcommittee
 Conference Committee

Ellen Letang

Explanation or reason for introduction of bill/resolution:

Licensure & reciprocity of cosmetologists, manicurists, & estheticians.

Minutes:

Attachment 1, 2

Chairman Keiser: Opens the hearing of SB 2095.

Magen Buchholz~Board of Cosmetology-Behalf of the Board: Attachment 1.

2:10

Chairman Keiser: What if they got their license one year ago? They simply can't move here & get reciprocity?

Buchholz: It's not necessarily true, it's just allowing those people that have been working to get their licensure.

Chairman Keiser: Through no fault of their own & now they can't practice because of this condition?

Buchholz: They could potentially still be able to. Not many state only require that 1200 hours, most are at the 1500 hours. So the 1000 hours of work experience, would have allowed her get that additional 300 hours of experience to apply to her 1500 hours of school. That would put her at 1800 hour, which would allow her reciprocity. The way our law is currently is. We are concerned about the state requirements of under 1500 hours.

Rep Laning: If someone doesn't have the required hours, are they still allowed to work under supervision with someone else to gain hours. How would they get to the hours?

Buchholz: They will have to return back to school.

Megen Buchholz~Representing Senator Mathern: Attachment 2.

8:10

Rep Boschee: I'm providing braiding hair services at home to my friends & family, word of mouth spreads, I assume there is some sort of infraction.

Buchholz: Currently it's against the law.

Chairman Keiser: Is that amendment on the bill?

Buchholz: Right.

Chairman Keiser: Senator Mathern talked to you about it at all.

Buchholz: We just hear about it.

Chairman Keiser: The amendment is not here, so it's a good reason not to adopt the amendment?

Buchholz: I agree.

Chairman Keiser: Anyone else here to testify in support, opposition, neutral position. Closes the hearing on SB 2095.

Rep Kasper: Moves a Do Pass.

Rep Beadle: Second.

Chairman Keiser: Further discussion.

Roll call was taken on SB 2095 for a Do Pass with 13 yes, 0 no, 1 absent & Rep C Johnson is the carrier.

Date: Feb 15, 2017

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 2095

House _____ Industry, Business and Labor _____ Committee

Subcommittee

Amendment LC# or
Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar

Other Actions

- Reconsider _____

Motion Made By Rep Kasper

Seconded By Rep Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep Laning	X	
Vice Chairman Sukut	X		Rep Lefor	X	
Rep Beadle	X		Rep Louser	X	
Rep R Becker	<u>Ab</u>		Rep O'Brien	X	
Rep Bosch	X		Rep Ruby	X	
Rep C Johnson	X		Rep Boschee	X	
Rep Kasper	X		Rep Dobervich	X	

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep Johnson

REPORT OF STANDING COMMITTEE

SB 2095: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
SB 2095 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

SB 2095

INDUSTRY, BUSINESS AND LABOR COMMITTEE
JANUARY 11, 2017

TESTIMONY OF MAGEN BUCHHOLZ
ND STATE BOARD OF COSMETOLOGY
SENATE BILL NO. 2095

Mr. Chairman, members of the Committee, I am Magen Buchholz, member of the Board of Cosmetology, and I appear on behalf of the Board.

The North Dakota Board of Cosmetology submits legislation for two proposed changes to North Dakota Century Code chapter 43-11 regarding the licensure and reciprocity of cosmetologists, manicurists, and estheticians.

SECTION 1. The proposed changes to North Dakota Century Code section 43-11-21 are meant to streamline the process for receiving a cosmetology license. The Board will no longer need to receive all the requirements the applicant needed to submit for admission to a school of cosmetology. This will provide a quicker turnaround time for issuing a license and will also aid in incoming licensees from other jurisdictions. Not all school licensing requirements are the same but rather than focusing on the student requirements, the Board will focus on issuing license to those individuals who have graduated from a cosmetology school and passed the required examinations.

SECTION 2. The proposed changes address reciprocity requirements for cosmetologists, manicurists, and estheticians. Currently, the reciprocity laws focus on completed hours of training. The new language recognizes work experience. It makes it easier for those applicants coming to North Dakota from another state, who have worked in their profession for three out of the past five years. If the applicant can show they are licensed in good standing in another state, having graduated and passed the examinations, and have the work experience, they will be granted a license.

INDUSTRY, BUSINESS AND LABOR COMMITTEE
FEBRUARY 15, 2017

TESTIMONY OF MAGEN BUCHHOLZ
NORTH DAKOTA STATE BOARD OF COSMETOLOGY
SENATE BILL NO. 2095

Mr. Chairman, members of the Committee, I am Magen Buchholz, member of the Board of Cosmetology, and I appear on behalf of the Board.

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SECTION 2. The proposed changes address reciprocity requirements for cosmetologists, manicurists, and estheticians. Currently, the reciprocity laws focus on completed hours of training. The new language recognizes work experience. It makes it easier for those applicants coming to North Dakota from another state, who have worked in their profession for three out of the past five years. If the applicant can show they are licensed in good standing in another state, having graduated and passed the examinations, and have the work experience, they will be granted a license.

Testimony regarding Amendment

Senator Mathern contacted the Board of Cosmetology at the end of January, after the above bill had already passed through the Senate, about an amendment adding a "registration" for "hair braiding." The Board was not consulted on the language in the proposed amendment and has several concerns regarding the amendment.

The amendment carves out an exception to the requirement of a cosmetology license for those who merely want to provide hair braiding services. Although the Board is not necessarily opposed to this concept, it does raise concerns on opening up the law to carve out specific exceptions for limited services. What if someone just wants to color hair? What if someone just wants to do eyebrow waxing, threading, or shaping? Will this open a door for individuals asking the Board to accommodate individual self-interests?

The primary concern the Board has is for the safety of the public. Individuals who are licensed to provide cosmetology, manicuring, and esthetic services go through rigorous education and testing on sanitation, cleaning, and disinfecting. Without such, the spread of disease is a very real concern. These services are also required to be performed in a safe and sanitary environment of a licensed salon subject to regular inspections, a requirement not mentioned in the proposed language. The Board would expect the same requirements and standard for those offering hair braiding services. For example, the language of the proposed amendments allow for a registered hair braider to provide extensions. If the braider is using a needle with such services, they should be properly trained, not only on proper use but proper disinfecting and disposal.

The language also allows chemical treatments to be applied to "nongrowing" human

hair such as extensions and wigs, which would all eventually come into contact with flesh and hair of an individual. Again, proper technique, safety, and sanitation must be taught and followed.

Which brings us to the next concern – the teaching of the proper methods of hair braiding, disinfection, and infection control. Currently, our schools are not equipped to implement the “thirty hours” of coursework required by the amendment. The proposed amendment was provided to some of the schools in North Dakota and they also raised several concerns. The schools are accredited and cannot just freely implement a new curriculum and the Board does not want to put the schools in the position of having their accreditation at risk.

The Board would also need to generate a test for this specialized exemption. Currently, the Board requires licensees to pass practical and theoretical examinations in compliance with national and state standards. It would take time and expense to create new testing for this specialty.

Although the Board understands the reasoning of those individuals who want to work in a limited capacity and only provide limited services, the Board has a responsibility to protect the public and must implement rules and regulations to maintain the necessary level of training and education for safety and sanitation. The Board has not had proper time to vet the proposed amendment to address all the concerns outlined above and create an infrastructure that could accommodate a registration for hair braiding. It is because of the above reasoning that the Board does not support the amendment, and ask that the bill be passed as is.

pd

If, however, the committee feels strongly that the amendment should be passed, we ask for more time. We ask for time to work on the proposed language so that it fits with the language of chapter 43-11 and to address the above concerns that can be addressed in this limited timeframe.



2101 EAST BROADWAY AVENUE, BISMARCK, ND 58501

February 14th, 2017

To Whom It May Concern:

I am writing in opposition of Proposed Amendments to Senate Bill NO. 2095.

My name is Kristin Schmidt and I am one of the owners of The Hair Academy, in Bismarck, ND. As an owner of a cosmetology school, I see firsthand the importance of adequate training before someone should be allowed to practice on the public. The manner in which these amendments are written pose a serious threat to the safety of the public.

Cosmetology students are required to complete at least 360 hours of basic training before ever being allowed to work on the general public. Once they have reached 360 hours of training and are allowed to practice on clients, all work is done under the direct supervision of a licensed instructor. Of the 1800 hours required to be licensed in the state of ND, students spend 400 hours alone on Theory, Law and Sanitation. They spend an additional 250 hours on Hair Shaping (cutting), 250 hours on Hairstyling, 250 hours on Chemical Services, and 450 hours on Clinic Instruction. To think that someone with only 30 hours of training could safely provide any of these services is dangerous.

An individual must also have a thorough understanding of infection control to practice as a responsible professional. Individuals must understand the cleaning and disinfecting practices and products to help keep themselves, their clients, and their salon environment protected from potential pathogens and their modes of transmission. There is no way that all of these crucial topics could be taught in 30 hours.

It is because of the reasons stated above that I do **not** support the proposed amendments and ask that Senate Bill NO. 2095 be passed as is.

Thank you for your time and consideration,

A handwritten signature in cursive script that reads "Kristin Schmidt".

Kristin Schmidt
The Hair Academy

^ From: Sierra Olson <smarieolson92@gmail.com>

To: thehairacademy@midconetwork.com

Date: Tue, Feb 14, 2017, 12:15 AM



Oppose Bill NO 2095

Sierra Olson
Master Cosmetologist
Independent Salon Owner

To Whom This May Concern:

This letter is to support the North Dakota State Board of Cosmetology in Opposing Proposed Amendment to Senate Bill NO. 2095.

As a licensed cosmetologist, I promptly finished North Dakota's 1800 hours of training in hair, skin, nails and sanitation. Now with 6 years of experience, expertise, skill and advanced training in the cosmetology industry; I know that 30 hours of "training" is NOT enough to allow a person to learn all rules, regulations, techniques, sanitation, and chemical compounds. I believe 1800 hours should be completed by any person wishing to master the skill of cosmetology. Whether it be on growing or "non growing hair." It is still hair.

If one was to look up the definition of a cosmetologist, this is what they would find.

"Cosmetologists can be expanded into multiple parts including cutting and chemically treating hair, chemical hair removal without a sharp blade, fashion trends, wigs, nails and skin care, skin and hair analysis. A cosmetologist is someone who is an expert in the care of hair and makeup as well as skincare and beauty products. They can also offer other services such as coloring, extensions, perms and straightening."

Whether these services are being performed on "non growing hair" or not, these services need to be preformed by someone with extensive training. The services on "non growing hair" do not differ from those being performed on "growing hair." The chemical process would be the exact same. Therefore; the person preforming the service should have the same training as any other cosmetologist. They should learn extensive knowledge on; techniques, skills, and proper sanitation. They should also learn the in depth information on the chemicals used to permanently alter another person's hair.

This can not and will not be taught in 30 hours. When the full completion of 1800 hours has been completed, a person wishing to work on "non growing hair" could then specialize in all forms of braiding, extensions, styling, cutting and color. These services would still be classified under Cosmetology. So anyone preforming these services should need a Cosmetology license obtained by the North Dakota State Board of Cosmetology.

Thank You
Sierra Olson
2/13/17

Quick reply

Hello my name is Amanda Riegel,

I am writing this letter in opposition to the proposed amendment to senate bill no. 2095. Since 1999, I have been a licensed Cosmetologist, where at that time, I completed 1800 hours of training and passed the required ND State board of cosmetology testing(written and practical). I have worked as a professional stylist, a cosmetology instructor teaching at a Cosmetology school in Fargo, a salon owner in Beulah and I am currently a salon consultant where I visit approximately 300 salons/stylists on the western side of North Dakota. I have a great understanding and love for professional beauty industry. I have seen the progression of a new student learn the skills of properly holding their tools and appropriate sanitation methods for the safety of stylists and guests; with time and the assistance of qualified instruction, students become skilled artists in established salons. We are in an industry where products and techniques are ever changing, education is vital to properly understand and serve your salon guests.

I oppose this amendment. These services should stay in profession salons with licensed stylists that have adequate training and hands on experience. Allowing someone to provide these services after only 30 hours vs the required 1800 hours of instruction is extremely dangerous. Some of the dangers are: damage to customer's hair, skin and scalp, breaking of hair, chemical reactions and burns from not understanding the products, chemicals, and tools being utilized. It takes some of the strongest products on the market to properly take care of wigs, extensions and smoothing of hair.

In my professional opinion, there should be additional training, supervision and monitoring instead of less.

Thank you for your time

Have a BEAUTIFUL day

Amanda "Mandy" Riegel
Salon Consultant for Western North Dakota
701-891-9353
Cosmoprof

Hi my name Patty Wolff,

I am writing this letter in opposition to the proposed amendment to senate bill no. 2095. I have been a licensed cosmetologist since 2004 where I had to perform 1800 hours of training and passed the required ND State board of cosmetology test both written and practical. I have worked behind the chair for the past 13 years, and currently own my own salon and am studying to become an instructor of a color line. There are many things in this industry I would not have learned without the proper education I received while in cosmetology school. Such as proper sanitation for us and our guests, and how to properly hold our tools. Our industry is always changing and proper education is needed to use the newest products and techniques.

I oppose this amendment. These services should stay in professional salons with licensed cosmetologists that have the right training and experience. It could be very dangerous to us and our clients to only have 30 hours of training vs. the currently required 1800. Client's skin or hair could be damaged without the proper training. We in the salon use very strong products and without proper training a person's hair could be badly damaged, cause a chemical reaction, or could cause strong skin irritation.

In my opinion there should be additional monitoring and education instead of less.

Thank you,
Patty Wolff



1823 North 13th Street
Bismarck, ND 58501
701-255-3515

February 9, 2017

To Whom It May Concern:

I am writing in opposition to the proposed amendments to Senate Bill #2095, particularly the amendment pertaining to allowing a braiding certificate.

This allows unlicensed people to compete with licensed stylists and licensed salons. This would be anti-economic development. Creating a situation of people to run an underground business out of their residence or anywhere they choose. It is highly unlikely that these individuals would comply with any tax or sanitation laws.

This also would create a regulatory nightmare for the Cosmetology Board.

I am not sure what the benefit of this amendment would be for the state of North Dakota; I am hard pressed to find one. Clients who desire these services can currently get them from licensed salons and stylists who are regulated for safety and sanitation. Why allow possibly unsafe and unsanitary conditions?

I am vehemently opposed to amending any law to allow for a braiding certification.

Sincerely,

A handwritten signature in cursive script that reads 'Don Thorpe'.

Don Thorpe

^ From: **Evolution Salon**
<evolutionsalon10@gmail.com>
To: thehairacademy@midconetwork.com
Date: Thu, Feb 9, 2017, 02:45 PM



SB2095

Dear To Whomever it may concern,

My name is Baelee Reiter, I work at Evolution Salon in Minot, ND. I have been a licensed cosmetologist for 8 years. I also am currently a National Educator for Donna Bella and Babe hair extensions. I have been working with hair extensions for 8 years and educating nationally for 4 years. I oppose the amended bill 2095 of only needing 30 hours to be certified to work on hair extensions and braiding. I oppose this bill because I believe all hair should be treated in a professional salon and have the proper amount of training and education. I believe you must hold a cosmetology license in order to perform any extension service. If not properly educated, a person runs the risk of damaging or possibly causing tracking alopecia, which can cause permanent damage. There is too much risk involved with someone not holding a license. I travel around the U.S training individuals on how to perform these services in the salon, we need to stay with guidelines and laws we have created.

Thank you ,

Baelee Reiter
2/9/2017

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Evolution Salon
1524 S Broadway, Suite 5
Minot, ND 58701
1-701-839-9090

Quick reply




Hi my name Kyla Wold,


I am writing this letter in opposition to the proposed amendment to senate bill no. 2095. I have been a licensed cosmetologist since 2010 where I had to perform 1800 hours of training and passed the required ND State board of cosmetology test both written and practical. I have worked behind the chair for the past 7 years, and currently own my own salon. There are many things in this industry I would not have learned without the proper education I received while in cosmetology school. Such as proper sanitation for us and our guests, and how to properly hold our tools. Our industry is always changing and proper education is needed to use the newest products and techniques.

I oppose this amendment. These services should stay in professional salons with licensed cosmetologist that have the right training and experience. It could be very dangerous to us and our clients to only have 30 hours of training vs. the currently required 1800. Client's skin or hair could be damaged without the proper training. We in the salon use very strong products and without proper training a person's hair could be badly damaged, cause a chemical reaction, or could cause strong skin irritation.

In my opinion there should be additional monitoring and education instead of lessening it.

Thank you,
Kyla Wold







February 8, 2017

Amanda Noel

3212 Lyons Rd

Mandan, ND 58554

Attention Congressmen,

I feel strongly about Bill No. 2095 should definitely be turned down.

I am a **PROFESSIONAL** hairstylist and a salon owner and would like our profession **RESPECTED**. I don't see you giving permission to the public to perform small surgeries at home, as in which a Dr. or a Dentist would perform. They are considered "professionals" and so are we. Please **DO NOT** down grade our profession. If this were the case, we hairstylists wouldn't need to get traveling licenses nor would we need the Health Department, Fire Inspectors, Boiler Inspectors or the ND State Board to come in and perform their job. There would be a lot of people out of jobs and the **STATE** would be out a lot of income.



February 8, 2017

Julie Haibeck

4350 - Hwy 1806

Mandan, ND 58554

Attention Congressmen,

I feel strongly about Bill No. 2095 should definitely be turned down.

I am a **PROFESSIONAL** hairstylist and a salon owner and would like our profession **RESPECTED**. I don't see you giving permission to the public to perform small surgeries at home, as in which a Dr. or a Dentist would perform. They are considered "professionals" and so are we. Please **DO NOT** down grade our profession. If this were the case, we hairstylists wouldn't need to get traveling licenses nor would we need the Health Department, Fire Inspectors, Boiler Inspectors or the ND State Board to come in and perform their job. There would be a lot of people out of jobs and the **STATE** would be out a lot of income.

2-9-17

Hello. My name is Samantha Kueffler.

I am writing this letter in opposition to the proposed amendment to senate bill no. 2095. I have been a licensed for 3 years, where in MD, I completed 1800 hours of education, along with taking practical exams and required MD State Board of Cosmetology testing. I have worked as a "professional" ever since 2013 in a salon setting. We are in an industry that is already hard to be in because there are so many.

I oppose the ammendment for many reasons. We all paid to have this job and worked hard for it, just like doctors did for their degrees. If you let these services happen without a license and proper training, there are so many things wrong with this. I do not agree "just anyone" should be able to provide these services as they please. It's a disgrace to our industry.

We as professionals should be doing more training and educational classes to stay up with new trends and make our customers happy.

In my professional opinion, I do not think one should be able to perform these services, unless they have proper training, and 30 hours just does not cut it. Thank you for your time.

Samantha Kueffler