

# Hair Deserts: How State Cosmetology Licensing Standards Marginalize Textured Hair

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## I. Introduction

As of 2025, only four states in the United States require cosmetology students to be trained in styling Black and textured hair as a prerequisite for licensure.<sup>1</sup> Louisiana was the first state to do so. In November 2021, the Louisiana Board of Cosmetology revised its cosmetology licensing exam to include a section on cutting textured hair.<sup>2</sup> However, for the rest of the United States, receiving formal training in textured hair is sporadic, and most hair stylists have minimal to no experience with diverse hair textures.<sup>3</sup> The lack of federal regulation regarding requirements for cosmetology licensing has permitted the knowledge and abilities of hair stylists to vary by state, thus creating a phenomenon referred to by some as “hair deserts.” Hair deserts are geographical areas that lack salons and beauty supply stores capable of servicing natural hair that is textured.<sup>4</sup> Hair deserts impact African Americans at disproportionate rates and leave these communities without equitable access to hair care. The inconsistent variation of cosmetology

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<sup>1</sup> Jacqueline Laurean Yates, *Louisiana to Require Textured Hair Training for Cosmetologists*, ABC News (Nov. 2021), <https://www.abcnews.go.com/GMA/Style/louisiana-require-textured-hair-training-cosmetologists/story?id=81130732>. African American and Black “textured” hair, as used in this article, refers to hair textures and curl patterns that are characteristic of these ethnoracial minority populations. This hair texture can be contrasted with nontextured, straight, and/or Eurocentric hair types. While human hair is diverse, this general understanding can help conceptualize the concept of hair deserts that fail to service minority populations and those with textured hair. See Tameka N. Ellington, *Black Hair in a White World* 67 (Kent State U. Press 2023); Christina MacDonald et al., *Exploring Textured Hair Care as a Meaningful Occupation: A Thematic Analysis*, 92 *Can. J. Occupational Therapy* 219–28, 220 (2025).

<sup>2</sup> Ambriehl Crutchfield, *Louisiana Will Now Test Stylists on Their Ability to Cut Textured Hair*, NPR (Dec. 2021), <https://www.npr.org/2021/12/27/1068201327/louisiana-will-now-test-stylists-on-their-ability-to-cut-textured-hair>.

<sup>3</sup> Kristin Booker, *Should Hairstylists Be Trained to Work with All Hair Textures?*, Allure (Feb. 2021), <https://www.allure.com/story/should-hairstylist-training-all-hair-textures>.

<sup>4</sup> Kaitlyn McNamara, *Why Some Black Women Have to Travel for Hours to Get Their Hair Done*, Allure (Aug. 2021), <https://www.allure.com/story/black-hair-deserts>.

licensing education and requirements poses a potential violation of Title Six of the Civil Rights Act.<sup>5</sup>

## II. Background

The textured hair industry in the United States largely operates within a shadow market, devoid of any formal tracking, statistics, and data. A substantial portion of Black hair care is performed by hair braiders—individuals who specialize in braiding textured hair and are found through familial and community networks.<sup>6</sup> States have exempted hair braiders from the need for licensure in thirty-six states, and many other states lack sufficient regulatory policies.<sup>7</sup> While the exemption provides opportunities for entrepreneurship and self-employment, without a license, hair braiders are unable to legally wash, dye, or cut hair.<sup>8</sup> The legislative push toward hair braiding leaves the cultural majority of those knowledgeable of textured hair unable to deliver the essentials of hair care. Conversely, those who do obtain a cosmetology license often receive little to no training in textured hair, depending on the state’s curriculum. Thus, the current regulatory structure fails to account for the cultural complications of textured hair and falls into the misconception that, due to textured hair care being historically rooted in culture, state regulation, or formal training is unnecessary. The result is a significant gap in not only accessibility but also competent hair care for African Americans.

In addition, there is a pervasive misconception that Black hair care does not need normal regulatory jurisdiction, which in turn reinforces historical fallacies about textured hair and contributes to systemic inequality. Historically, both district and appellate courts have upheld the belief that natural hairstyles are matters of personal choice rather than expressions of racial

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<sup>5</sup> Civil Rights Act of 1964, 42 U.S.C. §§ 2000d–2000d-7.

<sup>6</sup> Zippia, *Braider Demographics and Statistics: Number of Braiders in the U.S.* (last accessed Dec. 2025), <https://www.zippia.com/braider-jobs/demographics/>.

<sup>7</sup> Meagan Forbes, *Natural Hair Braiding Opportunity and Freedom Act*, Inst. for Just. (last accessed Dec. 2025), <https://ij.org/legislation/braider-opportunity-and-freedom-act/>.

<sup>8</sup> Fla. Stat. § 477.0132 (2025).

identity. Notably, in *EEOC v. Catastrophe Management Solutions* (2016),<sup>9</sup> and *Jenkins v. Blue Cross Mutual Hospital Insurance* (1976),<sup>10</sup> two different U.S. courts of appeals declined to recognize such hairstyles as protected under Title Seven, reinforcing the false neutrality of hair regulations. The judicial framing of textured hair has enabled natural hairstyles to be considered “unprofessional” and outside the scope of normality. This “us v. them” dichotomy<sup>11</sup> is systemic in U.S. legal and socioeconomic institutions and reflects a broader issue of racial illiteracy; moreover, within the field of cosmetology, this dichotomy perpetuates ignorance.

### **III. The Constitutionality of Licensing Standards**

The above concerns raise the question of whether or not it is, or should be, a right to get a haircut wherever one pleases in the United States. Title Six of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.<sup>12</sup> State cosmetology boards, which establish licensing requirements, are state agencies and frequently receive such funding.<sup>13</sup> Therefore, the exclusion of textured hair education from cosmetology licensing curriculum directly incites Title Six scrutiny.

This issue can also be analyzed from the perspective of Title Two of the Civil Rights Act, which bars discrimination in places of public accommodation, including establishments such as barbershops and salons.<sup>14</sup> If the current cosmetology licensing requirements result in a workforce untrained or unwilling to serve individuals with textured hair, and salons then deny or deter service, this regulatory framework may effectively facilitate Title Two violations. In other words,

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<sup>9</sup> *EEOC v. Catastrophe Management Solutions*, 852 F.3d 1018 (11th Cir. 2016).

<sup>10</sup> *Jenkins v. Blue Cross Mutual Hospital Insurance, Inc.*, 538 F.2d 164 (7th Cir. 1976).

<sup>11</sup> Xuan Zhao, *Constructing the “Us” and “Them” Dichotomy Through the Notion of Responsibility: An Integrated Framework*, 19 *Glob. Media & Commc’n* 119 (2023).

<sup>12</sup> Civil Rights Act of 1964, 42 U.S.C. §§ 2000d–2000d-7.

<sup>13</sup> Exec. Off. of the Governor, *State Agencies* (last accessed Dec. 2025), <https://www.flgov.com/eog/info/agencies>.

<sup>14</sup> 42 U.S.C. § 2000a (2020).

the state's failure to mandate training in textured hair care not only perpetuates unequal service access but also enables private actors to engage in discriminatory practices with the argument of state regulation backing them. Accordingly, cosmetology licensing that disregards the needs of textured hair does not merely reflect educational failures. They may also constitute state sanctioned discrimination under federal civil rights law. If a federal regulation were to be put in place, it would not only alleviate some of these failures but it would also open the door for greater interstate commerce. A uniform licensing standard would permit hairstylists to practice in any state, encouraging business expansion and improved workforce mobility. This would allow areas with greater need for cosmetologists to be supplied while still ensuring market fluidity.

One possible concern that arises when instituting a uniform standard is that it would invalidate the licenses of all existing cosmetologists; however, when put into practice, all cosmetologists in the span of three years would become familiar with the new standards. Because each state has a licensing renewal time period that may slightly vary between one or two years, in order to continue practicing, stylists must take continuing education courses. These courses, while arguably tedious, would permit a natural transition into federal uniformity. Despite federal regulatory oversight, states would still possess autonomy in licensing oversight, ensuring that states can address local issues. Overall, a federal uniform licensing standard would reduce the existing regulatory burdens placed on stylists while addressing the hair care inequalities placed upon clients with textured hair.

#### **IV. Conclusion**

Current licensing standards disproportionately impact stylists and clients with textured hair. In many states, curriculum requirements either marginalize or entirely omit textured hair care, effectively dismissing the needs of a significant demographic. As a result, access to

competent hair services is unevenly distributed across geographic and racial lines, which contributes to the prevalence of hair deserts. Despite the pervasiveness of this phenomenon, there is minimal legal or academic research addressing the issue, and it remains largely invisible in legislative and jurisprudential discourse. To develop a nuanced and effective solution to hair deserts, substantial groundwork must be laid through research and legal analysis. Nevertheless, the absence of a unified federal standard for cosmetology licensing not only prevents equitable access to hair care but also allows misinformation and ignorance regarding textured hair to persist. In short, the regulatory cosmetology status quo perpetuates structural inequality within a deeply important service industry.