

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2371

2001 SENATE HUMAN SERVICES

SB 2371

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2371

Senate Human Services Committee

Conference Committee

Hearing Date February 13, 2001

Tape Number	Side A	Side B	Meter #
1		X	44.1
February 19, 2001 1	X		
February 21, 2001 1	X		
March 28, 2001 1	X		10.6
Committee Clerk Signature			

Minutes:

The hearing was opened on SB 2371.

SENATOR DUAINÉ ESPEGARD, sponsor of the bill, introduced the bill. It deals with the school of esthetics (Written testimony)

TAMARA HENNESSY, Cosmetologist, supports bill. (Written testimony).

BERT KNELL, President of the Board of Cosmetology, supports bill. (Written testimony)

SENATOR KILZER: Is there an accrediting agency for this school? MS. HENNESSY: Yes, you must be in the business for 2 years before becoming accredited. The crediting agency is NAC (National Association of Creditation).

No opposition

Hearing was recessed on SB 2371.

ROLF SLETTEN, Executive Secretary and Treasurer, Board of Medical Examiners, commented on SB 2371 and how it related to the medical field. Amendments were presented. (Written

testimony). SENATOR FISCHER: Where is the line and how do you draw that line and should it be in this bill. MR. SLETTEN: This is where we think the line should be drawn and including in the bill would be good results. SENATOR MATHERN: Is there a need for estheticians? MR. SLETTEN: There are people that want to pay for these services. They have their places. DR. CURT JUHALA, Medically retired physician/surgeon, presented some testimony. He had hired cosmetologist in his practice, working under his direction. I trained a cosmetologist to become an esthetician. If you look at the dollar that is available for use today, there is a crying market out there. Our committee got together and discussed this and came up with some ideas. You can take off dead layers of skin by several means. There are many over the counter cosmetics that will do this. We are talking about the epidermis. A doctor will invade the dermas. This is a superficial level. These people should not cut into the dermas. We - the Board - reviewed all material from all states. SENATOR KILZER: What is micro derma abrasion compared to regular derma abrasion. DR. JUHALA: Regular derma abrasion is taking a brushed wheel freezing the skin and taking a layer of skin off. It is also done by taking a diamond brazier, small studded diamond that you can freeze the skin and you literally take the epidermis off and some of the dermas. You allow that to heal. Micro derma abrasion is a superficial level, but if it cuts in the dermas and you do that with a blade, it cuts the dermas and should be performed by a doctor. SENATOR KILZER: Are there some abrasions that are needle punctures and how do you freeze the area? DR. JUHALA: I used an ethalyn oxide freezer spray on a small area. I would use a shield over my face to prevent the blood from spraying all over. You must be cautious about all the infections that are present today. Laser is not without problems. You can scar the skin.

The public hearing was closed.

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Senate Human Services Committee
Bill/Resolution Number SB 2371
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The committee directed amendments to be drawn by the Medical Board's concerns.

February 21, 2001, Tape 1, Side A

SENATOR LEE called the committee to order with all Senators present.

MARK MONASKY, Intern, explained the amendments received from the Board of Medical Examiners. It defines the fine line between cosmetology and medical procedures.

BERT KNELL, Pres of Board of Cosmetology is comfortable with the amendments

SENATOR MATHERN asked about the licensing and instruction of each division as recorded in the bill. MS. KNELL replied that there are 3 licenses in the general field of Cosmetology.

Cosmetology is hair care; esthetic is skin care, manicure is care of nails. SENATOR KILZER: Is each licensed by the board of cosmetology. MS. KNELL: Yes.

Page 1 line 12 was discussed and it was decided we needed another "or" to identify the three different divisions of cosmetology. SENATOR MATHERN moved the Medical Examiners amendments (0101). SENATOR KILZER seconded the motion. Voice vote carried. Discussion was held on curriculum and instructors credentials. MS. KNELL reported that they were accredited by the National Association of Creditation. SENATOR POLOVITZ moved the amendment to add "or" on page 1, line 12. SENATOR KILZER seconded the motion. Voice vote carried. SENATOR MATHERN moved a DO PASS AS AMENDED. SENATOR KILZER seconded the motion. Roll call vote carried 6-0. SENATOR KILZER will carry the bill.

March 28, 2001, Tape 1, Side A, Meter 10.6.

Discussion on the House amendments put on SB 2371. Voice vote passed a DO CONCUR with one dissenting vote. SENATOR KILZER will carry.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2371

Page 1, line 1, after "reenact" Insert "subsection 12 of section 43-11-01 of the North Dakota Century Code, relating to definitions; and to amend and reenact"

Page 1, after line 4, Insert:

"SECTION 1. AMENDMENT. Subsection 12 of section 43-11-01 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12. "Skin care" means the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, beautifying, or similar work on the scalp, face, neck, arms, hands, bust, or upper part of the body of any person. "Skin care" which is invasive constitutes the practice of medicine and is prohibited, and includes:

- a. The use of lasers or high energy applications, including intense light or microwaves, of any type;
- b. Dermabrasion of any type;
- c. Dermaplaning or scraping with sharp instruments;
- d. Penetration of the skin by metal needles, except electrolysis needles;
- e. Chemical peels utilizing:
 - (1) phenol, resorcinol, salicylic acid, trichloroacetic acid, or glycolic acid, except glycolic acid that is buffered and whose concentration does not exceed 20% with a ph >3.5, or;
 - (2) a combination or mixture of commercially available skin removal products, except as required by the manufacturer's instructions."

Renumber accordingly

Roll Call Vote #: /

Date: 2/21/01

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2371

Senate HUMAN SERVICES Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass as amended

Motion Made By Sen Mathern Seconded By Sen Kilzer

Senators	Yes	No	Senators	Yes	No
Senator Lee, Chairperson	✓		Senator Polovitz	✓	
Senator Kilzer, Vice-Chairperson	✓		Senator Mathern	✓	
Senator Erbele	✓				
Senator Fischer	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen Kilzer

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

REPORT OF STANDING COMMITTEE

SB 2371: Human Services Committee (Sen. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2371 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 12 of section 43-11-01," and after "43-11-16" insert a comma

Page 1, line 2, after "to" insert "skin care,"

Page 1, line 3, after "schools" insert a comma

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 12 of section 43-11-01 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12. "Skin care" means the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, beautifying, or similar work on the scalp, face, neck, arms, hands, bust, or upper part of the body of any person. The term does not include invasive care including:
 - a. The use of lasers or high-energy applications, including intense light or microwaves, of any type;
 - b. Dermabrasion of any type;
 - c. Dermaplaning or scraping with sharp instruments; and
 - d. Chemical peels utilizing:
 - (1) Phenol, resorcinol, salicylic acid, trichloroacetic acid, or glycolic acid, except glycolic acid that is buffered and that has a concentration not exceeding twenty percent with a ph greater than 3.5; or
 - (2) A combination or mixture of commercially available skin removal products, except as specified by the manufacturer's instructions."

Renumber accordingly

2001 HOUSE HUMAN SERVICES

SB 2371

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2371

House Human Services Committee

Conference Committee

Hearing Date March 13, 2001

Tape Number	Side A	Side B	Meter #
Tape 1		X	1160 to end
Tape 2	X		0 to 2350
Tape 3	X		5130 to end
Committee Clerk Signature	<i>Cornie Easton</i>		

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig.

Chairman Price: We will open the hearing on SB 2371.

Senator Espegard: Presented bill. I am here today to speak in favor of SB 2371 and to ask for your support. This bill was brought to me by one of my constituents who desires to establish a College of Instruction in Esthetics. I support this individual who is a reputable business person and who has been in the cosmetology business for a number of years. I support this new business in our community as a form of economic development. There are some problems with the bill as you see it today. While it was in the Senate it was virtually hog housed with an amendment that you see on section 1. The folks that proposed that amendment thought they had the approval and acceptance of the cosmetology person that wants to do this and it was not

approved. It is sent to you with a definition as you see it on the section that describes skin care. You will hear testimony this morning as to why that should not be on there. We will have an amendment that comes forward here today that asks for the bill to go back to its original form which simply sets up a School of Esthetics, sets up the training. When it is amended, I would encourage you to DO PASS.

Chairman Price: What jumps out at me on page 1 is invasive, and the second one is the laser.

Senator Espegard: I don't know anything about it, but you will hear testimony on this.

Tamara Hennessy: Licensed Cosmetologist, Owner of Unique Impressions Salon and Day Spa in Grand Forks. (See written testimony.) One of the largest obstacles I have had to overcome owning the day spa is finding educated professionals to work in my spa. There are no cosmetology schools presently in the State of North Dakota that offer an Esthetics program. The curriculum for students enrolled in an esthetician course for a complete course of 600 hours training must include: Sterilization, sanitation, and safety; body treatment, facials, hair removal, and make-up; study of law, ethics, management and salesmanship; related subject, and unassigned. I believe that too many bad things are to come if SB 2249 passes and SB 2371 passes as amended. SB 2371 was a good bill before the amendment. This bill was intended to keep people in the State of North Dakota to obtain a license for Esthetics and to advance and grow our industry. I am asking for you to please consider my request a valid one.

Chairman Price: Do I understand that there is a separate license for cosmetology and estheticians?

Tamara Hennessy: Yes.

Chairman Price: Where did you get your training as an esthetician and licensure? What is close?

Tamara Hennessy: My cosmetology license and all cosmetology licenses are 1800 hours which includes everything whether it is skin care, hair, make-up. The state board has set up specific license so one can obtain a license in a specific area. A person can obtain a license to become an esthetician for 600 hours. They can obtain a license to become a manicurists for 350 hours. Again when they implemented these laws back in 1990 they didn't follow the laws over into other areas of the law book. My training - I've had 16 years of experience and over the years I have attended the Conservatory of Esthetics in Chicago. That is the nearest place I've obtained by training.

Chairman Price: So anyone who is a licensed cosmetologist is also automatically considered to be a licensed manicurist or a licensed esthetician?

Tamara Hennessy: They could be, but I require that my technicians receive advanced training before they are allowed to do particular services, including the services that are before you today, which the medical field is classifying as invasive procedures. Those particular procedures will not be taught under my 600 hour requirement in my school. It would fall under the advanced training portion of the curriculum.

Chairman Price: You stated that you require the advanced training, do you think that is something that should be required?

Tamara Hennessy: I believe it should be and I support that, but all the more reason that we need to have a school for that.

Chairman Price: Are you aware of any salons in this state using lasers?

Tamara Hennessy: There is somebody in this room that knows first hand about them doing this in their business.

Rep. Galvin: Are you allowed to do all of these procedures now?

