

Hair braider says Utah cosmetology law is unfair

(AP) – 20 hours ago

SALT LAKE CITY (AP) — A part-time hair braider sued Utah on Tuesday, claiming the state's requirements to obtain a cosmetology license are irrelevant to her job and an unconstitutional infringement on her right to earn a living.

Jestina Clayton learned how to braid hair as a 5-year-old in her West African home country of Sierra Leone. Now living outside Salt Lake City, the 28-year-old said she braids hair as a side business to support her two children while her husband finishes school.

Last year, Clayton discovered her business was illegal without a license. Utah law requires anyone working with hair, including hair braiders, to take about 2,000 hours of coursework in order to obtain a cosmetology license. Industry representatives say tuition for such classes could cost between \$9,000 and \$19,000 nationwide.

Clayton, who makes up to \$4,800 on a good year, said that even if she could afford the classes, the courses in Utah do not specifically address hair braiding.

"It is ridiculous to force people trying to put food on the table to go into debt just to do so," said Clayton, who fled her war-torn home country for a better life in America. "I can understand if the state required us to take some health and sanitation courses, but taking cosmetology classes that don't even involve hair braiding doesn't make any sense."

Her lawsuit alleges that the requirement unnecessarily threatens her livelihood and infringes on her right to earn a living free from unreasonable government interference.

Clayton said the law is archaic and stems from a misunderstanding of safe African hair braiding practices, which do not include the use of chemicals or heat that can damage hair or cause injury.

Paul Avelar, a lawyer for the Arlington, Va.-based Institute for Justice, which filed the federal lawsuit with Clayton, said state laws requiring the arduous licensing process were born "out of ignorance."

Several states have laws regulating cosmetology and barbering that include hair braiding. Eight states, such as Utah and Iowa, require full cosmetology licenses, according to the Institute for Justice. A dozen states, including Texas and Florida, require specialized training, such as more than 30 hours in the classroom.

In 2005, Mississippi removed a requirement that African-style braiders complete 1,500 hours of cosmetology classes or 300 hours of wig course work. Professional braiders there now must take a self-guided test and pay a \$25 fee.

Up to 10 states, including California and Arizona, exempt braiders from such laws.

Cosmetology industry representatives say the licensing requirements protect the public.

"If they don't have a license, then anyone can say they are a hair braider, and it's hard to say that person is only going to be braiding hair in a private business," said Brad Masterson, spokesman for the Scottsdale, Ariz.-based Professional Beauty Association.

In recent years, there have also been accusations from the braiding community that governments were unfairly targeting the African art. In 2006, a Philadelphia law requiring hair braiders to get special licenses spurred debate over the plight of immigrant braiders, many of whom came to America with little money and often don't speak English, a skill they would likely need to get through certification.

Gov. Gary Herbert's office refused to comment Tuesday, saying the law is a legislative issue.

The Utah Division of Occupational and Professional Licensing told The Associated Press its board discussed Clayton's concerns but didn't have authority to change existing state law.

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