

Untangling Regulations:

Natural Hair Braiders Fight Against Irrational Licensing



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Executive Summary

Natural hair braiding is a beauty practice popular among many African, African-American and immigrant communities in the United States. Braiding is a safe practice because braiders do not use any chemicals, dyes or coloring agents and do not cut hair. Yet as this study makes clear, braiders in many states have to endure hundreds of hours of unnecessary coursework and pay thousands of dollars before they can legally work. That creates an enormous burden for aspiring entrepreneurs.

Untangling Regulations: Natural Hair Braiders Fight Against Irrational Licensing is a survey of braiding laws in all 50 states and Washington, D.C. Across the country, braiding regulations vary dramatically:

- Eleven states do not license natural hair braiders.
- In the 39 states and the District of Columbia where braiders are required to obtain a license, the necessary hours range from six in South Carolina to 2,100 in Iowa, Nebraska and South Dakota.

The report also ranks these laws based on the number of hours a braider must complete before she can work legally:

- Twelve states earned an A or A-.
- Three states earned a B or B+.
- Washington, D.C. received a C.
- Ten states got a D.
- Twenty-four states earned an F.
- Washington State received an incomplete, pending a recent lawsuit filed by the Institute for Justice, because it had previously promised not to regulate braiders but then reversed its position without notice or explanation, leading to the lawsuit.

Cosmetologist Licenses

- Twenty-four states force natural hair braiders to become licensed as either cosmetologists or hairstylists, making it the most common form of regulation.
- Few of these states, however, actually teach natural hair braiding styles. Instead, braiders have to learn cosmetology practices they have no desire to use in their career, like giving manicures or bleaching hair.
- Among these 24 states, the required hours range from 1,000 in Massachusetts, West Virginia and Wyoming to 2,100 in Iowa, Nebraska and South Dakota.
- On average, a cosmetologist or hairstylist license requires 1,555 hours of training.
- The cost to attend a cosmetologist school in these states ranges from \$5,000 to upwards of \$20,000.

Specialty Licenses

- Fifteen states regulate braiders with a specialty license dedicated to natural hair braiding.
- Among these separate braiding license states, the necessary hours range from six in South Carolina to 600 in Oklahoma.
- On average, these specialty licenses require 230 hours of instruction.
- Depending on the length of a state's program, the cost to attend a braiding school varies from as low as \$100 to over \$10,000.
- Many states with a separate license for natural hair braiding have an appalling lack of education options for aspiring braiders. For instance, Ohio and Oklahoma have precisely one school each in the entire state that is licensed to teach braiding. Illinois does not have a single school that teaches the 300-hour braiding curriculum. Texas had foisted irrational requirements on braiding instructors, until a recent lawsuit brought by the Institute for Justice. This makes it incredibly difficult for someone to learn legally how to braid.

Minimal Regulations

- Only fifteen states earned a B or above for their braiding laws. These states either do not license braiders or instituted regulations that inform braiders about health and safety risks with minimal red tape.
- For instance, Oregon merely requires reading a PowerPoint presentation and taking a written exam before a braider can legally work.
- Kansas and Mississippi do not license braiders and instead require a “self-test.” Braiders read a brochure on infection control and then test their knowledge.

Legal Changes Over the Past Decade

Untangling Regulations is an update to a previous Institute for Justice report on braiding laws that came out in 2006. Since then:

- Two states have eliminated licensure: Utah (in response to a lawsuit won by the Institute for Justice) and Virginia.
- Five states have created separate braiding licenses instead of mandating cosmetology training: Alabama, Illinois, Louisiana, Nevada and Oregon.
- Two states have lowered the hours needed to be a hairstylist: West Virginia and Wyoming.
- Only one state, North Carolina, has increased the burdens for natural hair braiders. They were previously unlicensed but now must obtain a 300-hour specialty license.
- The Institute for Justice currently has four active lawsuits to vindicate the rights of braiders in Arkansas, Missouri, Texas and Washington State.

Natural hair braiders are needlessly burdened with onerous restrictions in far too many states. State policymakers would be well advised to roll back or repeal these licensing laws.

Introduction

African hair braiding, grooming and adornment have a long history that can be traced back some 5,000 years. This ancient art form, still practiced by large numbers of African-Americans, is today often known as “natural” hair braiding and is part of the natural hair care movement. Despite its venerable tradition, natural hair braiding has long been marginalized in America, rejected by Western standards of beauty and regulated almost out of legal existence and into the underground economy by government cosmetology laws.

By Taalib-Din Uqdah

Co-Owner of Cornrows & Co.

The practice of braiding, twisting and locking a person’s natural hair is safe for both the practitioner and the public. It requires no brushing or cutting, no dyeing or coloring, no application of heat and no use of caustic chemicals on the scalp and hair to straighten the hair’s natural curl pattern. Braiders and natural hair stylists do absolutely nothing to a patron’s hair and scalp that the patron may or may not do to themselves, at home.

Nevertheless, these natural hair care artisans are still being required to learn cosmetology techniques and adopt practices that they abhor—such as the use of chemicals to straighten the hair—that have no applicability to what they do. In many states, they are required to obtain cosmetology licenses to practice their craft, even though the requirements for the licenses have nothing to do with hair braiding. Most are unable to obtain a cosmetology license. This keeps them in the underground economy, ultimately preventing them from earning an honest living.

While braiding, twisting and natural hair care goes back thousands of years, cosmetology, which is not natural hair care, can trace its history back only some 90 years. For most of American history, only barbers—only men—were allowed to cut hair for money. After passage of the 19th Amendment, when women gained the right to vote, women also wanted the right to perform other acts that would further their professional and economic empowerment as women, including cosmetology.

By 1926, despite being harassed, beaten and having their shops vandalized and burned, the first cosmetology license was issued by the state of Missouri. Although it was repealed the following year—too much trouble for the state’s legislative body—in 1938, Congress enacted an occupational licensing bill for the District of Columbia. The bill required those seeking a cosmetology license to complete at least 1,500 hours of training. The District required hair braiders to obtain a government permission slip to work despite not specifying hair braiding in the law and despite the fact that cosmetology school offered no training relevant to hair braiding.

The bill was backed strongly by a small organization of large beauty shops, who sought to benefit from limiting competition by making it difficult for entrepreneurs like hair braiders to enter the field. Several states adopted the city's model legislation that effectively drove hair braiders, unable or unwilling to obtain cosmetology licenses, underground.

Before this licensing law, many women had shown how the freedom to earn an honest living—the freedom to be entrepreneurs—could lead to professional and economic empowerment. Madam CJ Walker, who made the bulk of her millions between 1908 and 1911, was preeminent among them. Nearly 20 years before the first cosmetology license was even issued, this consummate entrepreneur showed the cosmetology industry how to make money and develop their businesses. As she famously said, “my own factory on my own ground.” She produced all of her own natural hair care products and, through her own sales staff, sold her products throughout the country. Madam CJ Walker published books, opened salons, beauty and boarding schools, and collaborated with other women entrepreneurs to further her industry's goals.

The cosmetology licensing laws, however, stopped other natural hair care entrepreneurs from following in Madam CJ Walker's footsteps. The opportunities presented to Madam CJ Walker, pre-occupational licensing, are the same opportunities available to today's braiders and natural hair stylists, if only state governments and licensing boards would remove the impediments to their potential success by exempting hair braiders from cosmetology laws.

Everywhere these barriers to honest work have been removed, the entrepreneurial spirit has flourished. Hair braiders create jobs as well as additional tax revenue for states when allowed to escape from the “underground” economy. Freedom from cosmetology licensing has allowed hair braiders to open traditional storefront operations and has provided a way for these artisans to care for themselves and their families without government assistance.

Like Walker, hair braiders continue to publish books on their craft. They hold professional classes throughout the country, educating other technicians on techniques and methodologies to advance and achieve their patron's desired results. Greater visibility for braiding has changed the grooming standards for major corporations, where braids, twists and other natural hairstyles are increasingly accepted in the workplace, while female armed forces enlisted personnel can now, uniformly, wear these same styles as a matter of choice.

There is nothing to be gained by holding back a 5,000-year-old tradition. The government should not license something as safe and common as braiding. With the continuing clamor, in today's social and political climates, of self-improvement and self-reliance, removing entry-level barriers to entrepreneurship is a no-brainer. As in Madam CJ Walker's time, practitioners of braiding and natural hair care are winning back their right to earn an honest living and to be entrepreneurial. The struggle has been a long one, but it is worth having, and, ultimately, bit-by-bit, state-by-state, braiding freedom will prevail.

Untangling Regulations

This report is divided into five sections. The first will briefly explain the five different types of laws that govern hair braiders. The second will report on the changes states have made to their licensing laws since the publication of the last report on hair braiding by the Institute for Justice, “A Dream Deferred: Legal Barriers to African Hair Braiding Nationwide.” The third section will cover what braiders are required to learn in states with drastically different licensure regimes, by examining course curricula that are open and available to the public. The fourth section delves into the cost and dearth of education options braiders face in some states. Finally, this report will summarize the current legal status for natural hair braiding in all 50 states and the District of Columbia.

Licensing Regimes

Nationwide, licensing requirements for natural hair braiding can be split into five distinct categories. Braiders are not required to obtain a license to work in 11 states: Arizona, California, Connecticut, Georgia, Kansas, Maryland, Michigan, Mississippi, Utah, Virginia and Washington.

Five states have created a separate license for hair braiders, but their requirements are not onerous. Under these licensing regimes, a braider will have to take, at most, one full week of coursework to obtain a license. The required coursework ranges from six hours in South Carolina¹ to 35 hours in Texas.²

Table 1: States with Separate Licenses for Braiders

State	Hours Required
Oregon	Online module and written exam
South Carolina	6
Florida	16
Minnesota	30
Texas	35

The District of Columbia and ten states have separate, but burdensome, licensing requirements (Table 2). The mandated coursework can be very time-consuming, from 100 hours in Washington, D.C.³ to 600 hours for Oklahoma’s hair braiding “technician” license.⁴

Twenty-four states do not have separate regulations for hair braiders (Table 3). Instead, braiders are regulated as hairstylists, hairdressers or cosmetologists, leading to even more onerous course requirements. These range from a 1,000-hour hairstylist course in West Virginia and Wyoming to 2,100 hours of instruction needed to become a licensed cosmetologist in Iowa,⁵ Nebraska⁶ and South Dakota.⁷

But unlike hairstylists or cosmetologists, natural hair braiders do not singe, cut, bleach or use potentially hazardous chemicals on people's hair. So for braiders in these states, the vast majority of these hours are unnecessary. For example, Wyoming's 1,000-hour hairstylist course includes only 10 hours teaching braiding of any kind.⁸ These excessive hours lead to hefty bills: The cost to attend a cosmetology school typically ranges from \$10,000 to \$20,000.

Table 2: States with Separate but Burdensome Licenses for Braiders

State	Hours Required
District of Columbia	100
Alabama	210
Nevada	250
Illinois	300
New York	300
North Carolina	300
Pennsylvania	300
Tennessee	300
Ohio	450
Louisiana	500
Oklahoma	600

Table 3: States without Separate Regulations for Braiders

State	Hours Required
Massachusetts	1,000 + 2 years working under licensed hairdresser
West Virginia	1,000
Wyoming	1,000 or 2,000
New Jersey	1,200
Colorado	1,200
Missouri	1,220 or 1,500
Hawaii	1,250 or 1,500 or 1,800
Arkansas	1,500
Delaware	1,500
Indiana	1,500
Maine	1,500

State	Hours Required
New Hampshire	1,500
Rhode Island	1,500
Vermont	1,500
New Mexico	1,600
Alaska	1,650
Kentucky	1,800
North Dakota	1,800
Wisconsin	1,800
Idaho	2,000
Montana	2,000
Iowa	2,100
Nebraska	2,100
South Dakota	2,100

State Rankings

The Institute for Justice ranked and graded states on the sole basis of how many hours of instruction are required of a natural hair braider before she can legally work.

State	Grade	Hours Required	Rank
Arizona*	A	0	1 st
California*	A	0	1 st
Connecticut	A	0	1 st
Georgia	A	0	1 st
Kansas	A	0	1 st
Maryland	A	0	1 st
Michigan	A	0	1 st
Mississippi*	A	0	1 st
Utah*	A	0	1 st
Virginia	A	0	1 st
Washington*†	Incomplete	0	Incomplete
Oregon	A-	Online module and written exam	12 th
South Carolina	A-	6	13 th
Florida	B+	16	14 th
Minnesota*	B	30	15 th
Texas†	B	35	16 th
Washington, D.C.*	C	100	17 th
Alabama	D+	210	18 th
Nevada	D+	250	19 th
Illinois	D	300	20 th
New York	D	300	20 th
North Carolina	D	300	20 th
Pennsylvania	D	300	20 th
Tennessee	D	300	20 th
Ohio*	D-	450	25 th
Louisiana	D-	500	26 th
Oklahoma	D-	600	27 th
West Virginia	F	1,000	28 th
Wyoming	F	1,000 or 2,000	28 th
Massachusetts	F	1,000 + 2 years working under licensed hairdresser	30 th
New Jersey	F	1,200	31 st
Colorado	F	1,200	31 st
Missouri†	F	1,220 or 1,500	33 rd
Hawaii	F	1,250 or 1,500 or 1,800	34 th
Arkansas†	F	1,500	35 th

Delaware	F	1,500	35 th
Indiana	F	1,500	35 th
Maine	F	1,500	35 th
New Hampshire	F	1,500	35 th
Rhode Island	F	1,500	35 th
Vermont	F	1,500	35 th
New Mexico	F	1,600	42 nd
Alaska	F	1,650	43 rd
Kentucky	F	1,800	44 th
North Dakota	F	1,800	44 th
Wisconsin	F	1,800	44 th
Idaho	F	2,000	47 th
Montana	F	2,000	47 th
Iowa	F	2,100	Last
Nebraska	F	2,100	Last
South Dakota	F	2,100	Last

* Through litigation or legislation, the Institute for Justice helped reduce or eliminate barriers to entry for natural hair braiders in these states.

· As of this writing, the Institute for Justice is challenging braiding laws in these states.

Legal Changes

Modest Progress Untangling Regulations

The Institute for Justice published a landmark study on hair braiding laws in the United States, “A Dream Deferred: Legal Barriers to African Hairbraiding Nationwide” in 2005. Since then, ten states have changed their laws. Nine states (Alabama, Illinois, Louisiana, Nevada, Oregon, Utah, Virginia, West Virginia and Wyoming) have eased or eliminated their licensing requirements for hair braiding. North Carolina is the only state where braiding freedom has actually decreased.

Four states changed their laws from requiring braiders to get cosmetologist licenses to requiring burdensome specialty licenses. Since September 1, 2013, hair braiders in Alabama are regulated as “natural hair stylists,” requiring 210 hours of coursework, rather than as cosmetologists, requiring 1,200 hours of training.⁹ Nevada enacted a specialty license that reduced the total hours of training necessary to braid legally from 1,200 to 250.¹⁰ Illinois moved from a 1,200-hour cosmetologist license requirement to a separate 300-hour license for braiders. Louisiana reduced the hours for its “alternative hair design” license from 1,000 to 500.¹²

Two states reduced the hours of training necessary for hairstylists, but still regulate braiders as hairstylists. This means that braiders in these states are still subject to 1,000 hours of irrelevant training. In West Virginia, where a cosmetologist license required 2,000 hours of coursework, the status of natural hair braiding was unclear. In 2012, however, the state legislature approved creating a new hairstylist license that mandates 1,000 hours instead.¹³ In a similar vein, the Wyoming Board of Cosmetology lowered the hours needed to obtain a hairstylist license from 1,250 to 1,000 in November 2010.¹⁴

While these may be small steps in the right direction, Alabama, Illinois, Louisiana, Nevada, West Virginia and Wyoming still make life needlessly difficult for braiders.

Oregon, Utah and Virginia have liberated braiders from burdensome licensure. Oregon is the latest state to reform its hair braiding laws. Previously, braiders were regulated as part of “hair design,” which requires 1,450 hours of training, plus an additional 250 hours of coursework in sanitation and career development.¹⁵ But in 2013, HB 3409 was signed into law, which created regulations for “natural hair care,” a new category separate from cosmetology and hair design. The new rules took effect January 1, 2014. Now braiders need only study an online training module and pass a written exam.¹⁶

Changes were even more dramatic in Utah as the result of an Institute for Justice lawsuit. In order to operate legally, Utah braiders had been forced to procure a cosmetologist license.

That required 2,000 hours of training, which took at least an entire year. By Utah's own admission, the vast majority of those 2,000 hours were completely irrelevant to braiding.

To defend her right to an honest living, Jestina Clayton, a Salt Lake City-area braider with over two decades of experience, teamed up with the Institute for Justice and sued the state. In response to this lawsuit, one legislator tried to introduce a bill that would have exempted braiders from cosmetology in 2011. At a committee hearing, it was booed by a room "packed with licensed cosmetologists."¹⁷ The bill not only failed to pass, it was never officially introduced.

In a major win for economic liberty (and common sense), a federal court ruled that Utah's 2,000-hour training requirement for braiding was unconstitutional in August 2012.¹⁸ Following suit, HB 238 was introduced to codify formally "hair braiding" as a practice separate from barbering and cosmetology. HB 238 unanimously passed the state legislature before being signed into law in March 2013.¹⁹ Now state law explicitly exempts hair braiding from licensure.²⁰

As for Virginia, Old Dominion best represents how states have gradually reformed their licensing laws. For years, entrepreneurs had to undergo 1,500 hours of training to become a licensed cosmetologist to legally braid hair. After 2004, a separate license was created for hair braiders, reducing their total training time to 170 hours.²¹

But as Virginia's Department of Professional and Occupational Regulation itself noted, "no evidence of public harm supported the continued regulation of hair braiding."²² So in November 2011, the governor's Commission on Government Reform and Restructuring recommended eliminating hair-braiding licenses entirely.²³ A few months later, Virginia's General Assembly followed suit and overwhelmingly approved a government reform bill to liberalize hair braiding.²⁴ Now hair braiders are completely free from a license to work.

North Carolina is the only state that increased regulatory barriers to hair braiders in recent years. Previously, "natural hair braiders" were free from licensing and state regulation. However, if braiders used dyes or chemicals or cut hair, they would be required to obtain a cosmetologist license. Now braiders are entangled in red tape. Since June 30, 2011, to become a specialist in "natural hair care,"²⁵ an individual must complete 300 hours of training before passing two exams, one written and one practical.²⁶

State	Hours Required Before Legal Change	Hours Required After Legal Change
Alabama	1,200	210
Illinois	1,200	300
Louisiana	1,000	500
Nevada	1,200	250
North Carolina	No license	300

Oregon	1,700	Online module and written exam
Utah	2,000	No license
Virginia	170	No license
West Virginia	2,000	1,000
Wyoming	1,250	1,000

What Braiders Are Required to Learn

Proponents of occupational licensing argue licensure is necessary to protect consumer health and safety. However, when applied to African hair braiding, this claim is simply not true.

First, as noted earlier, 11 states do not license hair braiders whatsoever and have not suffered ill effects as a result. African hair braiding does not use any potentially hazardous chemicals. So the risks are minimal compared to other professions (like doctors or dentists). In fact, before Virginia scrapped its licensure regime, its Department of Professional and Occupational Regulation found “no evidence of public harm supported the continued regulation of hair braiding.”²⁷ Likewise, the Colorado Department of Regulatory Agencies (DORA) criticized the state’s braiding requirements as “cumbersome,”²⁸ finding only three complaints against natural hair stylists between 2000 and 2008. All three complaints involved braiders who were working without a cosmetologist or hairstylist license.²⁹ DORA recommended deregulating the occupation, though the Colorado legislature still has not acted on DORA’s advice.

Second, several states have devised ways to educate braiders about sanitation with minimal hassle. Braiders in Florida merely have to pass a two-day, 16-hour course on communicable diseases and proper sanitation before obtaining a license.³⁰ Similarly, Oregon now requires “natural hair care” practitioners to read a PowerPoint presentation that covers diseases, health risks and state statutes, before completing a written exam.³¹ Kansas goes one step further. The state does not license braiders at all, but only requires them to read a one-page hygiene brochure and then complete a “self-test on infection control.”³² Indeed, the Kansas Public Health Association, the oldest and largest organization of public health professionals in the state, suggested the brochure when Kansas was debating liberalization in 2000.³³

Unfortunately, many state laws are far from these common-sense approaches. States with lengthy licensing requirements force African hair braiders to waste enormous wastes of time and money. For Oklahoma’s hair braiding technician license, 600 hours of training must be completed—the most burdensome among states with a separate natural hair braiding license. But in an irony apparently lost on the Sooner State’s bureaucrats, 180 hours of this training is dedicated to teaching entrepreneurs how to run a salon. In other words, the government is forcing hair braiders to take a course on how to thrive in the free market.³⁴

States that require full-blown cosmetologist licenses create an even more arduous burden for braiders. Substantial portions of the cosmetology curricula are completely irrelevant to natural hair braiding. Take Indiana. Only 70 hours—barely four percent—of the required 1,500-hour cosmetology course are devoted to actually teaching “hair styling” techniques, and that encompasses many skills besides braiding, like waving, pressing and wet and thermal sets.³⁵ In Wyoming, only one percent of the time spent to pass that state’s 1,000-hour hairstylist course actually involves teaching braiding hair.³⁶

Incredibly, it is even worse in Missouri. The Show-Me State forces braiders to spend 1,500 hours to obtain a cosmetologist license. Of the 1,030 hours of instruction specified by the statute, none are dedicated to teaching African hair braiding techniques. (The remaining 470 hours needed are defined by the cosmetology school.) One hundred and ten hours are devoted to manicuring, while another 260 hours are dedicated to cutting, coloring and bleaching hair. As for informing entrepreneurs about safety risks, 60 hours are allocated to teaching about sterilization, sanitation and scalp diseases.³⁷ That’s a mere four percent of the coursework.

These states are not outliers. By definition, any state that mandates natural hair braiders to become either cosmetologists or hair stylists is forcing entrepreneurs to waste their time learning skills that are irrelevant to their practice.

Lack of Education Options

Unfortunately, irrelevant mandatory training is not the only obstacle for hair braiders to operate legally. Adding insult to injury, very few of the licensed cosmetology schools in states with separate and onerous licenses actually offer courses in hair braiding.

Of the 66 cosmetology schools in Louisiana, as of 2012, only five teach alternative hair design courses.³⁸ As for the length of those schools’ alternative hair design curricula, three require 500 hours, one requires 600 hours, and another mandates 1,000 hours of instruction. So potential hair braiders must forego months of working before they can legally operate in Louisiana—a hefty opportunity cost.

In addition to the hundreds of hours of mandatory training, braiders must pay thousands of dollars in tuition fees. One cosmetology school, the Willie Payne Hair Academy, costs applicants \$3,300 for its 500-hour alternative hair design program. Though licensed in the state of Louisiana, the academy is currently unaccredited. If its accreditation is approved, costs will soar to \$10,050.³⁹ Meanwhile, the Stevenson Academy of Hair Design charges students \$10,700 for its 1,000-hour alternative hair design course.⁴⁰

The lack of education options is even more shocking in Ohio and Oklahoma. Both states have exactly one school that offers a natural hair styling curriculum.⁴¹ With a monopoly on courses, the New Directions Beauty Institute in Ohio charges \$6,500 for 600 hours of training, or 17

weeks, full-time.⁴² Of those hours, 450 fulfill Ohio's natural hair stylist requirements, while an additional 150 hours are for salon management. (New Directions does not offer a natural hair stylist course without the management component.)

Considering Ohio's very stringent restrictions, it is not surprising there are so few natural hair stylists in the Buckeye State. From 1999 to today, a mere 63 natural hair stylist licenses have been issued. Of those, 28 are still active and only one belongs to an instructor.⁴³

Meanwhile, out of the 84 cosmetology schools licensed by the state of Oklahoma,⁴⁴ only one offers a hair-braiding course. Since September 2013, Clary Sage College in Tulsa has a 600-hour curriculum for hair braiding technicians. Tuition alone costs \$8,500. When other fees (books, kits, etc.) are included, the total cost to learn braiding at Oklahoma's lone braiding school jumps to \$10,282.⁴⁵

This red tape has essentially eliminated the hair braiding profession in the Sooner State. Only one hair braiding technician license was issued in both 2009 and 2010. Four were issued in 2011, while six technicians received licenses in 2012. By comparison, 21,852 cosmetologist licenses were issued in 2012.⁴⁶

Finally, while both Illinois and Michigan have burdensome course requirements for braiders, neither state actually has a way for braiders to legally learn. Illinois, a state with almost 13 million residents, does not have a single licensed school that teaches a braiding course. (By comparison, there are 140 licensed cosmetology schools.⁴⁷) As for Michigan, since July 2007, there has not been an active license for a hair-braiding instructor.⁴⁸ That makes it rather difficult to receive the training required to become a braider.

State-by-State Braiding Laws

Alabama

Separate License, Burdensome

Grade	Since September 1, 2013, hair braiders in Alabama have been regulated as “natural hair stylists.” Previously, the legal status of braiders was unclear, though braiding may have fallen within the state’s definition of cosmetology (and required 1,200 hours of training). To become licensed, natural hair stylists must be at least 16 years old, have at least a 10 th grade education, and complete 210 hours of coursework. ⁴⁹
D+	

Alaska

Hairdresser License

Grade	Hair braiding is not explicitly mentioned in Alaskan statutes. ⁵⁰ While Alaska’s statutes do not refer to braiding, the state’s Board of Barbers and Hairdressers confirmed that braiders are regulated as hairdressers. ⁵¹ This means braiders are required to pass an exam after taking either 1,650 hours of coursework or 2,000 hours of training as an apprentice. ⁵²
F	

Arizona

Free to Braid, No License

Grade	Since 2005, braiders do not need a cosmetologist license to work. ⁵³ The Institute for Justice sued the Arizona Board of Cosmetology on behalf of Essence Farmer, who was required to spend at least \$10,000 on 1,600 hours of training in order to legally work as a hair braider. In response to the lawsuit, Arizona passed SB 1159 in 2004, which expressly exempted hair braiders from cosmetologist license requirements. ⁵⁴ In 2006, Essence opened the Rare Essence Braiding Studio in Glendale, where it still stands today. ⁵⁵ She has since opened a second location in nearby Tempe. ⁵⁶
A	

Arkansas

Cosmetologist License

Grade

F

While Arkansas' statutes do not specifically address braiding,⁵⁷ the state's Cosmetology Technical Advisory Committee confirmed that braiders are regulated as cosmetologists.⁵⁸ To become a cosmetologist in Arkansas, one must be at least 16 years old, finish two years of high school and complete 1,500 hours of training, before passing a written and practical exam.⁵⁹

In 2014, the Institute for Justice launched a lawsuit on behalf of braiders Nivea Earl and Christine McLean to challenge the constitutionality of this scheme. As of this report, the lawsuit is pending.

California

Free to Braid, No License

Grade

A

Since 1999, natural hair braiders have been free from barbering and cosmetology regulations.⁶⁰ In 1997, the Institute for Justice partnered with "locktician" Dr. JoAnne Cornwell and sued the state. Braiders like Dr. Cornwell were required to obtain 1,600 hours of cosmetology training, which cost, on average, \$7,000. To put that in perspective, back in the late 1990s, a hair braider needed almost 1,000 more hours of training than a police officer.⁶¹ In 1999, a federal judge ruled these requirements for natural hair braiders were unconstitutional.⁶² After the ruling, California amended its cosmetology law to explicitly exempt braiders.⁶³

Colorado

Hairstylist License

Grade

F

Colorado does not have a separate license for braiders. Instead, they are regulated as hairstylists.⁶⁴ To obtain a hairstylist license, entrepreneurs must complete 40 credit hours or 1,200 clock hours before taking an exam.⁶⁵ Rather remarkably, the bureaucracy charged with regulating natural hair braiding in Colorado has called for deregulation. In 2008, the Department of Regulatory Agencies (DORA) published a thorough report on natural hair braiding and recommended the legislature exempt natural hair braiders if they completed a 90-minute sanitation and disinfection seminar.⁶⁶ Between 2000 and 2008, there were only three complaints against natural hair stylists in Colorado—all for braiding hair without a hairstylist license.⁶⁷

According to DORA, "The current requirements are cumbersome and do little to prepare individuals for the practice of hair braiding/natural hairstyling. Further, the requirements may be indirectly contributing to the sizable underground hair braiding/natural hairstyling community in

Colorado.”⁶⁸ Indeed, the DORA report noted that “by erecting barriers to entry into a given profession or occupation, even when justified, regulation can serve to restrict the supply of practitioners.”⁶⁹ The Colorado Legislature has yet to act on DORA’s recommendation.

Connecticut

Free to Braid, No License

Grade

A

Braiders in Connecticut are free from licensure; the state statutes expressly exempt hair braiders from hairdressing and cosmetologist licensing regulations.⁷⁰

Delaware

Cosmetologist License

Grade

F

Natural hair braiding is included in Delaware’s definition of cosmetology.⁷¹ As such, before they can legally braid, Delaware entrepreneurs must have a 10th Grade education, pass a written and practical exam, and complete either 1,500 classroom hours or 3,000 hours as an apprentice under a licensed cosmetologist.⁷² These course requirements create high barriers to entry: a 1,500-hour cosmetology course costs \$17,200 at the Delaware Learning Institute of Cosmetology.⁷³

District of Columbia

Separate License, Burdensome

Grade

C

Washington, D.C. defines hair braiding apart from cosmetology and requires a separate specialty license. D.C. hair braiders must complete 100 hours of training in a cosmetology school or have the equivalent amount of practical experience.⁷⁴ In 1992, the D.C. City Council reformed its hair braiding laws, establishing the 100-hour standard, in response to the Institute for Justice’s very first lawsuit, on behalf of Taalib-Din Uqdah and his wife Pamela Ferrell.⁷⁵

As of March 2014, there are 160 of these specialty licenses for hair braiders, according to the D.C. Department of Consumer and Regulatory Affairs.

Florida

Separate License, Not Burdensome

Grade	Hair braiding is defined distinctly from cosmetology in Florida. ⁷⁶ Obtaining a license costs between \$300 and \$400 ⁷⁷ and requires taking a 16-hour, two-day course. There is also a \$25 biennial license fee. ⁷⁸ Wrapping hair or adding extensions is not covered by this separate braiding license, even though it is generally considered part of the practice of hair braiding.
B+	

Georgia

Free to Braid, No License

Grade	Since 2006, Georgia has explicitly exempted hair braiding from cosmetologist licensure. ^a
A	

Hawaii

Cosmetologist, Barber or Hairdresser License

Grade	While Hawaii's statutes do not explicitly mention braiding, the state's Board of Barbering and Cosmetology confirmed that braiders do need a license to operate. A cosmetologist, barber or hairdresser license all qualify. ⁸⁰ A hairdresser's license is the easiest to obtain, requiring 2,500 hours as an apprentice or 1,250 hours of coursework. ⁸¹ A cosmetologist needs 3,600 hours as an apprentice or 1,800 hours of coursework. ⁸² Barbers need 1,500 hours of training followed by a six-month apprenticeship. ⁸³
F	The IBS School of Cosmetology in Maui charges \$11,600 for its hairdresser course and \$17,585 for its cosmetology course. ⁸⁴ A cosmetologist license costs \$24,000 at Remington College in Honolulu. ⁸⁵

Idaho

Cosmetologist License

Grade	Natural hair braiding is not explicitly mentioned in Idaho's statutes. ⁸⁶ Contacting the state Board of Cosmetology confirmed that braiders are regulated as cosmetologists. ⁸⁷ A cosmetologist license requires an exam and finishing either a 2,000-hour course at a cosmetology school or 4,000 hours as an apprentice. ⁸⁸
F	The total cost for a cosmetology course ranges from \$17,626 at Idaho State University in Pocatello ⁸⁹ to \$19,754 at Oliver Finley Academy in Boise. ⁹⁰

Illinois

Separate License, Burdensome

Grade	Illinois began a separate licensure program for hair braiders on January 1, 2011. ⁹¹ The statute clearly differentiates hair braiders from both cosmetologists and barbers. ⁹² To become a licensed hair braider, an applicant must be at least 16 years old; a high school graduate or "beyond the age of compulsory school attendance"; and must complete "a minimum of 300 clock hours or a 10 credit hour equivalency of instruction" from a school that teaches hair braiding. ⁹³ As mentioned earlier in the report, currently, no licensed schools offer a natural hair-braiding curriculum. ⁹⁴ People who braid without a license can face fines of up to \$5,000. ⁹⁵
D	<p>The state also had a grandfathering process that lasted two years after the licensing program was adopted. Braiders could obtain a license without completing the 300 hours of coursework if they could prove they "practiced hair braiding for at least 2 consecutive years immediately prior to the date of his or her application."⁹⁶</p> <p>Since January 1, 2011, Illinois has issued 613 hair braider licenses. None have been renewed as of yet, as the first expiration will occur on October 31, 2014. By comparison, the Illinois Department of Financial & Professional Regulation has issued 15,911 cosmetologist licenses from 2008 to present. There are currently 72,734 cosmetologists licensed in the state of Illinois.⁹⁷</p>

Indiana

Cosmetologist License

Grade

F

Indiana does not mention braiding in its definition of cosmetology.⁹⁸ But as part of its cosmetology curriculum, cosmetologists must learn hair styling, which includes some form of hair braiding.⁹⁹ The state Board of Cosmetology and Barber Examiners confirmed that braiders are regulated as cosmetologists.¹⁰⁰ To obtain a cosmetologist license, a braider must pass an exam after completing a 1,500-hour course where the student must be enrolled for at least 20 hours a week and no more than 50 hours per week.¹⁰¹

A course in cosmetology ranges from \$8,495 at Amber's Beauty School in Muncie¹⁰² to \$11,500 at Merrillville Beauty College.¹⁰³

Iowa

Cosmetologist License

Grade

F

Along with Nebraska and South Dakota, Iowa has the dubious distinction of imposing the most red tape on braiders. State law regulates braiding as part of the practice of cosmetology.¹⁰⁴ Obtaining a cosmetologist license requires 2,100 hours of coursework.¹⁰⁵ That translates to taking 35 hours of courses a week for over 60 weeks.

All this mandated training means braiders will have to spend almost \$20,000 before they can legally operate. The Iowa School of Beauty charges \$18,818 for its cosmetologist program,¹⁰⁶ while coursework at PCI Academy in Ames costs \$18,943.¹⁰⁷

Kansas

Free to Braid, No License

Grade

A

Kansas does not require hair braiders to be licensed. Braiders are explicitly exempted from the practice of cosmetology.¹⁰⁸ Instead, state law merely requires braiders to complete an eight question "self-test on infection control."¹⁰⁹ Braiders also must keep a brochure and the self-test where they work.¹¹⁰ However, hair braiders are not required to submit the self-test to the Kansas Department of Health and Environment. The department does not keep track of how many people have completed the self-test.¹¹¹

Kentucky

Cosmetologist License

Grade

F

Kentucky does not specifically include hair braiding in its statutes.¹¹² Yet according to the state Board of Hairdressers and Cosmetologists, braiders are regulated as cosmetologists.¹¹³ To obtain a license, braiders must be at least 16 years old, have a high school education, pass an exam and complete either 1,800 hours of coursework or a six-month apprenticeship, supervised by a licensed cosmetologist.¹¹⁴

Completing a cosmetology course ranges from \$5,329 at the Paducah Beauty School¹¹⁵ to \$18,655 at the Empire Beauty School in Elizabethtown.¹¹⁶

Louisiana

Separate License, Burdensome

Grade

D-

Since April 1, 2003, Louisiana has authorized a special permit for “alternative hair design,” which includes hair braiding.¹¹⁷ To obtain this permit, an applicant needs at least 500 hours of instruction.¹¹⁸ In 2003, six such permits were issued. In 2012, only six new permits were issued while 16 were renewed. By comparison, in 2013, 1,462 new licenses were issued for cosmetologists, while another 22,237 cosmetologist licenses were renewed.¹¹⁹ As previously noted in the report, only five of Louisiana’s 66 cosmetology schools teach the alternative hair design course, as of 2012.¹²⁰

Maine

Cosmetologist License

Grade

F

While Maine’s statutes do not explicitly mention braiding, the state’s Barbering and Cosmetology Program in the Office of Professional and Occupational Regulation confirmed that braiders are regulated as cosmetologists.¹²¹ To obtain a cosmetologist license, a braider must be at least 17 years old, have at least a 10th grade education, pass an exam, and complete either a 1,500-hour course in no fewer than 9 months or spend 2,500 hours over at least 18 months as an apprentice.¹²²

A cosmetology program costs \$13,966 at Mr. Bernard’s School of Hair Fashion in Bangor and Lewiston¹²³ and \$16,000 at the Spa Tech Institute.¹²⁴

Maryland

Free to Braid, No License

Grade

A

Hair braiding is explicitly exempted from cosmetology licensing.¹²⁵ Because Maryland does not license hair braiders, so the state has no information on them.

Massachusetts

Hairdresser License

Grade

F

Hair braiding is not specifically mentioned in Massachusetts,¹²⁶ but the state Board of Registration of Cosmetologists regulates braiders as hairdressers.¹²⁷ To achieve a hairdressing license, a braider must first register as an Operator, which requires 1,000 hours of professional training and passing a three-part written, oral and practical exam.¹²⁸ After becoming an Operator, a braider needs to work for two years under an already licensed hairdresser before she can register as a hairdresser.¹²⁹

A course at La Baron Hairdressing Academy in Brockton costs \$12,527.50.¹³⁰

Michigan

Free to Braid, But Separate, Burdensome Certification

Grade

A

Michigan has a separate license for “natural hair cultivation,” though fortunately it’s voluntary.¹³¹ As the Michigan Department of Licensing and Regulatory Affairs explains, licensure is not required unless the individual wishes to use the title “natural hair culturist.”¹³²

In the Wolverine State, natural hair cultivation includes braiding, weaving and extending hair, but does not include dyeing, using chemicals, straightening or curling hair.¹³³ To become licensed, an applicant needs to be at least 17 years old, have at least a 9th grade education, pass a practical and theory exam, and complete either 400 hours of training or serve at least 6 months as an apprentice.¹³⁴ Between FY04-05 and FY11-12, 12 people took the practical exam. Eleven passed—a pass rate of 91.67 percent. During that same period, 17 people took the theory exam, but only 11 passed—a pass rate of 64.7 percent.

Over the past decade, while the number of cosmetologist licenses

have stayed roughly the same, active licenses for natural hair culturists have dropped dramatically. In July 2002, there were 76,842 cosmetologists and 1,879 cosmetologist instructors licensed. Eleven years later, there were 78,088 cosmetologists and 1,691 cosmetologist instructor active licenses. By comparison, in July 2002, there were 167 natural hair culturist licenses and only two natural hair culturist instructors licensed. In July 2013, the active license population for natural hair culturists plummeted to 56, and there are currently no natural hair culturist instructors licensed.¹³⁵

Minnesota

Separate License, Not Burdensome

Grade	Minnesota has registered 65 hair braiders since 2010. ¹³⁶ Before they can register with the Minnesota Board of Cosmetologist Examiners, braiders must complete 30 hours of coursework. ¹³⁷ The Eco Hair Institute offers the 30-hour course online for \$100. ¹³⁸ Braiders must also pay a \$20 fee per year, as well as a licensing surcharge that can range from \$5 to \$150 for both initial license applications and renewals. ¹³⁹
B	

Mississippi

Free to Braid, Not Burdensome Registration

Grade	Mississippi began registering hair braiders in 2005 after HB 454 was signed into law. Forty were registered that first year. In 2013, 195 braiders registered with the Mississippi State Department of Health. Braiders are required to pay a \$25 registration fee and complete a self-test. The completed self-test also must remain at the location where they braid. ¹⁴⁰
A	

Missouri

Cosmetologist License

Grade	Missouri does not include the exact words “hair braiding” in its definition of cosmetology. ¹⁴¹ But in an administrative hearing in 2011, the state Board of Cosmetology ruled, “The practice of hair braiding is included in the definition of cosmetology.” ¹⁴²
F	Before taking the licensing exam, braiders must be at least 17 and have successfully completed at least the 10 th grade. Students must complete either 1,500 training hours at a licensed cosmetology school or 1,220 hours of instruction at public vocational technical school. Missouri also has an apprenticeship program, where apprentices need

to complete 3,000 hours of training under the supervision of a licensed cosmetologist.¹⁴³ All hours must be completed within five years of becoming a student or apprentice to qualify for the exam.¹⁴⁴

There are 94 licensed cosmetology schools in Missouri, and 70 had the cost to attend publically available. The average cost to attend a school that disclosed its cost is, on average, \$13,746. Several schools, including Paul Mitchell The School in St. Louis¹⁴⁵ and the Xenon International Academy charge over \$20,000.¹⁴⁶

In 2014, the Institute for Justice launched a lawsuit on behalf of braiders Joba Niang and Tameka Stigers to challenge the constitutionality of this scheme. The lawsuit is pending, as of this report.

Montana

Cosmetologist License

Grade	Hair braiding is considered a part of hairdressing ¹⁴⁷ in Montana, which in turn is regulated as cosmetology. ¹⁴⁸ A cosmetologist license requires a 2,000-hour course and an exam. ¹⁴⁹
F	Completing that course costs \$10,020 at the Bold Beauty Academy in Billings ¹⁵⁰ and \$11,225 at the Montana Beauty College in Miles City. ¹⁵¹

Nebraska

Cosmetologist License

Grade	Nebraska's statutes, including its definition of cosmetology, do not address braiding ¹⁵² but the state's Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art confirmed that braiders are regulated as cosmetologists. ¹⁵³ To get a cosmetologist license, a braider must complete a 2,100-hour course. ¹⁵⁴ So the state is tied with Iowa and South Dakota in having the most onerous regulations for hair braiders.
F	Obtaining a cosmetologist license costs \$20,095 at the Capitol School in Omaha. ¹⁵⁵

Nevada

Separate License, Burdensome

Grade	Until 2011, hair braiders in Nevada were regulated as cosmetologists and were required to spend 1,200 hours to procure a license in hair design. Such a license can cost more than \$17,000 in tuition and equipment, ¹⁵⁶ even though many of these schools do not teach how to braid hair.
D+	But in 2011, the Nevada House and Senate both unanimously passed SB 193, which defined natural hair braiding as distinct from cosmetology and created a separate license. ¹⁵⁷ Now braiders must be at least 18 years old, have at least a 10 th grade education and complete 250 hours of coursework. ¹⁵⁸ There are 13 active hair braider licenses in the state currently. ¹⁵⁹

New Hampshire

Cosmetologist License

Grade	New Hampshire's statutes do not address natural hair braiding. ¹⁶⁰ But the state's Board of Barbering, Cosmetology and Esthetics confirmed that braiders are regulated as cosmetologists. ¹⁶¹ This requires a braider to complete a 1,500-hour course or a 3,000-hour apprenticeship over at least two years before taking an exam. ¹⁶²
F	A course in cosmetology costs \$18,355 at Keene Beauty Academy ¹⁶³ and \$19,640 at Michael's School of Hair Design in Bedford. ¹⁶⁴

New Jersey

Cosmetologist License

Grade	New Jersey does not specifically refer to hair braiding in its statute, but its definition of "cosmetology and hairstyling" does include references to hair weaving. ¹⁶⁵ In addition, the New Jersey State Board of Cosmetology and Hairstyling confirmed that braiders are regulated as cosmetologists. ¹⁶⁶ To get a license, a braider must complete a 1,200-hour course. ¹⁶⁷
F	A course costs \$16,561 at Jolie Hair and Beauty Academy in Northfield ¹⁶⁸ and \$17,185 at the Robert Finance Beauty School in Pitman. ¹⁶⁹

New Mexico

Cosmetologist License

Grade

F

While hair braiding is not specifically mentioned as part of New Mexico's definition of cosmetology,¹⁷⁰ the state's Board of Barbers and Cosmetologists confirmed that braiders are regulated as cosmetologists.¹⁷¹ A cosmetologist license is required for practitioners to naturally braid hair.¹⁷² To become licensed, a braider must be at least 17 years old, have at least a 10th grade education and complete 1,600 hours of training.¹⁷³

The cost to obtain a cosmetologist license at the Aveda Institute in Albuquerque ranges from \$16,692 to \$17,869 and takes over a year to complete the coursework.¹⁷⁴ The Olympian University of Cosmetology charges \$17,995.¹⁷⁵

New York

Separate License, Burdensome

Grade

D

New York regulates hair braiders as "natural hair stylists," a category separate from cosmetology.¹⁷⁶ To become licensed, applicants must finish at least 300 hours of coursework,¹⁷⁷ be at least 17 years old and pass both a practical and written exam.¹⁷⁸ The New York State Board of Cosmetology does not track how many beauty schools teach natural hair styling. Since few schools in the Empire State offer natural hair stylist courses, that further limits opportunity for braiders.

Research conducted by the Institute for Justice found only two such schools: the Hair Academy in New York City and the Beval International Beauty School in Baldwin. Completing a natural hair styling course at the Hair Academy costs \$2,325.¹⁷⁹ At Beval, it costs \$2,700.¹⁸⁰

Running a natural hair stylist business without a license can lead to fines of up to \$500 for the first violation, \$1,000 for the second, and up to \$2,500 for every violation thereafter.¹⁸¹ Since 1994, 748 natural hair stylists have been licensed. As a point of comparison, from 1992 to today, 87,790 cosmetologists have been licensed.¹⁸²

North Carolina

Separate License, Burdensome

Grade	Since June 30, 2011, to become a specialist in “natural hair care” ¹⁸³ in North Carolina, an individual must complete 300 hours of training before passing two exams, one written and one practical. ¹⁸⁴
D	<p>Of the state’s 133 cosmetology schools, only seven¹⁸⁵ offer a natural hair care curriculum. Education costs vary wildly. A 336-hour course at Lenoir Community College in Kinston puts students back only \$312.50.¹⁸⁶ Meanwhile, Sherrill’s University Barbering and Cosmetology in Raleigh charges students \$3,512 for its 700-hour course—more than ten times as much as Lenoir.¹⁸⁷</p> <p>Since 2009, when the Board began data collection, 492 specialist licenses have been issued, while 344 have been renewed. As for the exams, so far, 903 people have applied to take them; 623 passed the practical.¹⁸⁸</p>

North Dakota

Cosmetologist License

Grade	North Dakota does not explicitly refer to hair braiding in its statutes, including in its definition of cosmetology. ¹⁸⁹ Yet the state’s Board of Cosmetology regulates braiders as cosmetologists. ¹⁹⁰ A cosmetologist license requires a minimum of 1,800 hours of training. ¹⁹¹
F	The cost to complete the mandated coursework ranges from \$11,119 at the Hair Academy in Bismarck ¹⁹² to \$16,595 at the JZ Trend Academy, also in Bismarck. ¹⁹³

Ohio

Separate License, Burdensome

Grade	Ohio regulates hair braiders as “natural hair stylists,” a profession distinct from cosmetology and barbering. Natural hair stylists cannot singe, bleach, curl, dye or use chemicals on hair. ¹⁹⁴ To become licensed, a stylist needs to complete at least 450 hours of coursework. ¹⁹⁵ Natural hair stylists are also required to be at least 16 years old, have at least a 10 th grade education, pass an exam and be “of good moral character.” ¹⁹⁶
D-	<p>Currently, there is only one school licensed to teach natural hair braiding in the Buckeye State. Thanks to these burdensome restrictions, from 1999 to today, only 63 natural hair stylist licenses have been issued. Of those, 28 are still active and only one belongs to</p>

an instructor.¹⁹⁷

Oklahoma

Separate License, Burdensome

Grade	Oklahoma licenses hair braiders as “technicians.” ¹⁹⁸ The state offers two options to become a legal hair-braiding technician. Both are onerous. An applicant must either take 600 hours of coursework ¹⁹⁹ and pass a practical and written exam, ²⁰⁰ or she can complete 1,200 hours as an apprentice with a licensed instructor. ²⁰¹ Regardless of the path chosen, hair-braiding technicians must be at least 16 years old and have at least an 8 th grade education. ²⁰²
D-	<p>Only one of the 84 cosmetology schools²⁰³ licensed by the State of Oklahoma actually teaches a hair-braiding course.²⁰⁴ The total cost to learn braiding at Oklahoma’s lone braiding school (Clary Sage College in Tulsa) puts braiders back \$10,282.²⁰⁵</p> <p>As for the apprenticeship path, an instructor first needs to apply to the state Board of Cosmetology and submit proof that the prospective apprentice is experiencing either financial hardship or is too far from any school that offers such training.²⁰⁶ Only one apprentice per establishment can be trained at a time.²⁰⁷ While the apprentice has to complete twice as many hours—an enormous burden—that is slightly mitigated as the instructor “shall not charge the apprentice for training.”²⁰⁸</p>

Oregon

Separate License, Not Burdensome

Grade	Since January 1, 2014, braiders must complete an online training module where they earn a certificate of completion. The module is a PowerPoint presentation that consists of almost 150 slides. ²⁰⁹ Afterwards, they must apply for a “practitioner certificate,” which lasts for two years, and pass a written exam to be able to braid legally. ²¹⁰
A-	

Pennsylvania

Separate License, Burdensome

Grade

D

Pennsylvania created a separate license for hair braiders in 2006, though the first license was not issued until 2007.²¹¹ Before this license was created, braiders could face fines of up to \$1,000 for not obtaining a license in cosmetology, which required 1,250 hours of coursework.²¹² Now to legally braid, these entrepreneurs must complete 300 hours of training, be at least 16 years old and have a 10th grade education.²¹³ But the state's requirements are still too onerous, as there have been only 33 braider licenses issued between 2007 and August 2013.²¹⁴

There are 166 cosmetology schools in Pennsylvania.²¹⁵ The Pennsylvania Department of State has approved just four schools to teach natural hair braiding, but “the Board does not have information as to whether those schools are actually offering the program.”²¹⁶ The Institute for Justice was only able to confirm two of these schools teach the practice. One of them, the Divine Crown Academy of Cosmetology in Harrisburg charges students \$4,225 for its curriculum.²¹⁷

After completing coursework, a prospective braider must also pass a practical and theoretical exam. The theoretical exam has had a much higher fail rate than the practical. Between July 2011 and July 2013, 22 theoretical natural hair-braiding exams were administered, but only four examinees passed—a pass rate of 18 percent. In fact, between December 2012 and July 2013, there were seven attempts to re-take the theoretical exam, but not a single person passed. By comparison, 10 practical exams were delivered between July 2011 and July 2013. But only one person failed—a pass rate of 90 percent.²¹⁸

Rhode Island

Cosmetologist License

Grade

F

Rhode Island does not explicitly refer to hair braiding in its statutes.²¹⁹ However, it is regulated under the practice of “hairdressing and cosmetic therapy.”²²⁰ So individuals looking to work as hair braiders in Rhode Island must complete a program focused on hairdressing and cosmetic therapy, which requires 1,500 hours of education.²²¹

Coursework costs vary from \$15,502 at Rob Roy Academy in Woonsocket²²² to \$17,000 at the Newport School of Hairdressing in Pawtucket.²²³

South Carolina

Separate License, Not Burdensome

Grade	Through its State Board of Barber Examiners, South Carolina offers a separate registration process for hair braiders. However, South Carolina's definition of hair braiding is narrower than other states as it does not include using hair extensions, ²²⁴ a common practice for braiders. Registration requires completing a six-hour course, passing an exam, and paying a \$25 fee. ²²⁵ Currently, there are 1,608 hair braiders in the Palmetto State. ²²⁶
A-	

South Dakota

Cosmetologist License

Grade	South Dakota is tied with Iowa and Nebraska in having the most burdensome requirements for hair braiders. Braiding is considered part of cosmetology, ²²⁷ which means these entrepreneurs must complete 2,100 hours of coursework. ²²⁸
F	When all the tuition, equipment, and fees are added together, acquiring a cosmetologist license can cost a braider \$12,907.68 (plus taxes) at the Desaree and Company School of Beauty in Sturgis ²²⁹ or \$14,590 at the Black Hills Beauty College, based in Rapid City and Sioux Falls. ²³⁰

Tennessee

Separate License, Burdensome

Grade	Tennessee defines natural hair braiding as separate from cosmetology. ²³¹ Hair braiders can obtain a specialty license by completing a 300-hour course and passing a test. ²³²
D	Sweeting's Cosmetology & Braiding Institute is one of the few establishments that offer the natural hair styling program. Tuition there costs \$4,000. ²³³

Texas

Separate License, Not Burdensome

Grade	To become certified in hair braiding, ²³⁴ an applicant in the Lone Star State simply needs to be at least 17 years old and take a 35-hour course. ²³⁵ But if a braider wants to shampoo, condition, or dry the hair she is working with, she will need to obtain a separate hair weaving ²³⁶ specialty certificate. Unlike braiding, hair weaving requires 300 hours of training plus passing a written and practical exam. ²³⁷
B	

Unsurprisingly, the hair weaving class is much more expensive than hair braiding. At the Dallas Barber & Stylist College the full hair braiding course costs \$585, while hair-weaving certification costs \$4,801 — an eightfold increase.²³⁸

Since September 1, 2006, when Texas began collecting data on hair braiders, the total number of licensed braiders has almost quadrupled, from 319 in FY 07 to 1,137 today. Yet the total number of hair braiding establishments has actually declined, from 78 to 70 over the same period. By comparison, some 55,000 new cosmetologists have been licensed over the same period, rising from 174,859 in FY 07 to 232,481 in FY 13.²³⁹

Texas has also foisted irrational requirements on braiding instructors. To challenge this scheme, in October 2013, the Institute for Justice filed a lawsuit on behalf of Isis Brantley, a Dallas braiding instructor.

Utah

Free to Braid, No License

Grade

A

As noted earlier, Utah state law now explicitly exempts hair braiding from licensure,²⁴⁰ after the Institute for Justice successfully sued the state for its licensing restrictions in 2012.²⁴¹ Since these entrepreneurs are free from licensing, Utah does not collect data on braiders.

Vermont

Cosmetologist License

Grade

F

While Vermont's statutes do not explicitly mention natural hair braiding, the state's Board of Barbers and Cosmetologists has confirmed that braiders are regulated as cosmetologists.²⁴² This requires an applicant to be at least 18 years old, have a high school education and complete 1,500 hours of coursework.²⁴³

A cosmetology course at the O'Brien Aveda Institute in Burlington charges \$17,800.²⁴⁴

Virginia

Free to Braid, No License

Grade

A

Hair braiding has been completely deregulated in Virginia since July 1, 2012. Since the state's Department of Professional and Occupational Regulation Board for Barbers and Cosmetology first began tracking hair braiders, their numbers had been declining from 842 on June 1, 2006 to 345 braiders on June 1, 2012, one month before deregulation went into effect. The board no longer keeps records on braiders.²⁴⁵

Washington

Free to Braid, No License

Grade

Inc.

In 2004, the Institute for Justice sued the Washington Department of Licensing to remove braiding from cosmetologist licensure because braiders were required to have 1,600 hours of training.²⁴⁶ In 2005, the Department of Licensing filed an "Interpretative Statement" that read in part, "Natural hair braiding does not include hair cutting, application of dyes, reactive chemicals or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair and therefore does not meet the requirements for licensure."²⁴⁷ This was supposed to mean that Washington braiders no longer needed a license, and the lawsuit was dismissed as moot.

In 2013, however, the Department of Licensing warned hair braider Salamata Sylla that she needed to obtain a cosmetologist license to continue her braiding business. This led to another IJ lawsuit on Salamata's behalf, which, as of this writing, is pending.

West Virginia

Hairstylist License

Grade

F

Natural hair braiding is regulated in West Virginia as part of the state's new hairstylist license. Since 2012,²⁴⁸ braiders have to be at least 18 years of age and high school graduates before attending a program to acquire a hairstylist license. This license requires a minimum of 1,000 hours and students must complete 250 of these hours before they are allowed to work on the public at a licensed school.²⁴⁹

Wisconsin

Cosmetologist License

Grade

F

Wisconsin's statutes do not explicitly refer to braiding. But the state's Cosmetology Examining Board confirmed that braiders are regulated as cosmetologists.²⁵⁰ To get a cosmetologist license braiders would have to complete a 1,800-hour course or a 4,000-hour apprenticeship.²⁵¹

A course costs \$18,120 at the Hastings Beauty School.²⁵²

Wyoming

Hairstylist License

Grade

F

Hair braiders in Wyoming must obtain a hairstylist license, which requires attending a 1,000-hour "educational program." Yet only 10 of these hours apply to braiding hair.²⁵³ Braiders can also pursue a full cosmetologist license, which encompasses hairstyling, among other professions, but this license requires 2,000 hours of "educational programming" with the same 10 hours devoted to braiding as the hairstylist program.

Endnotes

¹ S.C. Code § 40-7-255(C) (2013).

² 16 Tex. Admin. Code § 83.20(e)(4)(B) (2014).

³ D.C. Mun. Regs. tit. 17, § 3703.9 (2010).

⁴ Okla. Admin. Code § 175:10-3-43(b) (2013).

⁵ Iowa Code § 157.10(1) (2013).

⁶ Neb. Rev. Stat. § 38-1062(5)(a) (2013).

⁷ S.D. Codified Laws § 36-15-17(2) (2014).

⁸ 006-033-006 Wyo. Code R. § 2(a)(i)(C)(VII)(3) (2014).

⁹ H.B. 184, 2013 Reg. Sess., at 26-27 (Ala. 2013).

¹⁰ Nev. Rev. Stat. § 644.208(e)(1) (2013).

¹¹ 225 Ill. Comp. Stat. 410/3E-1, -2 (2014).

¹² La. Admin. Code tit. 46, § XXXI.1107 (2014).

¹³ H.B. 4097, 2012 Reg. Sess. (W. Va. 2012); W. Va. Code R. § 3-1-10.1 (2014).

¹⁴ Compare 006-033-006 Wyo. Code R. § 2 (2010) with 006-033-006 Wyo. Code R. § 2 (2005).

¹⁵ Or. Rev. Stat. § 345.400(a)(A)(i), (B) (2013).

¹⁶ Oregon Board of Cosmetology, Education & Training for Natural Hair Care, http://www.oregon.gov/ohla/cos/pages/how_to_get_licensed.aspx#Education_&_Training_for_Natural_Hair_Care (last visited July 1, 2014).

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²²⁹ Desaree & Company, Enrollment, http://desareeandcompany.com/?page_id=41 (last visited June 30, 2014).

²³⁰ Black Hills Beauty College, Tuition, <http://www.bhbeautycollege.com/admissions/tuition> (last visited June 30, 2014).

²³¹ Tenn. Code § 62-4-102(a)(14) & (15) (2014).

²³² Tenn. Code § 62-4-110(f) (2014).

²³³ Sweeting's Cosmetology & Braiding Institute, Programs Offered, <http://www.sweetingscosmetology.com/Programs-Offered.html> (last visited June 30, 2014).

²³⁴ 16 Tex. Admin. Code § 83.10(13) (2014).

²³⁵ 16 Tex. Admin. Code § 83.20(e)(4)(B) (2014).

²³⁶ 16 Tex. Admin. Code § 83.10(14) (2014).

²³⁷ Tex. Admin. Code §§83.20(e)(4)(A) & (e)(5) (2014).

²³⁸ Dallas Barber & Stylist College, Admission Requirements, <http://www.dallasbarberandstylistcollege.com/admissions.html> (last visited June 30, 2014).

²³⁹ Response from Renee Kimball, Texas Department of Licensing and Regulation, to Public Records Request from Hannah Miller, Institute for Justice (July 16, 2013) (on file with Institute for Justice).

²⁴⁰ Utah Code § 58-11a-304(12) (2014).

²⁴¹ *Clayton v. Steinagel*, 885 F. Supp. 2d 1212 (D. Utah 2012); Press Release, Institute for Justice, Federal Judge Strikes Down Utah's Hairbraiding Licensing Scheme, (Aug. 9, 2012) <http://www.ij.org/utah-hairbraiding-release-8-9-2012> (last visited June 30, 2014).

²⁴² Phone interview with representative, Vermont Board of Barbers and Cosmetologists (Feb. 19, 2014).

²⁴³ Vt. Stat. tit. 26, §278(1) (2013).

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