



KANSAS JUSTICE INSTITUTE

Testimony to the Senate Committee on Public Health and Welfare

SB 434: “Exempting the practice of hair removal by sugaring from the definition of cosmetology.”

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Chairwoman Gossage and Members of the Committee:

- Sugaring is an ancient, safe, and all-natural grooming practice that uses sugar, lemon juice, and water to safely remove unwanted hair. But Kansas currently requires either **1,500 or 1,000 hours** of irrelevant and expensive schooling to become licensed.
- It’s estimated that less than 1% of the cosmetology curriculum is devoted to sugaring-specific instruction.
- The licensing examination process doesn’t test one’s ability to safely or effectively perform sugaring.
- The current licensing requirement is nonsensical, arbitrary, unnecessary, and one of the worst in the nation.
- SB 434 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; and is currently challenging the constitutionality of Kansas’ sugaring licensing regime in *Bryn Green v. Kansas State Board of Cosmetology, et al.*, 2023-cv-3000030 (Shawnee County).¹ This committee should, respectively, adopt SB 434.

This bill—SB 434—is a legislative solution to a terribly unjust, unnecessary, and unconstitutional occupational licensing regime negatively impacting Kansas business owners, aspiring sugarers, *and* consumers.

Even though sugaring is safe, the licensing regime *criminalizes* sugaring without a license, and has real-life consequences for Kansans, as our lawsuit shows. It’s preventing Bryn Green and most assuredly, others too, from starting their sugaring business.²

¹ The lawsuit is for non-monetary relief and seeks to vindicate Ms. Green’s fundamental and inalienable natural right to earn an honest living under the Kansas Constitution.

² Accessible here: <https://reason.com/2023/11/17/kansas-thinks-you-need-1000-hours-of-training-to-remove-hair/>

Kansas Thinks You Need 1,000 Hours of Training To Remove Hair

Bryn Green wants to start a sugaring business, but the state's occupational licensing regime requires her to spend thousands on irrelevant training. Now she's suing.

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 and hair threaders were exempted. 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/>