

1 **COSMETOLOGY LICENSURE COMPACT**

2

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26 **ARTICLE 1- PURPOSE**

27 The purpose of this Compact is to facilitate the interstate practice and regulation of
28 Cosmetology with the goal of improving public access to, and the safety of, Cosmetology
29 Services and reducing unnecessary burdens related to Cosmetology licensure. Through this
30 Compact, the member states seek to establish a regulatory framework which provides for a
31 new multistate licensing program. Through this new licensing program, the member states
32 seek to provide increased value and mobility to licensed Cosmetologists in the member
33 states, while ensuring the provision of safe, effective, and reliable services to the public.

34 This Compact is designed to achieve the following objectives, and the member states hereby
35 ratify the same intentions by subscribing hereto:

- 36 A. Provide opportunities for interstate practice by Cosmetologists who meet uniform
37 requirements for multistate licensure;
- 38
- 39 B. Enhance the abilities of Member States to protect public health and safety, and prevent fraud
40 and unlicensed activity within the profession;
- 41
- 42 C. Ensure and encourage cooperation between Member States in the licensure and regulation of
43 the Practice of Cosmetology;
- 44
- 45 D. Support relocating military members and their spouses;
- 46
- 47 E. Facilitate the exchange of information between Member States related to the licensure,
48 investigation, and discipline of the Practice of Cosmetology;
- 49
- 50 F. Provide for meaningful dispute resolution while allowing a Remote State to hold a Licensee
51 accountable under the Remote State’s Practice Laws, even where that Licensee holds a
52 Multistate License; and
- 53
- 54 G. Provide for the licensure and mobility of the workforce in the profession, while addressing
55 the shortage of workers and lessening the associated burdens on the Member States.

56

57 **ARTICLE 2- DEFINITIONS**

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

- 60 A. “Active Duty Military” means any individual in full-time duty status in the active uniformed
61 service of the United States including members of the National Guard and Reserve.
62
- 63 B. “Adverse Action” means any administrative, civil, equitable, or criminal action permitted by
64 a Member State’s laws which is imposed by a Licensing Authority or other regulatory body
65 against a or Cosmetologist, including actions against an individual’s licensure privilege such
66 as revocation, suspension, probation, monitoring of the Licensee, limitation of the Licensee’s

67 practice, or any other Encumbrance on licensure affecting an individual’s ability to
68 participate in the Cosmetology industry, including the issuance of a cease and desist order.
69

70 C. “Authorization to Practice” means a legal authorization associated with a Multistate License
71 permitting the Practice of Cosmetology in a remote state.
72

73 D. “Alternative Program” means a non-disciplinary monitoring or prosecutorial diversion
74 program approved by a Member State’s Licensing Authority.
75

76 E. “Background Check” means the submission of information for an applicant for the purpose
77 of obtaining that applicant’s criminal history record information, as further defined in 28
78 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and the agency responsible for
79 retaining state criminal or disciplinary history in the applicant’s Home State.
80

81 F. “Commission” shall refer to the national administrative body whose membership consists of
82 all states that have enacted this Compact, and which is known as the Cosmetology Licensure
83 Compact Commission.
84

85 G. “Cosmetologist” means an individual licensed in their Home State to practice Cosmetology.
86

87 H. “Cosmetology”, “Cosmetology Services”, and the “Practice of Cosmetology” mean the care
88 and services provided by a Cosmetologist as set forth in the Member State’s statutes and
89 regulations in the State where the services are being provided.
90

91 I. “Current Significant Investigative Information” means:
92

93 1. Investigative Information that a Licensing Authority, after an inquiry or
94 investigation that complies with a Member State’s due process requirements, has
95 reason to believe is not groundless and, if proved true, would indicate a violation
96 of that State’s laws regarding fraud or the Practice of Cosmetology; or
97

98 2. Investigative Information that indicates that a Licensee has engaged in fraud or
99 represents an immediate threat to public health and safety, regardless of whether
100 the Licensee has been notified and had an opportunity to respond.
101

102 J. “Data System” means a repository of information about Licensees, including but not limited
103 to license status, Investigative Information, and Adverse Actions.
104

105 K. “Disqualifying Event” means any event which shall disqualify an individual from holding a
106 Multistate License under this Compact, which the Commission may by Rule or order specify.
107

108 L. “Encumbered License” means a license in which an Adverse Action restricts the Practice of
109 Cosmetology by a Licensee, or where said Adverse Action has been reported to the
110 Commission.
111

- 112 M. “Encumbrance” means a revocation or suspension of, or any limitation on, the full and
113 unrestricted Practice of Cosmetology by a Licensing Authority.
114
- 115 N. “Executive Committee” means a group of commissioners elected or appointed to act on
116 behalf of, and within the powers granted to them by, the Commission.
117
- 118 O. “Home State” means the Member State which is a Licensee’s primary state of residence, and
119 where that Licensee holds an active and unencumbered license to practice Cosmetology.
120
- 121 P. “Investigative Information” means information, records, or documents received or generated
122 by a Licensing Authority pursuant to an investigation or other inquiry.
123
- 124 Q. “Jurisprudence Requirement” means the assessment of an individual’s knowledge of the laws
125 and rules governing the Practice of Cosmetology in a State.
126
- 127 R. “Licensing Authority” means a Member State’s regulatory body responsible for issuing
128 Cosmetology licenses or otherwise overseeing the Practice of Cosmetology in that State.
129
- 130 S. “Licensee” means an individual who currently holds an authorization from a Member State
131 to practice as a Cosmetologist.
132
- 133 T. “Member State” means any State that has adopted this Compact.
134
- 135 U. “Multistate License” means a license to practice as a Cosmetologist in all Member States
136 issued by the Licensing Authority of the Licensee’s Home State pursuant to this Compact.
137
- 138 V. “Remote State” means any Member State, other than the Licensee’s Home State.
139
- 140 W. “Rule” means any rule or regulation promulgated by the Commission under this Compact
141 which has the force of law.
142
- 143 X. “Single-State License” means a Cosmetology license issued by a Member State that
144 authorizes practice of Cosmetology only within the issuing state and does not include any
145 authorization outside of the issuing state.
146
- 147 Y. “State” means a state, territory, or possession of the United States and the District of
148 Columbia.
149
- 150 Z. “State Practice Laws” means a Member State’s laws, rules, and regulations that govern the
151 Practice of Cosmetology, define the scope of such practice, and create the methods and
152 grounds for imposing discipline.

153

154 **ARTICLE 3- MEMBER STATE REQUIREMENTS**

- 155 A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a State
156 must:
157
- 158 1. License and regulate Cosmetology;
159
 - 160 2. Have a mechanism or entity in place to receive and investigate complaints about
161 Licensees practicing in that state;
162
 - 163 3. Require that Licensees within the State pass a competency examination prior to being
164 licensed to provide Cosmetology Services to the public in that State;
165
 - 166 4. Require that Licensees satisfy educational or training requirements prior to being licensed
167 to provide Cosmetology Services to the public in that State;
168
 - 169 5. Implement procedures for considering one or more of the following categories of
170 information from applicants for licensure: criminal history; disciplinary history; or
171 Background Check. Such procedures may include the submission of information by
172 applicants for the purpose of obtaining an applicant's Background Check as defined
173 herein;
174
 - 175 6. Participate in the Data System, including through the use of unique identifying numbers;
176
 - 177 7. Share information related to disciplinary actions with the Commission and other Member
178 States, both through the Data System and otherwise;
179
 - 180 8. Notify the Commission and other Member States, in compliance with the terms of the
181 Compact and Rules of the Commission, of any Current Significant Investigative
182 Information in the State's possession regarding a Licensee practicing in that State;
183
 - 184 9. Comply with such Rules as may be enacted by the Commission to administer the
185 Compact; and
186
 - 187 10. Accept Licensees from other Member States as established herein.
188
- 189 B. Member States may charge a fee for granting a license to practice Cosmetology.
190
- 191 C. Individuals not residing in a Member State shall continue to be able to apply for a Member
192 State's Single-State License as provided under the laws of each Member State. However, the
193 Single-State License granted to these individuals shall not be recognized as granting a
194 Multistate License to provide services in any other Member State.
195
- 196 D. Nothing in this Compact shall affect the requirements established by a Member State for the
197 issuance of a Single-State License.
198

- 199 E. A Multistate License issued to a Licensee by a Home State to a resident of that State shall be
200 recognized by each Member State as authorizing a Licensee to practice Cosmetology in each
201 Member State.
202
- 203 F. At no point shall the Commission have the power to define the educational or professional
204 requirements for a license to practice Cosmetology. The Member States shall retain sole
205 jurisdiction over the provision of these requirements.

206

207 **ARTICLE 4- MULTISTATE LICENSE PROGRAM**

- 208 A. A Licensee who holds an active and unencumbered license to practice Cosmetology in their
209 Home State shall be entitled to apply to their Home State's Licensing Authority for a
210 Multistate License.
211
- 212 B. Upon the receipt of an application for a Multistate License for Cosmetology, according to the
213 Rules of the Commission, a Member State's Licensing Authority shall ascertain whether the
214 applicant meets the requirements for a Multistate License under this Compact using any and
215 all information available to the Licensing Authority, including, but not limited to,
216 information uploaded to the Data System by the applicant's Home State.
217
- 218 C. If an applicant meets the requirements for a Multistate License under this Compact and any
219 Rules of the Commission, the Licensing Authority in receipt of the application shall, within a
220 reasonable time, grant a Multistate License to that applicant, and inform all Member States of
221 the grant of said Multistate License.
222
- 223 D. A Multistate License to practice Cosmetology issued by a Member State's Licensing
224 Authority shall be recognized by each Member State as authorizing the practice thereof as
225 though that Licensee held a Single-State License to do so in each Member State, subject to
226 the restrictions herein.
227
- 228 E. A Multistate License granted pursuant to this Compact may be effective for a definite period
229 of time, concurrent with renewal of the Home State License.
230
- 231 F. To qualify for a Multistate License under this Compact, and to maintain eligibility for such a
232 license, an applicant must:
233
- 234 1. Hold an active, unencumbered license in the applicant's Home State;
 - 235
 - 236 2. Be assigned and maintain a unique identifying number, according to the Rules of the
237 Commission;
 - 238
 - 239 3. Agree to abide by the rules and requirements of the Licensing Authority, and the State
240 Practice Laws, of any Member State in which the applicant provides services;
 - 241

- 242 4. Pay all required fees related to the application and certification process, and any other
243 fees which the Commission may by Rule require; and
244
245 5. Comply with any and all other requirements regarding Multistate Licenses which the
246 Commission may by Rule provide.
247
248 G. A Licensee providing services in a Member State must comply with the State Practice Laws
249 of the State in which the services are provided, and all other applicable laws of that State.
250
251 H. The Practice of Cosmetology under a Multistate License granted pursuant to this Compact
252 will subject the Licensee to the jurisdiction of the Licensing Authority, the courts, and the
253 laws of the Member State in which the Cosmetology Services are provided.

254

255 **ARTICLE 5- OBTAINING A NEW HOME STATE LICENSE UNDER THE**
256 **MULTISTATE LICENSE**

- 257 A. Under the Multistate Licensure Program in Article 4, a Licensee may hold a Home State
258 License in only one Member State at any given time.
259
260 B. If a Licensee changes their Primary State of Residence by moving between two Member
261 States:
262
263 1. The Licensee shall file an application for obtaining a new Home State License under the
264 Multistate Licensure Program pursuant to Article 4, pay all applicable fees, and notify the
265 current and new Home States in accordance with the Rules of the Commission.
266
267 2. Upon receipt of an application for obtaining a new Home State License under the
268 Multistate Licensure Program, the new Home State shall verify that the Licensee meets
269 the criteria outlined in Article 4 via the Data System, without the need for primary source
270 verification.
271
272 3. If required for initial licensure in that State, a Member State may require an additional
273 Background Check as specified in the laws of that State, or the compliance with any
274 Jurisprudence Requirements of the new Home State.
275
276 4. A Licensee may hold a Multistate License, as issued by their Home State, in only one
277 Member State at a time.
278
279 5. If a Licensee holding a Multistate License changes their primary state of residence by
280 moving between two Member States, the Licensee shall apply for licensure in the new
281 Home State, and the Multistate License issued by the prior Home State will be
282 deactivated in accordance with the applicable Rules adopted by the Commission.
283

- 284 6. Notwithstanding any other provision of this Compact, if a Licensee cannot meet the
285 criteria set out in Article 4, then the new Home State shall use the applicable
286 requirements for a Single-State License in that State.
287
- 288 7. A Licensee shall pay all applicable fees to the new Home State in order to be issued a
289 new Home State license.
290
- 291 C. If a Licensee changes their Primary State of Residence by moving from a Member State to a
292 non-Member State, or from a non-Member State to a Member State, then the State criteria
293 shall apply for the issuance of a Single-State License in the new Home State.
294
- 295 D. Nothing in this Compact shall interfere with a Licensee’s ability to hold a Single-State
296 License in multiple States; however, for the purposes of this Compact, a Licensee shall have
297 only one Home State, and only one Multistate License.
298
- 299 E. Nothing in this Compact shall interfere with the requirements established by a Member State
300 for the issuance of a Single-State License.
301

302 **ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER**
303 **STATE LICENSING AUTHORITIES**

- 304 A. Nothing in this Compact, nor any Rule or regulation of the Commission, shall be construed
305 to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce
306 laws, regulations, or other rules related to the Practice of Cosmetology in that State, where
307 those laws, regulations, or other rules are not inconsistent with the provisions of this
308 Compact.
309
- 310 B. Insofar as practical, a Member State’s Licensing Authority shall cooperate with the
311 Commission and with each entity exercising independent regulatory authority over the
312 Practice of Cosmetology according to the provisions of this Compact.
313
- 314 C. Licensees operating in a Member State under a Multistate License shall be subject to both the
315 Rules and requirements of the Commission and those of the Member State in which
316 Cosmetology Services are being provided.
317
- 318 D. An Adverse Action by a Member State’s Licensing Authority against a Licensee shall in no
319 way limit another Member State’s authority to grant a Single-State License to that Licensee,
320 or to regulate such Single-State Licenses.
321
- 322 E. Discipline shall be the sole responsibility of the State in which Cosmetology Services are
323 provided. Accordingly, each Member State’s Licensing Authority shall be responsible for
324 receiving complaints about individuals practicing Cosmetology in that State, and for
325 communicating all relevant Investigative Information about any such Adverse Action to the

326 other Member States through the Data System in addition to any other methods the
327 Commission may by Rule require.
328

329 **ARTICLE 7- ADVERSE ACTIONS**

330 A. A Licensee’s Home State shall have exclusive power to impose an Adverse Action against
331 Licensee’s Multistate License issued by the Home State.
332

333 B. In addition to the powers conferred by state law, each Member State’s Licensing Authority
334 shall have the power to:
335

336 1. Take Adverse Action against a Licensee’s Authorization to Practice Cosmetology
337 through the Multistate License in the Member State, provided that:
338

339 a. Only the Licensee’s Home State shall have the power to take Adverse Action against
340 the license issued by the Home State; and
341

342 b. For the purposes of taking Adverse Action, the Home State’s Licensing Authority
343 shall give the same priority and effect to reported conduct received from a Remote
344 State as it would if such conduct had occurred within the Home State. In so doing, the
345 Home State shall apply its own state laws to determine the appropriate action.
346

347 2. Issue cease and desist orders or impose an Encumbrance on a Licensee’s Authorization to
348 Practice within that Member State.
349

350 3. Complete any pending investigations of a Licensee who changes their Primary State of
351 Residence during the course of such an investigation. The Licensing Authority shall also
352 be empowered to report the results of such an investigation to the Commission through
353 the Data System as described herein.
354

355 4. Issue subpoenas for both hearings and investigations that require the attendance and
356 testimony of witnesses, as well as the production of evidence. Subpoenas issued by a
357 Licensing Authority in a Member State for the attendance and testimony of witnesses or
358 the production of evidence from another Member State shall be enforced in the latter state
359 by any court of competent jurisdiction, according to the practice and procedure of that
360 court applicable to subpoenas issued in proceedings before it. The issuing Licensing
361 Authority shall pay any witness fees, travel expenses, mileage, and other fees required by
362 the service statutes of the State in which the witnesses or evidence are located.
363

364 5. If otherwise permitted by state law, recover from the affected Licensee the costs of
365 investigations and disposition of cases resulting from any Adverse Action taken against
366 that Licensee.
367

368 6. Take Adverse Action based on the factual findings of a Remote State, provided that the
369 Licensing Authority follows its own procedures for taking such Adverse Action.
370

- 371 C. A Licensee’s Home State shall complete any pending investigation(s) of a Cosmetologist
372 who changes their Primary State of Residence during the course of the investigation(s). The
373 Home State, shall also have the authority to take appropriate action(s) and shall promptly
374 report the conclusions of the investigations to the Data System.
375
- 376 D. If an Adverse Action is taken by the Home State against Licensee’s Multistate License, the
377 Licensee’s Authorization to Practice in all other Member States shall be deactivated until all
378 Encumbrances have been removed from the Home State license. All Home State disciplinary
379 orders that impose an Adverse Action against a Licensee’s Multistate License shall include a
380 statement that the Cosmetologist’s Authorization to Practice is deactivated in all Member
381 States during the pendency of the order.
382
- 383 E. Nothing in this Compact shall override a Member State’s authority to accept a Licensee’s
384 participation in an Alternative Program in lieu of Adverse Action. A Licensee’s Multistate
385 License shall be suspended for the duration of the Licensee’s participation in any Alternative
386 Program.

387 **ARTICLE 8- ACTIVE DUTY MILITARY AND THEIR SPOUSES**

388 Active Duty Military personnel, or their spouses, shall designate a Home State where the
389 individual has a current license in good standing. The individual may retain their Home State
390 designation during any period of service when that individual is on active duty assignment.

391 **ARTICLE 9- ESTABLISHMENT OF THE COSMETOLOGY LICENSURE COMPACT**
392 **COMMISSION**

393 A. The Compact Member States hereby create and establish a joint government agency whose
394 membership consists of all member states that have enacted the compact known as the
395 Cosmetology Compact Commission. The Commission is an instrumentality of the Compact
396 States acting jointly and not an instrumentality of any one state.

397 B. Membership, Voting, and Meetings

- 398 1. Each Member State shall have and be limited to one (1) delegate selected by that Member
399 State’s State Licensing Authority.
- 400 2. The delegate shall be an administrator of the Licensing Authority of the Member State or
401 their designee.
- 402 3. The Commission shall by Rule or bylaw establish a term of office for delegates and may
403 by Rule or bylaw establish term limits.
- 404 4. The Commission may recommend removal or suspension any delegate from office.
- 405 5. A Member State’s State Licensing Authority shall fill any vacancy of its delegate
406 occurring on the Commission within 60 days of the vacancy.
- 407 6. Each delegate shall be entitled to one vote on all matters before the Commission

- 408 requiring a vote by Commission delegates.
- 409 7. A delegate shall vote in person or by such other means as provided in the bylaws. The
410 bylaws may provide for delegates to meet by telecommunication, videoconference, or
411 other means of communication.
- 412 8. The Commission shall meet at least once during each calendar year. Additional meetings
413 may be held as set forth in the bylaws. The Commission may meet by
414 telecommunication, video conference or other similar electronic means.
- 415 C. The Commission shall have the following powers:
- 416 1. Establish the fiscal year of the Commission;
- 417 2. Establish code of conduct and conflict of interest policies;
- 418 3. Establish and amend Rules and bylaws;
- 419 4. Maintain its financial records in accordance with the bylaws;
- 420 5. Meet and take such actions as are consistent with the provisions of this Compact, the
421 Commission's Rules, and the bylaws;
- 422 6. Initiate and conclude legal proceedings or actions in the name of the Commission,
423 provided that the standing of any State Licensing Board to sue or be sued under
424 applicable law shall not be affected;
- 425 7. Purchase and maintain insurance and bonds;
- 426 8. Borrow, accept, or contract for services of personnel, including, but not limited to,
427 employees of a Member State;
- 428 9. Conduct an annual financial review
- 429 10. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
430 individuals appropriate authority to carry out the purposes of the Compact, and establish
431 the Commission's personnel policies and programs relating to conflicts of interest,
432 qualifications of personnel, and other related personnel matters;
- 433 11. Assess and collect fees;
- 434 12. Accept any and all appropriate gifts, donations, grants of money, other sources of
435 revenue, equipment, supplies, materials, and services, and to receive, utilize, and dispose
436 of the same; provided that at all times the Commission shall avoid any appearance of
437 impropriety or conflict of interest;
- 438 13. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed,
439 or any undivided interest therein;

- 440 14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
441 property real, personal, or mixed;
- 442 15. Establish a budget and make expenditures;
- 443 16. Borrow money;
- 444 17. Appoint committees, including standing committees, composed of members, State
445 regulators, State legislators or their representatives, and consumer representatives, and
446 such other interested persons as may be designated in this Compact and the bylaws;
- 447 18. Provide and receive information from, and cooperate with, law enforcement agencies;
- 448 19. Establish and elect an Executive Committee, including a chair and a vice chair;
- 449 20. Determine whether a State's adopted language is materially different from the model
450 compact language such that the State would not qualify for participation in the Compact;
451 and
- 452 21. Perform such other functions as may be necessary or appropriate to achieve the purposes
453 of this Compact.

454 D. The Executive Committee

- 455 1. The Executive Committee shall have the power to act on behalf of the Commission
456 according to the terms of this Compact. The powers, duties, and responsibilities of the
457 Executive Committee shall include:
- 458 a. Oversee the day-to-day activities of the administration of the compact including
459 enforcement and compliance with the provisions of the compact, its Rules and
460 bylaws, and other such duties as deemed necessary;
- 461 b. Recommend to the Commission changes to the Rules or bylaws, changes to this
462 Compact legislation, fees charged to Compact Member States, fees charged to
463 licensees, and other fees;
- 464 c. Ensure Compact administration services are appropriately provided, including by
465 contract;
- 466 d. Prepare and recommend the budget;
- 467 e. Maintain financial records on behalf of the Commission;
- 468 f. Monitor Compact compliance of Member States and provide compliance reports to
469 the Commission;
- 470 g. Establish additional committees as necessary;

- 471 h. Exercise the powers and duties of the Commission during the interim between
472 Commission meetings, except for adopting or amending Rules, adopting or amending
473 bylaws, and exercising any other powers and duties expressly reserved to the
474 Commission by Rule or bylaw; and
- 475 i. Other duties as provided in the Rules or bylaws of the Commission.
- 476 2. The Executive Committee shall be composed of seven members:
- 477 a. The chair and vice chair of the Commission shall be voting members of the Executive
478 Committee; and
- 479 b. The Commission shall elect seven voting members from the current membership of
480 the Commission.
- 481 c. The Commission may elect ex-officio, nonvoting members from a recognized
482 national Cosmetology professional association as approved by the Commission. The
483 Commission's bylaws shall identify qualifying organizations and the manner of
484 appointment if the number of organizations seeking to appoint an ex officio member
485 exceeds the number of members specified in this section.
- 486 3. The Commission may remove any member of the Executive Committee as provided in
487 the Commission's bylaws.
- 488 4. The Executive Committee shall meet at least annually.
- 489 a. Executive Committee meetings shall be open to the public, except that the Executive
490 Committee may meet in a closed, non-public meeting as provided in subsection E.2
491 below.
- 492 b. The Executive Committee shall give ten days' notice of its meetings, posted on its
493 website and as determined to provide notice to persons with an interest in the business
494 of the Commission.
- 495 c. The Executive Committee may hold a special meeting in accordance with subsection
496 E.1.b. below.
- 497
- 498 E. The Commission shall adopt and provide to the Member States an annual report.
- 499 F. Meetings of the Commission
- 500 1. All meetings shall be open to the public, except that the Commission may meet in a
501 closed, non-public meeting as provided in subsection F.2 below.
- 502 a. Public notice for all meetings of the full Commission of meetings shall be given in the
503 same manner as required under the Rulemaking provisions in Section 11, except that
504 the Commission may hold a special meeting as provided in subsection F.1.b below.

- 505 b. The Commission may hold a special meeting when it must meet to conduct
506 emergency business by giving [24, 48, or other] hours' notice to all commissioners, on
507 the Commission's website, and other means as provided in the Commission's rules.
508 The Commission's legal counsel shall certify that the Commission's need to meet
509 qualifies as an emergency.
- 510 2. The Commission or the Executive Committee or other committees of the Commission
511 may convene in a closed, non-public meeting for the Commission or Executive
512 Committee or other committees of the Commission to receive legal advice or to discuss:
- 513 a. Non-compliance of a Member State with its obligations under the Compact;
514 b. The employment, compensation, discipline or other matters, practices or procedures
515 related to specific employees;
516 c. Current or threatened discipline of a Licensee or by the Commission or by a Member
517 State's Licensing Board;
518 d. Current, threatened, or reasonably anticipated litigation;
519 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
520 estate;
521 f. Accusing any person of a crime or formally censuring any person;
522 g. Trade secrets or commercial or financial information that is privileged or
523 confidential;
524 h. Information of a personal nature where disclosure would constitute a clearly
525 unwarranted invasion of personal privacy;
526 i. Investigative records compiled for law enforcement purposes;
527 j. Information related to any investigative reports prepared by or on behalf of or for use
528 of the Commission or other committee charged with responsibility of investigation or
529 determination of compliance issues pursuant to the Compact;
530 k. Matters specifically exempted from disclosure by federal or Member State law; or
531 l. Other matters as promulgated by the Commission by Rule.
- 532 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
533 meeting will be closed and reference each relevant exempting provision, and such
534 reference shall be recorded in the minutes.
- 535 4. The Commission shall keep minutes that fully and clearly describe all matters discussed
536 in a meeting and shall provide a full and accurate summary of actions taken, and the

537 reasons therefore, including a description of the views expressed. All documents
538 considered in connection with an action shall be identified in such minutes. All minutes
539 and documents of a closed meeting shall remain under seal, subject to release only by a
540 majority vote of the Commission or order of a court of competent jurisdiction.

541 G. Financing of the Commission

- 542 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its
543 establishment, organization, and ongoing activities.
- 544 2. The Commission may accept any and all appropriate revenue sources as provided in
545 C(12).
- 546 3. The Commission may levy on and collect an annual assessment from each Member State
547 and impose fees on licensees of Member States to whom it grants a Multistate License to
548 cover the cost of the operations and activities of the Commission and its staff, which must
549 be in a total amount sufficient to cover its annual budget as approved each year for which
550 revenue is not provided by other sources. The aggregate annual assessment amount for
551 Member States shall be allocated based upon a formula that the Commission shall
552 promulgate by Rule.
- 553 4. The Commission shall not incur obligations of any kind prior to securing the funds
554 adequate to meet the same; nor shall the Commission pledge the credit of any of the
555 Member States, except by and with the authority of the Member State.
- 556 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
557 receipts and disbursements of the Commission shall be subject to the financial review and
558 accounting procedures established under its bylaws. However, all receipts and
559 disbursements of funds handled by the Commission shall be subject to an annual
560 financial review by a certified or licensed public accountant, and the report of the
561 financial review shall be included in and become part of the annual report of the
562 Commission.

563 H. Qualified Immunity, Defense, and Indemnification

- 564 1. The members, officers, executive director, employees and representatives of the
565 Commission shall be immune from suit and liability, both personally and in their official
566 capacity, for any claim for damage to or loss of property or personal injury or other civil
567 liability caused by or arising out of any actual or alleged act, error, or omission that
568 occurred, or that the person against whom the claim is made had a reasonable basis for
569 believing occurred within the scope of Commission employment, duties or
570 responsibilities; provided that nothing in this paragraph shall be construed to protect any

571 such person from suit or liability for any damage, loss, injury, or liability caused by the
572 intentional or willful or wanton misconduct of that person. The procurement of insurance
573 of any type by the Commission shall not in any way compromise or limit the immunity
574 granted hereunder.

575 2. The Commission shall defend any member, officer, executive director, employee, and
576 representative of the Commission in any civil action seeking to impose liability arising
577 out of any actual or alleged act, error, or omission that occurred within the scope of
578 Commission employment, duties, or responsibilities, or as determined by the commission
579 that the person against whom the claim is made had a reasonable basis for believing
580 occurred within the scope of Commission employment, duties, or responsibilities;
581 provided that nothing herein shall be construed to prohibit that person from retaining
582 their own counsel at their own expense; and provided further, that the actual or alleged
583 act, error, or omission did not result from that person's intentional or willful or wanton
584 misconduct.

585 3. The Commission shall indemnify and hold harmless any member, officer, executive
586 director, employee, and representative of the Commission for the amount of any
587 settlement or judgment obtained against that person arising out of any actual or alleged
588 act, error, or omission that occurred within the scope of Commission employment, duties,
589 or responsibilities, or that such person had a reasonable basis for believing occurred
590 within the scope of Commission employment, duties, or responsibilities, provided that the
591 actual or alleged act, error, or omission did not result from the intentional or willful or
592 wanton misconduct of that person.

593 4. Nothing herein shall be construed as a limitation on the liability of any licensee for
594 professional malpractice or misconduct, which shall be governed solely by any other
595 applicable state laws.

596 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member
597 State's state action immunity or state action affirmative defense with respect to antitrust
598 claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or
599 anticompetitive law or regulation.

600 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the
601 Member States or by the Commission.

602

603 **ARTICLE 10- DATA SYSTEM**

604 A. The Commission shall provide for the development, maintenance, operation, and utilization

605 of a coordinated database and reporting system containing licensure, Adverse Action, and the
606 presence of Current Significant Investigative Information on all licensed individuals in
607 Member States.

608 B. Notwithstanding any other provision of State law to the contrary, a Member State shall
609 submit a uniform data set to the Data System on all individuals to whom this Compact is
610 applicable as required by the Rules of the Commission, including:

- 611 1. Identifying information;
- 612 2. Licensure data;
- 613 3. Adverse Actions against a license or Privilege to Practice [and information related
614 thereto];
- 615 4. Non-confidential information related to Alternative Program participation, the beginning
616 and ending dates of such participation, and other information related to such participation
617 not made confidential under Member State law;
- 618 5. Any denial of application for licensure, and the reason(s) for such denial;
- 619 6. The presence of Current Significant Investigative Information; and
- 620 7. Other information that may facilitate the administration of this Compact or the protection
621 of the public, as determined by the Rules of the Commission.

622 C. The information contained in the data system shall be considered authentic and not hearsay in
623 any civil action involving the Commission when accompanied by a certification by the
624 Commission's data system manager concerning the authenticity of the data.

625 D. Current Significant Investigative Information and Investigative Information pertaining to a
626 Licensee in any Member State will only be available to other Member States.

627 E. It is the responsibility of the Member States to report any Adverse Action against a Licensee.
628 Adverse Action information pertaining to a Licensee in any Member State will be available
629 to any other Member State.

630 F. Member States contributing information to the Data System may designate information that
631 may not be shared with the public without the express permission of the contributing State.

632 G. Any information submitted to the Data System that is subsequently expunged pursuant to
633 federal law or the laws of the Member State contributing the information shall be removed
634 from the Data System.

635

636 **ARTICLE 11- RULEMAKING**

- 637 A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently
638 implement and administer the purposes and provisions of the Compact. In addition to any
639 other applicable standard of review, in the event a court of competent jurisdiction holds that
640 the Commission exercised its Rulemaking authority in a manner that is beyond the scope of
641 the purposes of the Compact, or the powers granted hereunder, then such an action by the
642 Commission shall be invalid and have no force or effect.
- 643 B. The Rules of the Commission shall have the force of law in each Member State, provided
644 however that where the Rules of the Commission conflict with the State Practice Laws of a
645 Member State as held by a court of competent jurisdiction, the Rules of the Commission shall
646 be ineffective in that State to the extent of the conflict.
- 647 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in
648 this Section and the Rules adopted thereunder. Rules and amendments shall become binding
649 as of the date specified in each Rule or amendment.
- 650 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by
651 enactment of a statute or resolution in the same manner used to adopt the Compact within
652 four (4) years of the date of adoption of the Rule, then such Rule shall have no further force
653 and effect in any Member State.
- 654 E. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the
655 Commission.
- 656 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow
657 persons to give oral testimony and submit written data, facts, opinions, and arguments.
- 658 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in
659 advance of the meeting at which the Commission will hold a public hearing on the proposed
660 Rule, the Commission shall provide a Notice of Proposed Rulemaking:
- 661 1. On the website of the Commission or other publicly accessible platform;
 - 662 2. To persons who have requested notice of the Commission's notices of proposed
663 rulemaking, and
 - 664 3. In such other way(s) as the Commission may by Rule specify.
- 665 H. The Notice of Proposed Rulemaking shall include:
- 666 1. The time, date, and location of the public hearing at which the Commission will hear
667 testimony on the proposed Rule and, if different, the time, date, and location of the
668 meeting where the Commission will consider and vote on the proposed Rule;
 - 669 2. If the hearing is held via telecommunication, video conference, or other electronic means,

670 the Commission shall include the mechanism for access to the hearing in the Notice of
671 Proposed Rulemaking;

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

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

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

675

676 I. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written
677 data, facts, opinions, and arguments, which shall be made available to the public.

678

679 J. The Commission shall grant an opportunity for a public hearing before it adopts a Rule or
680 amendment if a hearing is requested by:

681

682 1. At least twenty-five (25) persons;

683

684 2. A State or federal governmental subdivision or agency; or

685

686 3. An association or organization having at least twenty-five (25) members.

687

688 K. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the
689 place, time, and date of the scheduled public hearing. If the hearing is held via electronic
690 means, the Commission shall publish the mechanism for access to the electronic hearing.

691

692 1. All persons wishing to be heard at the hearing shall notify the executive director of the
693 Commission or other designated member in writing of their desire to appear and testify at
694 the hearing not less than five (5) business days before the scheduled date of the hearing.

695

696 2. Hearings shall be conducted in a manner providing each person who wishes to comment
697 a fair and reasonable opportunity to comment orally or in writing.

698

699 3. All hearings will be recorded. A copy of the recording will be made available on request.

700

701 4. Nothing in this section shall be construed as requiring a separate hearing on each Rule.
702 Rules may be grouped for the convenience of the Commission at hearings required by
703 this section.

704

705 L. Following the scheduled hearing date, or by the close of business on the scheduled hearing
706 date if the hearing was not held, the Commission shall consider all written and oral
707 comments received.

708

709 M. If no written notice of intent to attend the public hearing by interested parties is received, the
710 Commission may proceed with promulgation of the proposed Rule without a public hearing.

711

- 712 N. The Commission shall, by majority vote of all members, take final action on the proposed
713 Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking
714 record and the full text of the Rule.
715
- 716 O. Upon determination that an emergency exists, the Commission may consider and adopt an
717 emergency Rule without prior notice, opportunity for comment, or hearing, provided that the
718 usual Rulemaking procedures provided in the Compact and in this Article shall be
719 retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety
720 (90) days after the effective date of the Rule. For the purposes of this provision, an
721 emergency Rule is one that must be adopted immediately in order to:
722
- 723 1. Meet an imminent threat to public health, safety, or welfare;
 - 724 2. Prevent a loss of Commission or Member State funds;
 - 725 3. Meet a deadline for the promulgation of an administrative Rule that is established by
726 federal law or Rule; or
 - 727 4. Protect public health and safety.
728
- 729
- 730 P. The Commission or authorized committee of the Commission may direct revisions to a
731 previously adopted Rule or amendment for purposes of correcting typographical errors, errors
732 in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be
733 posted on the website of the Commission. The revision shall be subject to challenge by any
734 person for a period of thirty (30) days after posting. The revision may be challenged only on
735 grounds that the revision results in a material change to a Rule. A challenge shall be made in
736 writing and delivered to the chair of the Commission prior to the end of the notice period. If
737 not challenge is made, the revision will take effect without further action. If the revision is
738 challenged, the revision may not take effect with the approval of the Commission.
739
740
741

742 **ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

- 743 A. Oversight
744
- 745 1. The executive, legislative, and judicial branches of State government in each Member
746 State shall enforce this Compact and take all actions necessary and appropriate to
747 effectuate the Compact's purposes and intent. The provisions of this Compact and the
748 Rules promulgated hereunder shall have standing as statutory law.
749
 - 750 2. All courts shall take judicial notice of the Compact and the Rules in any judicial or
751 administrative proceeding in a Member State pertaining to the subject matter of this
752 Compact which may affect the powers, responsibilities, or actions of the Commission.
753
 - 754 3. The Commission shall be entitled to receive service of process in any such proceeding,
755 and shall have standing to intervene in such a proceeding for all purposes. Failure to

756 provide service of process to the Commission shall render a judgment or order void as to
757 the Commission, this Compact, or promulgated Rules.
758

759 B. Default, Technical Assistance, and Termination
760

- 761 1. If the Commission determines that a Member State has defaulted in the performance of
762 its obligations or responsibilities under this Compact or the promulgated Rules, the
763 Commission shall:
764
 - 765 a. Provide written notice to the defaulting State and other Member States of the nature
766 of the default, the proposed means or curing the default and any other action to be
767 taken by the Commission; and
768
 - 769 b. Provide remedial training and specific technical assistance regarding the default.
770
- 771 2. If a State in default fails to cure the default, the defaulting State may be terminated from
772 this Compact upon an affirmative vote of a majority of the Member States, and all rights,
773 privileges and benefits conferred by this Compact may be terminated on the effective
774 date of termination. A cure of the default does not relieve the offending State of
775 obligations or liabilities incurred during the period of default.
776
- 777 3. Termination of membership in the Compact shall be imposed only after all other means
778 of securing compliance have been exhausted. Notice of intent to suspend or terminate
779 shall be given by the Commission to the governor, the majority and minority leaders of
780 the defaulting State's legislature, and each of the Member States.
781
- 782 4. A State that has been terminated is responsible for all assessments, obligations, and
783 liabilities incurred through the effective date of termination, including obligations that
784 extend beyond the effective date of termination.
785
- 786 5. The Commission shall not bear any costs related to a State that is found to be in default or
787 that has been terminated from the Compact, unless agreed upon in writing between the
788 Commission and the defaulting State.
789
- 790 6. The defaulting State may appeal the action of the Commission by petitioning the U.S.
791 District Court for the District of Columbia or the federal district where the Commission
792 has its principal offices. The prevailing member shall be awarded all costs of such
793 litigation, including attorney's fees.
794

795 C. Dispute Resolution
796

- 797 1. Upon request by a Member State, the Commission shall attempt to resolve disputes
798 related to the Compact that arise among Member States and between member and non-
799 member States.
800

801 2. The Commission shall promulgate a Rule providing for both mediation and binding
802 dispute resolution for disputes as appropriate.
803

804 D. Enforcement
805

806 1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions
807 and Rules of this Compact.
808

809 2. By majority vote, the Commission may initiate legal action in the United States District
810 Court for the District of Columbia or the federal district where the Commission has its
811 principal offices against a Member State in default to enforce compliance with the
812 provisions of the Compact and its promulgated Rules and bylaws. The relief sought may
813 include both injunctive relief and damages. In the event judicial enforcement is
814 necessary, the prevailing member shall be awarded costs of such litigation, including
815 attorney's fees.
816

817 3. The remedies herein shall not be the exclusive remedies of the Commission. The
818 Commission may pursue any other remedies available under federal or State law.
819

820 **ARTICLE 13- DATE OF IMPLEMENTATION OF THE COSMETOLOGY**
821 **LICENSURE COMPACT COMMISSION AND ASSOCIATED RULES,**
822 **WITHDRAWAL, AND AMENDMENT**

823 A. The Compact shall come into effect on the date on which the Compact statute is enacted into
824 law in the tenth Member State. The provisions, which become effective at that time, shall be
825 limited to the powers granted to the Commission relating to assembly and the promulgation
826 or Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary
827 to the implementation and administration of this Compact.
828

829 B. Any State that joins the Compact subsequent to the Commission's initial adoption of the
830 Rules shall be subject to the Rules as they exist on the date on which the Compact becomes
831 law in that State. Any Rule that has been previously adopted by the Commission shall have
832 the full force and effect of law on the day the Compact becomes law in that State.
833

834 C. Any Member State may withdraw from this Compact by enacting a statute repealing the
835 same.
836

837 1. A Member State's withdrawal shall not take effect until six (6) months after the
838 enactment of the repealing statute.
839

840 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's
841 Licensing Authority to comply with the investigative and Adverse Action reporting
842 requirements of this Compact prior to the effective date of withdrawal.
843

- 844 D. Nothing contained in this Compact shall be construed to invalidate or prevent any
845 Cosmetology licensure agreement or other cooperative agreement between a Member State
846 and a non-member State that does not conflict with the provisions of this Compact.
847
- 848 E. This Compact may be amended by the Member States. No amendment to this Compact shall
849 become effective and binding upon any Member State until it is enacted into the laws of all
850 Member States.
851

852 **ARTICLE 14- CONSTRUCTION AND SEVERABILITY**

853 This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions
854 of this Compact shall be severable and if any phrase, clause, sentence, or provision of this
855 Compact is declared to be contrary to the constitution of any Member State or of the United
856 States or the applicability thereof to any government, agency, person, or circumstance is held
857 invalid, the validity of the remainder of this Compact and the applicability thereof to any
858 government, agency, person, or circumstance shall not be affected thereby. If this Compact shall
859 be held contrary to the constitution of any Member State, the Compact shall remain in full force
860 and effect as to the remaining Member States and in full force and effect as to the Member State
861 affected as to all severable matters.
862

863 **ARTICLE 15- BINDING EFFECT OF COMPACT AND OTHER LAWS**

- 864 A. A Licensee providing Cosmetology Services in a Remote State under a Multistate License
865 shall function within the laws and regulations of the Remote State.
866
- 867 B. Nothing herein prevents the enforcement of any other law of a Member State that is not
868 inconsistent with this Compact.
869
- 870 C. Any laws in a Member State in conflict with this Compact are superseded to the extent of the
871 conflict.
872
- 873 D. Any lawful actions by the Commission, including all Rules and bylaws promulgated by the
874 Commission, are binding upon the Member States.
875
- 876 E. All agreements between the Commission and the Member States are binding in accordance
877 with their terms.
878
- 879 F. In the event any provision of the Compact exceeds the constitutional limits imposed on the
880 legislature of any Member State, the provision shall be ineffective to the extent of the conflict
881 with the constitutional provision in question in that Member State.