



KANSAS JUSTICE INSTITUTE

Testimony to the House Committee on Health and Human Services

SB 348: “AN ACT concerning public health; relating to cosmetology; hair removal; exempting persons engaged in threading from the practice of cosmetology and the requirements thereof; amending K.S.A. 65-1901 and 65-1928 and repealing the existing sections.”

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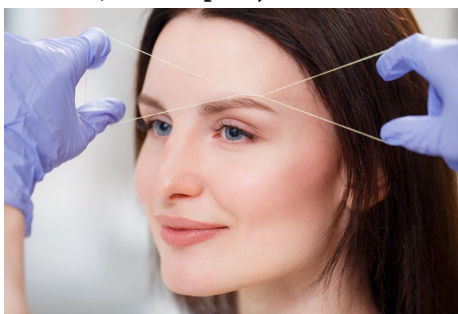
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Chairwoman Landwehr and Members of the Committee:

- Eyebrow threading is an ancient, safe, and all-natural grooming practice that uses cotton-thread and nothing else to safely shape eyebrows—but Kansas currently requires **1,000 hours** of irrelevant and expensive schooling to become licensed to thread. It is estimated that 993 hours are devoted to non-threading-specific instruction.
- The current licensing requirement is nonsensical, arbitrary, unnecessary, and one of the worst in the nation.
- SB 348, as amended, increases economic freedom, promotes business growth, and corrects-course while keeping consumers safe.

Kansas Justice Institute (KJI) is a non-profit, public-interest litigation firm committed to defending against government overreach and abuse, is currently challenging the constitutionality of Kansas’ threading licensing regime in *Modi, et al., v. Kansas State Board of Cosmetology, et al.*, 2020-cv-000595 (Shawnee County),¹ and urges this committee to adopt SB 348, as amended.

Eyebrow threading is an ancient, safe, and all-natural grooming practice that involves the temporary removal of eyebrow hair with a single strand of cotton thread and nothing else. It does not involve the use of heat, chemicals, or sharp objects:



¹ The lawsuit is for non-monetary relief and seeks to vindicate Jigisha Modi, Jignesh Biscuitwala, Jyotsna Biscuitwala, and Shree, LLC’s rights to earn honest livings under the Kansas Constitution. The Kansas State Board of Cosmetology, through their attorney, agreed to an order staying the case to see whether the Kansas Legislature would enact this legislation.

But Kansas requires aspiring threaders to take at least 1,000 hours of instruction in a curriculum established by the Board of Cosmetology—instruction devoted almost entirely to subjects that threaders do not use, and which includes virtually no instruction on subjects they do use—and to pass *two* expensive and time consuming licensure examinations which include virtually no questions about threading. It would take an aspiring threader 25 weeks to complete the irrelevant course of instruction, if the threader attended school for 40 hours per week, every week. Moreover, esthetician school can be expensive—sometimes costing more than \$16,000 to learn non-threading skills.

This bill—SB 348, as amended—is a legislative solution to a terribly unjust and unnecessary occupational licensing regime negatively impacting Kansas business owners, aspiring threaders, *and* consumers.

The licensing regime *criminalizes* using sanitary thread to remove a single eyebrow hair, without a license, has real-life consequences for Kansans, and is preventing Jigisha Modi from hiring her own mother-in-law—who has decades of eyebrow threading experience.²

OCCUPATIONAL LICENSING

Kansas Wants This Experienced Eyebrow Entrepreneur To Get 1,000 More Hours of Training

Jigisha Modi can't hire her own mother-in-law—who has decades of eyebrow-threading experience—because of Kansas' occupational licensing rules. Now she's suing.



This Bill Protects Consumers Through a Targeted Infection-Control Approach.

SB 348 ensures consumer safety in a direct, clear, and targeted way by requiring the Kansas Secretary of Health to develop an infection-control brochure specific to threading. Threaders will be required to keep the brochure and pass an infection control self-test to make sure threading-specific precautions are taken. This threading-specific infection control measure makes sense and treats eyebrow threaders like hair braiders.

² Accessible here: <https://reason.com/2021/08/09/kansas-wants-this-experienced-eyebrow-entrepreneur-to-get-1000-more-hours-of-training/>

Conclusion

This bill will remove a needless, unreasonable, and burdensome occupational licensing requirement for a grooming technique that is already safe. Occupational licensing significantly—and disproportionately—burdens racial minorities and economically disadvantaged groups.³

Moreover, exempting certain practices or procedures from onerous licensing requirements is common—that is precisely how and why hair braiders were exempted years before. It is also common to take up legislation while litigation of this nature is pending. Passing an exemption does not expose the State of Kansas to any risk, in our view—but the rewards would be immense for business owners *and* consumers. Kansans would be freer to pursue their livelihoods and consumers would remain safe.

Thank you for the opportunity to submit this testimony.

³ See Marshall Stula, *Occupational Licensing Laws: Threading the Needle Between Consumer Protecting and the Constitutional Right to Earn a Living* (Jan. 3, 2022), available here: <https://kansaslawreview.ku.edu/forum/occupational-licensing-laws-threading-the-needle-between-consumer-protection-and-the-constitutional-right-to-earn-a-living/>