

1 Services and reducing unnecessary burdens related to Cosmetology
2 licensure. Through this Compact, the Member States seek to
3 establish a regulatory framework which provides for a new
4 multistate licensing program. Through this new licensing
5 program, the Member States seek to provide increased value and
6 mobility to licensed Cosmetologists in the Member States, while
7 ensuring the provision of safe, effective, and reliable services
8 to the public.

9 This Compact is designed to achieve the following objectives,
10 and the Member States hereby ratify the same intentions by
11 subscribing hereto:

12 A. Provide opportunities for interstate practice by
13 Cosmetologists who meet uniform requirements for multistate
14 licensure;

15 B. Enhance the abilities of Member States to protect
16 public health and safety, and prevent fraud and unlicensed
17 activity within the profession;

18 C. Ensure and encourage cooperation between Member States
19 in the licensure and regulation of the Practice of Cosmetology;

20 D. Support relocating military members and their spouses;



1 E. Facilitate the exchange of information between Member
2 States related to the licensure, investigation, and discipline
3 of the Practice of Cosmetology; and

4 F. Provide for the licensure and mobility of the
5 workforce in the profession, while addressing the shortage of
6 workers and lessening the associated burdens on the Member
7 States.

8 **ARTICLE 2. DEFINITIONS**

9 As used in this Compact, and except as otherwise provided, the
10 following definitions shall govern the terms herein:

11 A. "Active Military Member" means any person with
12 full-time duty status in the armed forces of the United States,
13 including members of the National Guard and Reserve.

14 B. "Adverse Action" means any administrative, civil,
15 equitable, or criminal action permitted by a Member State's laws
16 which is imposed by a State Licensing Authority or other
17 regulatory body against a Cosmetologist, including actions
18 against an individual's license or Authorization to Practice
19 such as revocation, suspension, probation, monitoring of the
20 Licensee, limitation of the Licensee's practice, or any other
21 Encumbrance on a license affecting an individual's ability to



1 participate in the Cosmetology industry, including the issuance
2 of a cease and desist order.

3 C. "Alternative Program" means a non-disciplinary
4 monitoring or prosecutorial diversion program approved by a
5 Member State's State Licensing Authority.

6 D. "Authorization to Practice" means a legal
7 authorization associated with a Multistate License permitting
8 the Practice of Cosmetology in that Remote State, which shall be
9 subject to the enforcement jurisdiction of the State Licensing
10 Authority in that Remote State.

11 E. "Background Check" means the submission of information
12 for an applicant for the purpose of obtaining that applicant's
13 criminal history record information, as further defined in 28
14 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and
15 the agency responsible for retaining State criminal or
16 disciplinary history in the applicant's Home State.

17 F. "Charter Member State" means Member States who have
18 enacted legislation to adopt this Compact where such legislation
19 predates the effective date of this Compact as defined in
20 Article 13.



1 G. "Commission" means the government agency whose
2 membership consists of all States that have enacted this
3 Compact, which is known as the Cosmetology Licensure Compact
4 Commission, as defined in Article 9, and which shall operate as
5 an instrumentality of the Member States.

6 H. "Cosmetologist" means an individual licensed in their
7 Home State to practice Cosmetology.

8 I. "Cosmetology", "Cosmetology Services", and the
9 "Practice of Cosmetology" mean the care and services provided by
10 a Cosmetologist as set forth in the Member State's statutes and
11 regulations in the State where the services are being provided.

12 J. "Current Significant Investigative Information" means:

13 1. Investigative Information that a State Licensing
14 Authority, after an inquiry or investigation that
15 complies with a Member State's due process
16 requirements, has reason to believe is not groundless
17 and, if proved true, would indicate a violation of
18 that State's laws regarding fraud or the Practice of
19 Cosmetology; or

20 2. Investigative Information that indicates that a
21 Licensee has engaged in fraud or represents an



1 immediate threat to public health and safety,
2 regardless of whether the Licensee has been notified
3 and had an opportunity to respond.

4 K. "Data System" means a repository of information about
5 Licensees, including, but not limited to, license status,
6 Investigative Information, and Adverse Actions.

7 L. "Disqualifying Event" means any event which shall
8 disqualify an individual from holding a Multistate License under
9 this Compact, which the Commission may by Rule or order specify.

10 M. "Encumbered License" means a license in which an
11 Adverse Action restricts the Practice of Cosmetology by a
12 Licensee, or where said Adverse Action has been reported to the
13 Commission.

14 N. "Encumbrance" means a revocation or suspension of, or
15 any limitation on, the full and unrestricted Practice of
16 Cosmetology by a State Licensing Authority.

17 O. "Executive Committee" means a group of delegates
18 elected or appointed to act on behalf of, and within the powers
19 granted to them by, the Commission.

20 P. "Home State" means the Member State which is a
21 Licensee's primary State of residence, and where that Licensee



1 holds an active and unencumbered license to practice
2 Cosmetology.

3 Q. "Investigative Information" means information,
4 records, or documents received or generated by a State Licensing
5 Authority pursuant to an investigation or other inquiry.

6 R. "Jurisprudence Requirement" means the assessment of an
7 individual's knowledge of the laws and rules governing the
8 Practice of Cosmetology in a State.

9 S. "Licensee" means an individual who currently holds a
10 license from a Member State to practice as a Cosmetologist.

11 T. "Member State" means any State that has adopted this
12 Compact.

13 U. "Multistate License" means a license issued by and
14 subject to the enforcement jurisdiction of the State Licensing
15 Authority in a Licensee's Home State, which authorizes the
16 Practice of Cosmetology in Member States and includes
17 Authorizations to Practice Cosmetology in all Remote States
18 pursuant to this Compact.

19 V. "Remote State" means any Member State, other than the
20 Licensee's Home State.



1 W. "Rule" means any rule or regulation promulgated by the
2 Commission under this Compact which has the force of law.

3 X. "Single-State License" means a Cosmetology license
4 issued by a Member State that authorizes practice of Cosmetology
5 only within the issuing State and does not include any
6 authorization outside of the issuing State.

7 Y. "State" means a State, territory, or possession of the
8 United States and the District of Columbia.

9 Z. "State Licensing Authority" means a Member State's
10 regulatory body responsible for issuing Cosmetology licenses or
11 otherwise overseeing the Practice of Cosmetology in that State.

12 **ARTICLE 3. MEMBER STATE REQUIREMENTS**

13 A. To be eligible to join this Compact, and to maintain
14 eligibility as a Member State, a State must:

- 15 1. License and regulate Cosmetology;
- 16 2. Have a mechanism or entity in place to receive and
17 investigate complaints about Licensees practicing in
18 that State;
- 19 3. Require that Licensees within the State pass a
20 Cosmetology competency examination prior to being



- 1 licensed to provide Cosmetology Services to the public
2 in that State;
- 3 4. Require that Licensees satisfy educational or training
4 requirements in Cosmetology prior to being licensed to
5 provide Cosmetology Services to the public in that
6 State;
- 7 5. Implement procedures for considering one or more of
8 the following categories of information from
9 applicants for licensure: criminal history;
10 disciplinary history; or Background Check. Such
11 procedures may include the submission of information
12 by applicants for the purpose of obtaining an
13 applicant's Background Check as defined herein;
- 14 6. Participate in the Data System, including through the
15 use of unique identifying numbers;
- 16 7. Share information related to Adverse Actions with the
17 Commission and other Member States, both through the
18 Data System and otherwise;
- 19 8. Notify the Commission and other Member States, in
20 compliance with the terms of the Compact and Rules of
21 the Commission, of the existence of Investigative



1 Information or Current Significant Investigative
2 Information in the State's possession regarding a
3 Licensee practicing in that State;

4 9. Comply with such Rules as may be enacted by the
5 Commission to administer the Compact; and

6 10. Accept Licensees from other Member States as
7 established herein.

8 B. Member States may charge a fee for granting a license
9 to practice Cosmetology.

10 C. Individuals not residing in a Member State shall
11 continue to be able to apply for a Member State's Single-State
12 License as provided under the laws of each Member State.
13 However, the Single-State License granted to these individuals
14 shall not be recognized as granting a Multistate License to
15 provide services in any other Member State.

16 D. Nothing in this Compact shall affect the requirements
17 established by a Member State for the issuance of a Single-State
18 License.

19 E. A Multistate License issued to a Licensee by a Home
20 State to a resident of that State shall be recognized by each



1 Member State as authorizing a Licensee to practice Cosmetology
2 in each Member State.

3 F. At no point shall the Commission have the power to
4 define the educational or professional requirements for a
5 license to practice Cosmetology. The Member States shall retain
6 sole jurisdiction over the provision of these requirement.

7 **ARTICLE 4. MULTISTATE LICENSE**

8 A. To be eligible to apply to their Home State's State
9 Licensing Authority for an initial Multistate License under this
10 Compact, a Licensee must hold an active and unencumbered
11 Single-State License to practice Cosmetology in their Home
12 State.

13 B. Upon the receipt of an application for a Multistate
14 License, according to the Rules of the Commission, a Member
15 State's State Licensing Authority shall ascertain whether the
16 applicant meets the requirements for a Multistate License under
17 this Compact.

18 C. If an applicant meets the requirements for a
19 Multistate License under this Compact and any applicable Rules
20 of the Commission, the State Licensing Authority in receipt of
21 the application shall, within a reasonable time, grant a



1 Multistate License to that applicant, and inform all Member
2 States of the grant of said Multistate License.

3 D. A Multistate License to practice Cosmetology issued by
4 a Member State's State Licensing Authority shall be recognized
5 by each Member State as authorizing the practice thereof as
6 though that Licensee held a Single-State License to do so in
7 each Member State, subject to the restrictions herein.

8 E. A Multistate License granted pursuant to this Compact
9 may be effective for a definite period of time, concurrent with
10 the licensure renewal period in the Home State.

11 F. To maintain a Multistate License under this Compact, a
12 Licensee must:

- 13 1. Agree to abide by the rules of the State Licensing
14 Authority, and the State scope of practice laws
15 governing the Practice of Cosmetology, of any Member
16 State in which the Licensee provides services;
- 17 2. Pay all required fees related to the application and
18 process, and any other fees which the Commission may
19 by Rule require; and



1 3. Comply with any and all other requirements regarding
2 Multistate Licenses which the Commission may by Rule
3 provide.

4 G. A Licensee practicing in a Member State is subject to
5 all scope of practice laws governing Cosmetology Services in
6 that State.

7 H. The Practice of Cosmetology under a Multistate License
8 granted pursuant to this Compact will subject the Licensee to
9 the jurisdiction of the State Licensing Authority, the courts,
10 and the laws of the Member State in which the Cosmetology
11 Services are provided.

12 **ARTICLE 5. REISSUANCE OF A MULTISTATE LICENSE**

13 **BY A NEW HOME STATE**

14 A. A Licensee may hold a Multistate License, issued by
15 their Home State, in only one Member State at any given time.

16 B. If a Licensee changes their Home State by moving
17 between two Member States:

18 1. The Licensee shall immediately apply for the
19 reissuance of their Multistate License in their new
20 Home State. The Licensee shall pay all applicable



1 fees and notify the prior Home State in accordance
2 with the Rules of the Commission.

3 2. Upon receipt of an application to reissue a Multistate
4 License, the new Home State shall verify that the
5 Multistate License is active, unencumbered and
6 eligible for reissuance under the terms of the Compact
7 and the Rules of the Commission. The Multistate
8 License issued by the prior Home State will be
9 deactivated and all Member States notified in
10 accordance with the applicable Rules adopted by the
11 Commission.

12 3. If required for initial licensure, the new Home State
13 may require a Background Check as specified in the
14 laws of that State, or the compliance with any
15 Jurisprudence Requirements of the new Home State.

16 4. Notwithstanding any other provision of this Compact,
17 if a Licensee does not meet the requirements set forth
18 in this Compact for the reissuance of a Multistate
19 License by the new Home State, then the Licensee shall
20 be subject to the new Home State requirements for the
21 issuance of a Single-State License in that State.



1 C. If a Licensee changes their primary state of residence
2 by moving from a Member State to a non-Member State, or from a
3 non-Member State to a Member State, then the Licensee shall be
4 subject to the State requirements for the issuance of a
5 Single-State License in the new Home State.

6 D. Nothing in this Compact shall interfere with a
7 Licensee's ability to hold a Single-State License in multiple
8 States; however, for the purposes of this Compact, a Licensee
9 shall have only one Home State, and only one Multistate License.

10 E. Nothing in this Compact shall interfere with the
11 requirements established by a Member State for the issuance of a
12 Single-State License.

13 **ARTICLE 6. AUTHORITY OF THE COMPACT COMMISSION**

14 **AND MEMBER STATE LICENSING AUTHORITIES**

15 A. Nothing in this Compact, nor any Rule or regulation of
16 the Commission, shall be construed to limit, restrict, or in any
17 way reduce the ability of a Member State to enact and enforce
18 laws, regulations, or other rules related to the Practice of
19 Cosmetology in that State, where those laws, regulations, or
20 other rules are not inconsistent with the provisions of this
21 Compact.



1 C. In addition to the powers conferred by State law, each
2 Remote State's State Licensing Authority shall have the power
3 to:

4 1. Take Adverse Action against a Licensee's Authorization
5 to Practice Cosmetology through the Multistate License
6 in that Member State, provided that:

7 a. Only the Licensee's Home State shall have the
8 power to take Adverse Action against the
9 Multistate License issued by the Home State; and

10 b. For the purposes of taking Adverse Action, the
11 Home State's State Licensing Authority shall give
12 the same priority and effect to reported conduct
13 received from a Remote State as it would if such
14 conduct had occurred within the Home State. In
15 so doing, the Home State shall apply its own
16 State laws to determine the appropriate action.

17 2. Issue cease and desist orders or impose an Encumbrance
18 on a Licensee's Authorization to Practice within that
19 Member State.

20 3. Complete any pending investigations of a Licensee who
21 changes their primary state of residence during the



1 course of such an investigation. The State Licensing
2 Authority shall also be empowered to report the
3 results of such an investigation to the Commission
4 through the Data System as described herein.

- 5 4. Issue subpoenas for both hearings and investigations
6 that require the attendance and testimony of
7 witnesses, as well as the production of evidence.
8 Subpoenas issued by a State Licensing Authority in a
9 Member State for the attendance and testimony of
10 witnesses or the production of evidence from another
11 Member State shall be enforced in the latter State by
12 any court of competent jurisdiction, according to the
13 practice and procedure of that court applicable to
14 subpoenas issued in proceedings before it. The
15 issuing State Licensing Authority shall pay any
16 witness fees, travel expenses, mileage, and other fees
17 required by the service statutes of the State in which
18 the witnesses or evidence are located.

- 19 5. If otherwise permitted by State law, recover from the
20 affected Licensee the costs of investigations and



1 disposition of cases resulting from any Adverse Action
2 taken against that Licensee.

3 6. Take Adverse Action against the Licensee's
4 Authorization to Practice in that State based on the
5 factual findings of another Remote State.

6 D. A Licensee's Home State shall complete any pending
7 investigation(s) of a Cosmetologist who changes their primary
8 state of residence during the course of the investigation(s).
9 The Home State shall also have the authority to take appropriate
10 action(s) and shall promptly report the conclusions of the
11 investigations to the Data System.

12 E. If an Adverse Action is taken by the Home State
13 against a Licensee's Multistate License, the Licensee's
14 Authorization to Practice in all other Member States shall be
15 deactivated until all Encumbrances have been removed from the
16 Home State license. All Home State disciplinary orders that
17 impose an Adverse Action against a Licensee's Multistate License
18 shall include a statement that the Cosmetologist's Authorization
19 to Practice is deactivated in all Member States during the
20 pendency of the order.



1 F. Nothing in this Compact shall override a Member
2 State's authority to accept a Licensee's participation in an
3 Alternative Program in lieu of Adverse Action. A Licensee's
4 Multistate License shall be suspended for the duration of the
5 Licensee's participation in any Alternative Program.

6 G. Joint Investigations:

- 7 1. In addition to the authority granted to a Member State
8 by its respective scope of practice laws or other
9 applicable State law, a Member State may participate
10 with other Member States in joint investigations of
11 Licensees.
- 12 2. Member States shall share any investigative,
13 litigation, or compliance materials in furtherance of
14 any joint or individual investigation initiated under
15 the Compact.

16 **ARTICLE 8. ACTIVE MILITARY MEMBERS**

17 **AND THEIR SPOUSES**

18 Active Military Members, or their spouses, shall designate a
19 Home State where the individual has a current license to
20 practice Cosmetology in good standing. The individual may
21 retain their Home State designation during any period of service



1 when that individual or their spouse is on active duty
2 assignment.

3 **ARTICLE 9. ESTABLISHMENT AND OPERATION OF THE**
4 **COSMETOLOGY LICENSURE COMPACT COMMISSION**

5 A. The Compact Member States hereby create and establish
6 a joint government agency whose membership consists of all
7 Member States that have enacted the Compact known as the
8 Cosmetology Licensure Compact Commission. The Commission is an
9 instrumentality of the Compact Member States acting jointly and
10 not an instrumentality of any one State. The Commission shall
11 come into existence on or after the effective date of the
12 Compact as set forth in Article 13.

13 B. Membership, Voting, and Meetings

- 14 1. Each Member State shall have and be limited to one (1)
15 delegate selected by that Member State's State
16 Licensing Authority.
- 17 2. The delegate shall be an administrator of the State
18 Licensing Authority of the Member State or their
19 designee.



- 1 3. The Commission shall by Rule or bylaw establish a term
2 of office for delegates and may by Rule or bylaw
3 establish term limits.
- 4 4. The Commission may recommend removal or suspension of
5 any delegate from office.
- 6 5. A Member State's State Licensing Authority shall fill
7 any vacancy of its delegate occurring on the
8 Commission within 60 days of the vacancy.
- 9 6. Each delegate shall be entitled to one vote on all
10 matters that are voted on by the Commission.
- 11 7. The Commission shall meet at least once during each
12 calendar year. Additional meetings may be held as set
13 forth in the bylaws. The Commission may meet by
14 telecommunication, video conference or other similar
15 electronic means.
- 16 C. The Commission shall have the following powers:
 - 17 1. Establish the fiscal year of the Commission;
 - 18 2. Establish code of conduct and conflict of interest
19 policies;
 - 20 3. Adopt Rules and bylaws;



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- 1 4. Maintain its financial records in accordance with the
2 bylaws;
- 3 5. Meet and take such actions as are consistent with the
4 provisions of this Compact, the Commission's Rules,
5 and the bylaws;
- 6 6. Initiate and conclude legal proceedings or actions in
7 the name of the Commission, provided that the standing
8 of any State Licensing Authority to sue or be sued
9 under applicable law shall not be affected;
- 10 7. Maintain and certify records and information provided
11 to a Member State as the authenticated business
12 records of the Commission, and designate an agent to
13 do so on the Commission's behalf;
- 14 8. Purchase and maintain insurance and bonds;
- 15 9. Borrow, accept, or contract for services of personnel,
16 including, but not limited to, employees of a Member
17 State;
- 18 10. Conduct an annual financial review;
- 19 11. Hire employees, elect or appoint officers, fix
20 compensation, define duties, grant such individuals
21 appropriate authority to carry out the purposes of the



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- 1 Compact, and establish the Commission's personnel
2 policies and programs relating to conflicts of
3 interest, qualifications of personnel, and other
4 related personnel matters;
- 5 12. As set forth in the Commission Rules, charge a fee to
6 a Licensee for the grant of a Multistate License and
7 thereafter, as may be established by Commission Rule,
8 charge the Licensee a Multistate License renewal fee
9 for each renewal period. Nothing herein shall be
10 construed to prevent a Home State from charging a
11 Licensee a fee for a Multistate License or renewals of
12 a Multistate License, or a fee for the jurisprudence
13 requirement if the Member State imposes such a
14 requirement for the grant of a Multistate License;
- 15 13. Assess and collect fees;
- 16 14. Accept any and all appropriate gifts, donations,
17 grants of money, other sources of revenue, equipment,
18 supplies, materials, and services, and receive,
19 utilize, and dispose of the same; provided that at all
20 times the Commission shall avoid any appearance of
21 impropriety or conflict of interest;



- 1 15. Lease, purchase, retain, own, hold, improve, or use
- 2 any property, real, personal, or mixed, or any
- 3 undivided interest therein;
- 4 16. Sell, convey, mortgage, pledge, lease, exchange,
- 5 abandon, or otherwise dispose of any property real,
- 6 personal, or mixed;
- 7 17. Establish a budget and make expenditures;
- 8 18. Borrow money;
- 9 19. Appoint committees, including standing committees,
- 10 composed of members, State regulators, State
- 11 legislators or their representatives, and consumer
- 12 representatives, and such other interested persons as
- 13 may be designated in this Compact and the bylaws;
- 14 20. Provide and receive information from, and cooperate
- 15 with, law enforcement agencies;
- 16 21. Elect a Chair, Vice Chair, Secretary and Treasurer and
- 17 such other officers of the Commission as provided in
- 18 the Commission's bylaws;
- 19 22. Establish and elect an Executive Committee, including
- 20 a chair and a vice chair;



- 1 23. Adopt and provide to the Member States an annual
2 report;
- 3 24. Determine whether a State's adopted language is
4 materially different from the model Compact language
5 such that the State would not qualify for
6 participation in the Compact; and
- 7 25. Perform such other functions as may be necessary or
8 appropriate to achieve the purposes of this Compact.
- 9 D. The Executive Committee
- 10 1. The Executive Committee shall have the power to act on
11 behalf of the Commission according to the terms of
12 this Compact. The powers, duties, and
13 responsibilities of the Executive Committee shall
14 include:
- 15 a. Overseeing the day-to-day activities of the
16 administration of the Compact including
17 compliance with the provisions of the Compact,
18 the Commission's Rules and bylaws, and other such
19 duties as deemed necessary;
- 20 b. Recommending to the Commission changes to the
21 Rules or bylaws, changes to this Compact



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- 1 legislation, fees charged to Compact Member
2 States, fees charged to Licensees, and other
3 fees;
- 4 c. Ensuring Compact administration services are
5 appropriately provided, including by contract;
- 6 d. Preparing and recommending the budget;
- 7 e. Maintaining financial records on behalf of the
8 Commission;
- 9 f. Monitoring Compact compliance of Member States
10 and providing compliance reports to the
11 Commission;
- 12 g. Establishing additional committees as necessary;
- 13 h. Exercising the powers and duties of the
14 Commission during the interim between Commission
15 meetings, except for adopting or amending Rules,
16 adopting or amending bylaws, and exercising any
17 other powers and duties expressly reserved to the
18 Commission by Rule or bylaw; and
- 19 i. Other duties as provided in the Rules or bylaws
20 of the Commission.



- 1 2. The Executive Committee shall be composed of up to
2 seven voting members:
- 3 a. The chair and vice chair of the Commission and
4 any other members of the Commission who serve on
5 the Executive Committee shall be voting members
6 of the Executive Committee; and
- 7 b. Other than the chair, vice-chair, secretary and
8 treasurer, the Commission shall elect three
9 voting members from the current membership of the
10 Commission.
- 11 c. The Commission may elect ex-officio, nonvoting
12 members from a recognized national Cosmetology
13 professional association as approved by the
14 Commission. The Commission's bylaws shall
15 identify qualifying organizations and the manner
16 of appointment if the number of organizations
17 seeking to appoint an ex-officio member exceeds
18 the number of members specified in this Article.
- 19 3. The Commission may remove any member of the Executive
20 Committee as provided in the Commission's bylaws.
- 21 4. The Executive Committee shall meet at least annually.



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1 a. Annual Executive Committee meetings, as well as
2 any Executive Committee meeting at which it does
3 not take or intend to take formal action on a
4 matter for which a Commission vote would
5 otherwise be required, shall be open to the
6 public, except that the Executive Committee may
7 meet in a closed, non-public session of a public
8 meeting when dealing with any of the matters
9 covered under Article 9.F.4.

10 b. The Executive Committee shall give five business
11 days advance notice of its public meetings,
12 posted on its website and as determined to
13 provide notice to persons with an interest in the
14 public matters the Executive Committee intends to
15 address at those meetings.

16 5. The Executive Committee may hold an emergency meeting
17 when acting for the Commission to:

18 a. Meet an imminent threat to public health, safety,
19 or welfare;

20 b. Prevent a loss of Commission or Member State
21 funds; or



- 1 c. Protect public health and safety.
- 2 E. The Commission shall adopt and provide to the Member
- 3 States an annual report.
- 4 F. Meetings of the Commission
- 5 1. All meetings of the Commission that are not closed
- 6 pursuant to Article 9.F.4 shall be open to the public.
- 7 Notice of public meetings shall be posted on the
- 8 Commission's website at least thirty (30) days prior
- 9 to the public meeting.
- 10 2. Notwithstanding Article 9.F.1, the Commission may
- 11 convene an emergency public meeting by providing at
- 12 least twenty-four (24) hours prior notice on the
- 13 Commission's website, and any other means as provided
- 14 in the Commission's Rules, for any of the reasons it
- 15 may dispense with notice of proposed rulemaking under
- 16 Article 11.L. The Commission's legal counsel shall
- 17 certify that one of the reasons justifying an
- 18 emergency public meeting has been met.
- 19 3. Notice of all Commission meetings shall provide the
- 20 time, date, and location of the meeting, and if the
- 21 meeting is to be held or accessible via



1 telecommunication, video conference, or other
2 electronic means, the notice shall include the
3 mechanism for access to the meeting.

4 4. The Commission may convene in a closed, non-public
5 meeting for the Commission to discuss:

- 6 a. Non-compliance of a Member State with its
7 obligations under the Compact;
- 8 b. The employment, compensation, discipline or other
9 matters, practices or procedures related to
10 specific employees or other matters related to
11 the Commission's internal personnel practices and
12 procedures;
- 13 c. Current or threatened discipline of a Licensee by
14 the Commission or by a Member State's Licensing
15 Authority;
- 16 d. Current, threatened, or reasonably anticipated
17 litigation;
- 18 e. Negotiation of contracts for the purchase, lease,
19 or sale of goods, services, or real estate;
- 20 f. Accusing any person of a crime or formally
21 censuring any person;



- 1 g. Trade secrets or commercial or financial
2 information that is privileged or confidential;
3 h. Information of a personal nature where disclosure
4 would constitute a clearly unwarranted invasion
5 of personal privacy;
6 i. Investigative records compiled for law
7 enforcement purposes;
8 j. Information related to any investigative reports
9 prepared by or on behalf of or for use of the
10 Commission or other committee charged with
11 responsibility of investigation or determination
12 of compliance issues pursuant to the Compact;
13 k. Legal advice;
14 l. Matters specifically exempted from disclosure to
15 the public by federal or Member State law; or
16 m. Other matters as promulgated by the Commission by
17 Rule.
- 18 5. If a meeting, or portion of a meeting, is closed, the
19 presiding officer shall state that the meeting will be
20 closed and reference each relevant exempting



1 provision, and such reference shall be recorded in the
2 minutes.

- 3 6. The Commission shall keep minutes that fully and
4 clearly describe all matters discussed in a meeting
5 and shall provide a full and accurate summary of
6 actions taken, and the reasons therefore, including a
7 description of the views expressed. All documents
8 considered in connection with an action shall be
9 identified in such minutes. All minutes and documents
10 of a closed meeting shall remain under seal, subject
11 to release only by a majority vote of the Commission
12 or order of a court of competent jurisdiction.

13 G. Financing of the Commission

- 14 1. The Commission shall pay, or provide for the payment
15 of, the reasonable expenses of its establishment,
16 organization, and ongoing activities.
- 17 2. The Commission may accept any and all appropriate
18 sources of revenue, donations, and grants of money,
19 equipment, supplies, materials, and services.
- 20 3. The Commission may levy on and collect an annual
21 assessment from each Member State and impose fees on



1 Licensees of Member States to whom it grants a
2 Multistate License to cover the cost of the operations
3 and activities of the Commission and its staff, which
4 must be in a total amount sufficient to cover its
5 annual budget as approved each year for which revenue
6 is not provided by other sources. The aggregate
7 annual assessment amount for Member States shall be
8 allocated based upon a formula that the Commission
9 shall promulgate by Rule.

10 4. The Commission shall not incur obligations of any kind
11 prior to securing the funds adequate to meet the same;
12 nor shall the Commission pledge the credit of any
13 Member States, except by and with the authority of the
14 Member State.

15 5. The Commission shall keep accurate accounts of all
16 receipts and disbursements. The receipts and
17 disbursements of the Commission shall be subject to
18 the financial review and accounting procedures
19 established under its bylaws. All receipts and
20 disbursements of funds handled by the Commission shall
21 be subject to an annual financial review by a



1 certified or licensed public accountant, and the
2 report of the financial review shall be included in
3 and become part of the annual report of the
4 Commission.

5 H. Qualified Immunity, Defense, and Indemnification

6 1. The members, officers, executive director, employees
7 and representatives of the Commission shall be immune
8 from suit and liability, both personally and in their
9 official capacity, for any claim for damage to or loss
10 of property or personal injury or other civil
11 liability caused by or arising out of any actual or
12 alleged act, error, or omission that occurred, or that
13 the person against whom the claim is made had a
14 reasonable basis for believing occurred within the
15 scope of Commission employment, duties or
16 responsibilities; provided that nothing in this
17 paragraph shall be construed to protect any such
18 person from suit or liability for any damage, loss,
19 injury, or liability caused by the intentional or
20 willful or wanton misconduct of that person. The
21 procurement of insurance of any type by the Commission



1 shall not in any way compromise or limit the immunity
2 granted hereunder.

3 2. The Commission shall defend any member, officer,
4 executive director, employee, and representative of
5 the Commission in any civil action seeking to impose
6 liability arising out of any actual or alleged act,
7 error, or omission that occurred within the scope of
8 Commission employment, duties, or responsibilities, or
9 as determined by the Commission that the person
10 against whom the claim is made had a reasonable basis
11 for believing occurred within the scope of Commission
12 employment, duties, or responsibilities; provided that
13 nothing herein shall be construed to prohibit that
14 person from retaining their own counsel at their own
15 expense; and provided further, that the actual or
16 alleged act, error, or omission did not result from
17 that person's intentional or willful or wanton
18 misconduct.

19 3. The Commission shall indemnify and hold harmless any
20 member, officer, executive director, employee, and
21 representative of the Commission for the amount of any



1 settlement or judgment obtained against that person
2 arising out of any actual or alleged act, error, or
3 omission that occurred within the scope of Commission
4 employment, duties, or responsibilities, or that such
5 person had a reasonable basis for believing occurred
6 within the scope of Commission employment, duties, or
7 responsibilities; provided that the actual or alleged
8 act, error, or omission did not result from the
9 intentional or willful or wanton misconduct of that
10 person.

11 4. Nothing herein shall be construed as a limitation on
12 the liability of any Licensee for professional
13 malpractice or misconduct, which shall be governed
14 solely by any other applicable State laws.

15 5. Nothing in this Compact shall be interpreted to waive
16 or otherwise abrogate a Member State's State action
17 immunity or State action affirmative defense with
18 respect to antitrust claims under the Sherman Act,
19 Clayton Act, or any other State or federal antitrust
20 or anticompetitive law or regulation.



- 1 of such participation, and other information related
2 to such participation;
- 3 5. Any denial of application for licensure, and the
4 reason(s) for such denial (excluding the reporting of
5 any criminal history record information where
6 prohibited by law);
- 7 6. The existence of Investigative Information;
- 8 7. The existence of Current Significant Investigative
9 Information; and
- 10 8. Other information that may facilitate the
11 administration of this Compact or the protection of
12 the public, as determined by the Rules of the
13 Commission.
- 14 D. The records and information provided to a Member State
15 pursuant to this Compact or through the Data System, when
16 certified by the Commission or an agent thereof, shall
17 constitute the authenticated business records of the Commission,
18 and shall be entitled to any associated hearsay exception in any
19 relevant judicial, quasi-judicial or administrative proceedings
20 in a Member State.



1 E. The existence of Current Significant Investigative
2 Information and the existence of Investigative Information
3 pertaining to a Licensee in any Member State will only be
4 available to other Member States.

5 F. It is the responsibility of the Member States to
6 monitor the database to determine whether Adverse Action has
7 been taken against such a Licensee or License applicant.
8 Adverse Action information pertaining to a Licensee or License
9 applicant in any Member State will be available to any other
10 Member State.

11 G. Member States contributing information to the Data
12 System may designate information that may not be shared with the
13 public without the express permission of the contributing State.

14 H. Any information submitted to the Data System that is
15 subsequently expunged pursuant to federal law or the laws of the
16 Member State contributing the information shall be removed from
17 the Data System.

18 **ARTICLE 11. RULEMAKING**

19 A. The Commission shall promulgate reasonable Rules in
20 order to effectively and efficiently implement and administer
21 the purposes and provisions of the Compact. A Rule shall be



1 invalid and have no force or effect only if a court of competent
2 jurisdiction holds that the Rule is invalid because the
3 Commission exercised its rulemaking authority in a manner that
4 is beyond the scope and purposes of the Compact, or the powers
5 granted hereunder, or based upon another applicable standard of
6 review.

7 B. The Rules of the Commission shall have the force of
8 law in each Member State; provided however that where the Rules
9 of the Commission conflict with the laws of the Member State
10 that establish the Member State's scope of practice laws
11 governing the Practice of Cosmetology as held by a court of
12 competent jurisdiction, the Rules of the Commission shall be
13 ineffective in that State to the extent of the conflict.

14 C. The Commission shall exercise its rulemaking powers
15 pursuant to the criteria set forth in this Article and the Rules
16 adopted thereunder. Rules shall become binding as of the date
17 specified by the Commission for each Rule.

18 D. If a majority of the legislatures of the Member States
19 rejects a Rule or portion of a Rule, by enactment of a statute
20 or resolution in the same manner used to adopt the Compact
21 within four (4) years of the date of adoption of the Rule, then



1 such Rule shall have no further force and effect in any Member
2 State or to any State applying to participate in the Compact.

3 E. Rules shall be adopted at a regular or special meeting
4 of the Commission.

5 F. Prior to adoption of a proposed Rule, the Commission
6 shall hold a public hearing and allow persons to provide oral
7 and written comments, data, facts, opinions, and arguments.

8 G. Prior to adoption of a proposed Rule by the
9 Commission, and at least thirty (30) days in advance of the
10 meeting at which the Commission will hold a public hearing on
11 the proposed Rule, the Commission shall provide a notice of
12 proposed rulemaking:

- 13 1. On the website of the Commission or other publicly
14 accessible platform;
- 15 2. To persons who have requested notice of the
16 Commission's notices of proposed rulemaking; and
- 17 3. In such other way(s) as the Commission may by Rule
18 specify.

19 H. The notice of proposed rulemaking shall include:

- 20 1. The time, date, and location of the public hearing at
21 which the Commission will hear public comments on the



1 proposed Rule and, if different, the time, date, and
2 location of the meeting where the Commission will
3 consider and vote on the proposed Rule;

4 2. If the hearing is held via telecommunication, video
5 conference, or other electronic means, the Commission
6 shall include the mechanism for access to the hearing
7 in the notice of proposed rulemaking;

8 3. The text of the proposed Rule and the reason therefor;

9 4. A request for comments on the proposed Rule from any
10 interested person; and

11 5. The manner in which interested persons may submit
12 written comments.

13 I. All hearings will be recorded. A copy of the
14 recording and all written comments and documents received by the
15 Commission in response to the proposed Rule shall be available
16 to the public.

17 J. Nothing in this Article shall be construed as
18 requiring a separate hearing on each Rule. Rules may be grouped
19 for the convenience of the Commission at hearings required by
20 this Article.



1 K. The Commission shall, by majority vote of all members,
2 take final action on the proposed Rule based on the rulemaking
3 record and the full text of the Rule.

4 1. The Commission may adopt changes to the proposed Rule
5 provided the changes do not enlarge the original
6 purpose of the proposed Rule.

7 2. The Commission shall provide an explanation of the
8 reasons for substantive changes made to the proposed
9 Rule as well as reasons for substantive changes not
10 made that were recommended by commenters.

11 3. The Commission shall determine a reasonable effective
12 date for the Rule. Except for an emergency as
13 provided in Article 11.L, the effective date of the
14 Rule shall be no sooner than forty-five (45) days
15 after the Commission issuing the notice that it
16 adopted or amended the Rule.

17 L. Upon determination that an emergency exists, the
18 Commission may consider and adopt an emergency Rule with five
19 (5) days' notice, with opportunity to comment; provided that the
20 usual rulemaking procedures provided in the Compact and in this
21 Article shall be retroactively applied to the Rule as soon as



1 reasonably possible, in no event later than ninety (90) days
2 after the effective date of the Rule. For the purposes of this
3 provision, an emergency Rule is one that must be adopted
4 immediately to:

- 5 1. Meet an imminent threat to public health, safety, or
6 welfare;
- 7 2. Prevent a loss of Commission or Member State funds;
- 8 3. Meet a deadline for the promulgation of a Rule that is
9 established by federal law or rule; or
- 10 4. Protect public health and safety.

11 M. The Commission or an authorized committee of the
12 Commission may direct revisions to a previously adopted Rule for
13 purposes of correcting typographical errors, errors in format,
14 errors in consistency, or grammatical errors. Public notice of
15 any revisions shall be posted on the website of the Commission.
16 The revision shall be subject to challenge by any person for a
17 period of thirty (30) days after posting. The revision may be
18 challenged only on grounds that the revision results in a
19 material change to a Rule. A challenge shall be made in writing
20 and delivered to the Commission prior to the end of the notice
21 period. If no challenge is made, the revision will take effect



1 without further action. If the revision is challenged, the
2 revision may not take effect without the approval of the
3 Commission.

4 N. No Member State's rulemaking requirements shall apply
5 under this Compact.

6 **ARTICLE 12. OVERSIGHT, DISPUTE RESOLUTION,**
7 **AND ENFORCEMENT**

8 A. Oversight

- 9 1. The executive and judicial branches of State
10 government in each Member State shall enforce this
11 Compact and take all actions necessary and appropriate
12 to implement the Compact.
- 13 2. Venue is proper and judicial proceedings by or against
14 the Commission shall be brought solely and exclusively
15 in a court of competent jurisdiction where the
16 principal office of the Commission is located. The
17 Commission may waive venue and jurisdictional defenses
18 to the extent it adopts or consents to participate in
19 alternative dispute resolution proceedings. Nothing
20 herein shall affect or limit the selection or
21 propriety of venue in any action against a Licensee



1 for professional malpractice, misconduct or any such
2 similar matter.

3 3. The Commission shall be entitled to receive service of
4 process in any proceeding regarding the enforcement or
5 interpretation of the Compact and shall have standing
6 to intervene in such a proceeding for all purposes.
7 Failure to provide the Commission service of process
8 shall render a judgment or order void as to the
9 Commission, this Compact, or promulgated Rules.

10 B. Default, Technical Assistance, and Termination

11 1. If the Commission determines that a Member State has
12 defaulted in the performance of its obligations or
13 responsibilities under this Compact or the promulgated
14 Rules, the Commission shall provide written notice to
15 the defaulting State. The notice of default shall
16 describe the default, the proposed means of curing the
17 default, and any other action that the Commission may
18 take, and shall offer training and specific technical
19 assistance regarding the default.

20 2. The Commission shall provide a copy of the notice of
21 default to the other Member States.



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- 1 3. If a State in default fails to cure the default, the
2 defaulting State may be terminated from the Compact
3 upon an affirmative vote of a majority of the
4 delegates of the Member States, and all rights,
5 privileges and benefits conferred on that State by
6 this Compact may be terminated on the effective date
7 of termination. A cure of the default does not
8 relieve the offending State of obligations or
9 liabilities incurred during the period of default.
- 10 4. Termination of membership in the Compact shall be
11 imposed only after all other means of securing
12 compliance have been exhausted. Notice of intent to
13 suspend or terminate shall be given by the Commission
14 to the governor, the majority and minority leaders of
15 the defaulting State's legislature, the defaulting
16 State's State Licensing Authority and each of the
17 Member States' State Licensing Authority.
- 18 5. A State that has been terminated is responsible for
19 all assessments, obligations, and liabilities incurred
20 through the effective date of termination, including



1 obligations that extend beyond the effective date of
2 termination.

3 6. Upon the termination of a State's membership from this
4 Compact, that State shall immediately provide notice
5 to all Licensees who hold a Multistate License within
6 that State of such termination. The terminated State
7 shall continue to recognize all licenses granted
8 pursuant to this Compact for a minimum of one hundred
9 eighty (180) days after the date of said notice of
10 termination.

11 7. The Commission shall not bear any costs related to a
12 State that is found to be in default or that has been
13 terminated from the Compact, unless agreed upon in
14 writing between the Commission and the defaulting
15 State.

16 8. The defaulting State may appeal the action of the
17 Commission by petitioning the United States District
18 Court for the District of Columbia or the federal
19 district where the Commission has its principal
20 offices. The prevailing party shall be awarded all



1 costs of such litigation, including reasonable
2 attorney's fees.

3 C. Dispute Resolution

4 1. Upon request by a Member State, the Commission shall
5 attempt to resolve disputes related to the Compact
6 that arise among Member States and between Member and
7 non-Member States.

8 2. The Commission shall promulgate a Rule providing for
9 both mediation and binding dispute resolution for
10 disputes as appropriate.

11 D. Enforcement

12 1. The Commission, in the reasonable exercise of its
13 discretion, shall enforce the provisions of this
14 Compact and the Commission's Rules.

15 2. By majority vote as provided by Commission Rule, the
16 Commission may initiate legal action against a Member
17 State in default in the United States District Court
18 for the District of Columbia or the federal district
19 where the Commission has its principal offices to
20 enforce compliance with the provisions of the Compact
21 and its promulgated Rules. The relief sought may



1 include both injunctive relief and damages. In the
2 event judicial enforcement is necessary, the
3 prevailing party shall be awarded all costs of such
4 litigation, including reasonable attorney's fees. The
5 remedies herein shall not be the exclusive remedies of
6 the Commission. The Commission may pursue any other
7 remedies available under federal or the defaulting
8 Member State's law.

9 3. A Member State may initiate legal action against the
10 Commission in the United States District Court for the
11 District of Columbia or the federal district where the
12 Commission has its principal offices to enforce
13 compliance with the provisions of the Compact and its
14 promulgated Rules. The relief sought may include both
15 injunctive relief and damages. In the event judicial
16 enforcement is necessary, the prevailing party shall
17 be awarded all costs of such litigation, including
18 reasonable attorney's fees.

19 4. No individual or entity other than a Member State may
20 enforce this Compact against the Commission.



1 **ARTICLE 13. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

2 A. The Compact shall come into effect on the date on
3 which the Compact statute is enacted into law in the seventh
4 Member State.

5 1. On or after the effective date of the Compact, the
6 Commission shall convene and review the enactment of
7 each of the Charter Member States to determine if the
8 statute enacted by each such Charter Member State is
9 materially different than the model Compact statute.

10 a. A Charter Member State whose enactment is found
11 to be materially different from the model Compact
12 statute shall be entitled to the default process
13 set forth in Article 12.

14 b. If any Member State is later found to be in
15 default, or is terminated or withdraws from the
16 Compact, the Commission shall remain in existence
17 and the Compact shall remain in effect even if
18 the number of Member States should be less than
19 seven (7).

20 2. Member States enacting the Compact subsequent to the
21 Charter Member States shall be subject to the process



1 set forth in Article 9.C.24 to determine if their
2 enactments are materially different from the model
3 Compact statute and whether they qualify for
4 participation in the Compact.

5 3. All actions taken for the benefit of the Commission or
6 in furtherance of the purposes of the administration
7 of the Compact prior to the effective date of the
8 Compact or the Commission coming into existence shall
9 be considered to be actions of the Commission unless
10 specifically repudiated by the Commission.

11 4. Any State that joins the Compact shall be subject to
12 the Commission's Rules and bylaws as they exist on the
13 date on which the Compact becomes law in that State.
14 Any Rule that has been previously adopted by the
15 Commission shall have the full force and effect of law
16 on the day the Compact becomes law in that State.

17 B. Any Member State may withdraw from this Compact by
18 enacting a statute repealing that State's enactment of the
19 Compact.



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- 1 1. A Member State's withdrawal shall not take effect
2 until one hundred eighty (180) days after enactment of
3 the repealing statute.
- 4 2. Withdrawal shall not affect the continuing requirement
5 of the withdrawing State's State Licensing Authority
6 to comply with the investigative and Adverse Action
7 reporting requirements of this Compact prior to the
8 effective date of withdrawal.
- 9 3. Upon the enactment of a statute withdrawing from this
10 Compact, a State shall immediately provide notice of
11 such withdrawal to all Licensees within that State.
12 Notwithstanding any subsequent statutory enactment to
13 the contrary, such withdrawing State shall continue to
14 recognize all licenses granted pursuant to this
15 Compact for a minimum of one hundred eighty (180) days
16 after the date of such notice of withdrawal.
- 17 C. Nothing contained in this Compact shall be construed
18 to invalidate or prevent any licensure agreement or other
19 cooperative arrangement between a Member State and a non-Member
20 State that does not conflict with the provisions of this
21 Compact.



1 D. This Compact may be amended by the Member States. No
2 amendment to this Compact shall become effective and binding
3 upon any Member State until it is enacted into the laws of all
4 Member States.

5 **ARTICLE 14. CONSTRUCTION AND SEVERABILITY**

6 A. This Compact and the Commission's rulemaking authority
7 shall be liberally construed so as to effectuate the purposes,
8 and the implementation and administration of the Compact.
9 Provisions of the Compact expressly authorizing or requiring the
10 promulgation of Rules shall not be construed to limit the
11 Commission's rulemaking authority solely for those purposes.

12 B. The provisions of this Compact shall be severable and
13 if any phrase, clause, sentence or provision of this Compact is
14 held by a court of competent jurisdiction to be contrary to the
15 constitution of any Member State, a State seeking participation
16 in the Compact, or of the United States, or the applicability
17 thereof to any government, agency, person or circumstance is
18 held to be unconstitutional by a court of competent
19 jurisdiction, the validity of the remainder of this Compact and
20 the applicability thereof to any other government, agency,
21 person or circumstance shall not be affected thereby.



1 C. Notwithstanding Article 14.B, the Commission may deny
2 a State's participation in the Compact or, in accordance with
3 the requirements of Article 12, terminate a Member State's
4 participation in the Compact, if it determines that a
5 constitutional requirement of a Member State is a material
6 departure from the Compact. Otherwise, if this Compact shall be
7 held to be contrary to the constitution of any Member State, the
8 Compact shall remain in full force and effect as to the
9 remaining Member States and in full force and effect as to the
10 Member State affected as to all severable matters.

11 **ARTICLE 15. CONSISTENT EFFECT AND CONFLICT WITH**
12 **OTHER STATE LAWS**

13 A. Nothing herein shall prevent or inhibit the
14 enforcement of any other law of a Member State that is not
15 inconsistent with the Compact.

16 B. Any laws, statutes, regulations, or other legal
17 requirements in a Member State in conflict with the Compact are
18 superseded to the extent of the conflict.

19 C. All permissible agreements between the Commission and
20 the Member States are binding in accordance with their terms.



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1 § -3 **Rules.** The department of commerce and consumer
2 affairs shall adopt rules pursuant to chapter 91 for the
3 purposes of implementing and administering this chapter."

4 SECTION 2. This Act shall take effect upon its approval.

5

INTRODUCED BY: *Gene Mendez*



S.B. NO. 3260

Report Title:

DCCA; Governor; Cosmetology Licensure Compact; Beauty Culture; Adoption; Rules

Description:

Authorizes the Governor to enter into a Cosmetology Licensure Compact on behalf of the State to provide a streamlined process that allows cosmetologists to obtain a multistate license enabling them to practice cosmetology in another state without obtaining a separate license under the laws of that state. Requires the Department of Commerce and Consumer Affairs to adopt rules to implement and administer the Compact.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

