

1 ESTHETICS COMPACT

2 ARTICLE 1- PURPOSE

3 The purpose of this Compact is to facilitate the interstate practice and regulation of Esthetics
4 with the goal of improving public access to, and the safety of, Esthetics Services and
5 reducing barriers related to Esthetics licensure. Through this Compact, the Member States
6 seek to establish a regulatory framework which provides for a new multistate licensing
7 program. Through this new licensing program, the Member States seek to provide increased
8 value and mobility to licensed Estheticians in the Member States, while ensuring the
9 provision of safe, effective, and reliable services to the public.

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

- 12 A. Provide opportunities for interstate practice by Estheticians who meet uniform requirements
13 for multistate licensure;
- 14
- 15 B. Enhance the abilities of Member States to protect public health and safety, and prevent fraud
16 and unlicensed activity within the profession;
- 17
- 18 C. Ensure and encourage cooperation between Member States in the licensure and regulation of
19 the Practice of Esthetics;
- 20
- 21 D. Support relocating military members and their spouses;
- 22
- 23 E. Facilitate the exchange of information between Member States related to the licensure,
24 investigation, and discipline of the Practice of Esthetics;
- 25
- 26 F. Provide for the licensure and mobility of the workforce in the profession.

27 ARTICLE 2- DEFINITIONS

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

- 30 A. "Active Duty Military" means any individual in full-time duty status in the active uniformed
31 service of the United States including members of the National Guard and Reserve.
32
- 33 B. "Adverse Action" means any administrative, civil, equitable, or criminal action permitted by
34 a Member State's laws which is imposed by a State Licensing Authority or other regulatory
35 body against an Esthetician, including actions against an individual's license or
36 Authorization to Practice such as revocation, suspension, probation, monitoring of the
37 Licensee, limitation of the Licensee's practice, or any other Encumbrance on a license
38 affecting an individual's ability to participate in the Esthetics industry, including the issuance
39 of a cease and desist order.
40

- 41 C. “Authorization to Practice” means a legal authorization associated with a Multistate License
42 permitting the Practice of Esthetics in that Remote State, which shall be subject to the
43 enforcement jurisdiction of the State Licensing Authority in that Remote State.
44
- 45 D. “Alternative Program” means a non-disciplinary monitoring or prosecutorial diversion
46 program approved by a Member State’s State Licensing Authority.
47
- 48 E. “Background Check” means the submission of information for an applicant for the purpose
49 of obtaining that applicant’s criminal history record information, as further defined in 28
50 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and the agency responsible for
51 retaining State criminal or disciplinary history in the applicant’s Home State.
52
- 53 F. “Charter Member State” means Member States who have enacted legislation to adopt this
54 Compact where such legislation predates the effective date of this Compact as defined in
55 Article 13.
56
- 57 G. “Commission” the joint government agency whose membership consists of all States that
58 have enacted this Compact, which is known as the Esthetics Compact Commission, as
59 defined in Article IX, and which shall operate as an instrumentality of the Member States.
60
61
- 62 H. “Current Significant Investigative Information” means:
63
- 64 1. Investigative Information that a State Licensing Authority, after an inquiry or
65 investigation that complies with a Member State’s due process requirements, has
66 reason to believe is not groundless and, if proved true, would indicate a violation
67 of that State’s laws regarding fraud or the Practice of Esthetics; or
68
 - 69 2. Investigative Information that indicates that a Licensee has engaged in fraud or
70 represents an immediate threat to public health and safety, regardless of whether
71 the Licensee has been notified and had an opportunity to respond.
72
- 73 I. “Data System” means a repository of information about Licensees, including but not limited
74 to license status, Investigative Information, and Adverse Actions.
75
- 76 J. “Disqualifying Event” means any event which shall disqualify an individual from holding a
77 Multistate License under this Compact, which the Commission may by Rule or order specify.
78
- 79 K. “Encumbered License” means a license in which an Adverse Action restricts the Practice of
80 Esthetics by a Licensee, or where said Adverse Action has been reported to the Commission.
81
- 82 L. “Encumbrance” means a revocation or suspension of, or any limitation on, the full and
83 unrestricted Practice of Esthetics by a State Licensing Authority.
84
- 85 M. “Esthetician” means an individual licensed in their Home State to practice Esthetics.
86

- 87 N. “Esthetics”, “Esthetics Services”, and the “Practice of Esthetics” mean the services provided
88 by an Esthetician as set forth in the Member State’s statutes and regulations in the State
89 where the services are being provided.
90
- 91 O. “Executive Committee” means a group of delegates elected or appointed to act on behalf of,
92 and within the powers granted to them by, the Commission.
93
- 94 P. “Home State” means the Member State which is a Licensee’s primary State of residence, and
95 where that Licensee holds an active and unencumbered license to practice Esthetics.
96
- 97 Q. “Investigative Information” means information, records, or documents received or generated
98 by a State Licensing Authority pursuant to an investigation or other inquiry.
99
- 100 R. “Jurisprudence Requirement” means the assessment of an individual’s knowledge of the laws
101 and rules governing the Practice of Esthetics in a State.
102
- 103 S. “Licensee” means an individual who currently holds a license from a Member State to
104 practice as an Esthetician.
105
- 106 T. “Member State” means any State that has adopted this Compact.
107
- 108 U. “Multistate License” means a license issued and subject to the enforcement jurisdiction of the
109 State Licensing Authority in a Licensee’s Home State, which authorizes the Practice of
110 Esthetics in Member States and includes Authorizations to Practice Esthetics in all Remote
111 States pursuant to this Compact.
112
- 113 V. “Remote State” means any Member State, other than the Licensee’s Home State.
114
- 115 W. “Rule” means any rule or regulation promulgated by the Commission under this Compact.
116
- 117 X. “Single-State License” means a Esthetics license issued by a Member State that authorizes
118 practice of Esthetics only within the issuing State and does not include any authorization
119 outside of the issuing State.
120
- 121 Y. “State” means a State, territory, or possession of the United States and the District of
122 Columbia.
123
- 124 Z. “Licensing Authority” means a Member State’s regulatory body responsible for issuing
125 Esthetics licenses or otherwise overseeing the Practice of Esthetics in that State.
126

127 **ARTICLE 3- MEMBER STATE REQUIREMENTS**

- 128 A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a State
129 must:
130
- 131 1. License and regulate Esthetics;

- 132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
2. Have a mechanism or entity in place to receive and investigate complaints about Licensees practicing in that State;
 3. Require that Licensees within the State pass a competency examination prior to being licensed to provide Esthetics Services to the public in that State;
 4. Require that Licensees satisfy educational or training requirements prior to being licensed to provide Esthetics Services to the public in that State;
 5. Implement procedures for considering one or more of the following categories of information from applicants for licensure: criminal history; disciplinary history; or Background Check. Such procedures may include the submission of information by applicants for the purpose of obtaining an applicant's Background Check as defined herein;
 6. Participate in the Data System, including through the use of unique identifying numbers;
 7. Share information related to Adverse Actions with the Commission and other Member States, both through the Data System and otherwise;
 8. Notify the Commission and other Member States, in compliance with the terms of the Compact and Rules of the Commission, of the existence of Investigative Information or Current Significant Investigative Information in the State's possession regarding a Licensee practicing in that State;
 9. Comply with such Rules as may be enacted by the Commission to administer the Compact; and
 10. Accept Licensees from other Member States as established herein.
- B. Member States may charge a fee for granting a Multistate License to practice Esthetics.
- C. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single-State License as provided under the laws of each Member State. However, the Single-State License granted to these individuals shall not be recognized as granting a Multistate License to provide services in any other Member State.
- D. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License.
- E. A Multistate License issued to a Licensee by a Home State to a resident of that State shall be recognized by each Member State as authorizing a Licensee to practice Esthetics in each Member State.

177 F. At no point shall the Commission have the power to define the educational or professional
178 requirements for a license to practice Esthetics. The Member States shall retain sole
179 jurisdiction over the provision of these requirements.

180 **ARTICLE 4- MULTISTATE LICENSE**

181 A. To be eligible to apply to their Home State's State Licensing Authority for an initial
182 Multistate License under this Compact, a Licensee must hold an active and unencumbered
183 Single-State License to practice Esthetics in their Home State.
184

185 B. Upon the receipt of an application for a Multistate License, according to the Rules of the
186 Commission, a Member State's Licensing Authority shall ascertain whether the applicant
187 meets the requirements for a Multistate License under this Compact.
188

189 C. If an applicant meets the requirements for a Multistate License under this Compact and any
190 applicable Rules of the Commission, the Licensing Authority in receipt of the application
191 shall, within a reasonable time, grant a Multistate License to that applicant, and inform all
192 Member States of the grant of said Multistate License.
193

194 D. A Multistate License to practice Esthetics issued by a Member State's Licensing Authority
195 shall be recognized by each Member State as authorizing the practice thereof as though that
196 Licensee held a Single-State License to do so in each Member State, subject to the
197 restrictions herein.
198

199 E. A Multistate License granted pursuant to this Compact may be effective for a definite period
200 of time, concurrent with the licensure renewal period in the Home State.
201

202 F. To maintain a Multistate License under this Compact, a Licensee must:
203

204 1. Agree to abide by the rules of the Licensing Authority, and the State scope of practice
205 laws governing the Practice of Esthetics, of any Member State in which the Licensee
206 provides services;
207

208 2. Pay all required fees related to the application and process, and any other fees which the
209 Commission may by Rule require; and
210

211 3. Comply with any and all other requirements regarding Multistate Licenses which the
212 Commission may by Rule provide.
213

214 G. A Licensee practicing in a Member State is subject to all scope of practice laws governing
215 Esthetics Services in that State.
216

217 H. The Practice of Esthetics under a Multistate License granted pursuant to this Compact will
218 subject the Licensee to the jurisdiction of the Licensing Authority, the courts, and the laws of
219 the Member State in which the Esthetics Services are provided.
220

221 **ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE**

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

224
225 B. If a Licensee changes their Home State by moving between two Member States:

226
227 1. The Licensee shall immediately apply for the reissuance of their Multistate License in
228 their new Home State. The Licensee shall pay all applicable fees and notify the prior
229 Home State in accordance with the Rules of the Commission.

230
231 2. Upon receipt of an application to reissue a Multistate License, the new Home State shall
232 verify that the Multistate License is active, unencumbered and eligible for reissuance
233 under the terms of the Compact and the Rules of the Commission. The Multistate License
234 issued by the prior Home State will be deactivated and all Member States notified in
235 accordance with the applicable Rules adopted by the Commission.

236
237 3. If required for initial licensure, the new Home State may require a Background Check as
238 specified in the laws of that State, or the compliance with any Jurisprudence
239 Requirements of the new Home State.

240
241 4. Notwithstanding any other provision of this Compact, if a Licensee does not meet the
242 requirements set forth in this Compact for the reissuance of a Multistate License by the
243 new Home State, then the Licensee shall be subject to the new Home State requirements
244 for the issuance of a Single-State License in that State.

245
246 C. If a Licensee changes their primary state of residence by moving from a Member State to a
247 non-Member State, or from a non-Member State to a Member State, then the Licensee shall
248 be subject to the State requirements for the issuance of a Single-State License in the new
249 Home State.

250
251 D. Nothing in this Compact shall interfere with a Licensee’s ability to hold a Single-State
252 License in multiple States; however, for the purposes of this Compact, a Licensee shall have
253 only one Home State, and only one Multistate License.

254
255 E. Nothing in this Compact shall interfere with the requirements established by a Member State
256 for the issuance of a Single-State License.

257 **ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER**
258 **STATE LICENSING AUTHORITIES**

259 A. Nothing in this Compact, nor any Rule or regulation of the Commission, shall be construed
260 to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce
261 laws, regulations, or other rules related to the Practice of Esthetics in that State, where those
262 laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

- 263
264 B. Insofar as practical, a Member State's State Licensing Authority shall cooperate with the
265 Commission and with each entity exercising independent regulatory authority over the
266 Practice of Esthetics according to the provisions of this Compact.
267
268 C. Discipline shall be the sole responsibility of the State in which Esthetics Services are
269 provided. Accordingly, each Member State's State Licensing Authority shall be responsible
270 for receiving complaints about individuals practicing Esthetics in that State, and for
271 communicating all relevant Investigative Information about any such Adverse Action to the
272 other Member States through the Data System in addition to any other methods the
273 Commission may by Rule require.

274 **ARTICLE 7- ADVERSE ACTIONS**

- 275 A. A Licensee's Home State shall have exclusive power to impose an Adverse Action against a
276 Licensee's Multistate License issued by the Home State.
277
278 B. A Home State may take Adverse Action on a Multistate License based on the Investigative
279 Information, Current Significant Investigative Information, or Adverse Action of a Remote
280 State.
281
282 C. In addition to the powers conferred by State law, each Remote State's State Licensing
283 Authority shall have the power to:
284
285 1. Take Adverse Action against a Licensee's Authorization to Practice Esthetics through the
286 Multistate License in that Member State, provided that:
287
288 a. Only the Licensee's Home State shall have the power to take Adverse Action against
289 the Multistate License issued by the Home State; and
290
291 b. For the purposes of taking Adverse Action, the Home State's State Licensing
292 Authority shall give the same priority and effect to reported conduct received from a
293 Remote State as it would if such conduct had occurred within the Home State. In so
294 doing, the Home State shall apply its own State laws to determine the appropriate
295 action.
296
297 2. Issue cease and desist orders or impose an Encumbrance on a Licensee's Authorization to
298 Practice within that Member State.
299
300 3. Complete any pending investigations of a Licensee who changes their primary state of
301 residence during the course of such an investigation. The State Licensing Authority shall
302 also be empowered to report the results of such an investigation to the Commission
303 through the Data System as described herein.
304
305 4. Issue subpoenas for both hearings and investigations that require the attendance and
306 testimony of witnesses, as well as the production of evidence. Subpoenas issued by a
307 State Licensing Authority in a Member State for the attendance and testimony of

308 witnesses or the production of evidence from another Member State shall be enforced in
309 the latter State by any court of competent jurisdiction, according to the practice and
310 procedure of that court applicable to subpoenas issued in proceedings before it. The
311 issuing State Licensing Authority shall pay any witness fees, travel expenses, mileage,
312 and other fees required by the service statutes of the State in which the witnesses or
313 evidence are located.

314
315 5. If otherwise permitted by State law, recover from the affected Licensee the costs of
316 investigations and disposition of cases resulting from any Adverse Action taken against
317 that Licensee.

318
319 6. Take Adverse Action against the Licensee's Authorization to Practice in that State based
320 on the factual findings of another Remote State.

321
322 D. A Licensee's Home State shall complete any pending investigation(s) of an Esthetician who
323 changes their primary state of residence during the course of the investigation(s). The Home
324 State shall also have the authority to take appropriate action(s) and shall promptly report the
325 conclusions of the investigations to the Data System.

326
327 E. If an Adverse Action is taken by the Home State against Licensee's Multistate License, the
328 Licensee's Authorization to Practice in all other Member States shall be deactivated until all
329 Encumbrances have been removed from the Home State license. All Home State disciplinary
330 orders that impose an Adverse Action against a Licensee's Multistate License shall include a
331 statement that the Esthetician's Authorization to Practice is deactivated in all Member States
332 during the pendency of the order.

333
334 F. Nothing in this Compact shall override a Member State's authority to accept a Licensee's
335 participation in an Alternative Program in lieu of Adverse Action. A Licensee's Multistate
336 License shall be suspended for the duration of the Licensee's participation in any Alternative
337 Program.

338 339 G. Joint Investigations

340
341 1. In addition to the authority granted to a Member State by its respective scope of practice
342 laws or other applicable State law, a Member State may participate with other Member
343 States in joint investigations of Licensees.

344
345 2. Member States shall share any investigative, litigation, or compliance materials in
346 furtherance of any joint or individual investigation initiated under the Compact.

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

348 An Active Duty Military service member or their spouse shall designate a Home State where the
349 individual has a current license in good standing. The individual or spouse may retain their
350 Home State designation during any period of service when that individual is on active duty.

351 **ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE ESTHETICS COMPACT**
352 **COMMISSION**

353 A. The Compact Member States hereby create and establish a joint government agency whose
354 membership consists of all Member States that have enacted the Compact known as the
355 Esthetics Compact Commission. The Commission is an instrumentality of the Compact
356 States acting jointly and not an instrumentality of any one State. The Commission shall come
357 into existence on or after the effective date of the Compact as set forth in Article 13.

358 B. Membership, Voting, and Meetings

359 1. Each Member State shall have and be limited to one (1) delegate selected by that Member
360 State's State Licensing Authority.

361 2. The delegate shall be an administrator of the State Licensing Authority of the Member
362 State or their designee.

363 3. The Commission shall by Rule or bylaw establish a term of office for delegates and may
364 by Rule or bylaw establish term limits.

365 4. The Commission may recommend removal or suspension of any delegate from office.

366 5. A Member State's State Licensing Authority shall fill any vacancy of its delegate
367 occurring on the Commission within 60 days of the vacancy.

368 6. Each delegate shall be entitled to one vote on all matters that are voted on by the
369 Commission.

370 7. The Commission shall meet at least once during each calendar year. Additional meetings
371 may be held as set forth in the bylaws. The Commission may meet by
372 telecommunication, video conference or other similar electronic means.

373 C. The Commission shall have the following powers:

374 1. Establish the fiscal year of the Commission;

375 2. Establish code of conduct and conflict of interest policies;

376 3. Adopt Rules and bylaws;

377 4. Maintain its financial records in accordance with the bylaws;

378 5. Meet and take such actions as are consistent with the provisions of this Compact, the
379 Commission's Rules, and the bylaws;

380 6. Initiate and conclude legal proceedings or actions in the name of the Commission,
381 provided that the standing of any State Licensing Authority to sue or be sued under
382 applicable law shall not be affected;

- 383 7. Maintain and certify records and information provided to a Member State as the
384 authenticated business records of the Commission, and designate an agent to do so on the
385 Commission's behalf;
- 386 8. Purchase and maintain insurance and bonds;
- 387 9. Borrow, accept, or contract for services of personnel, including, but not limited to,
388 employees of a Member State;
- 389 10. Conduct an annual financial review;
- 390 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
391 individuals appropriate authority to carry out the purposes of the Compact, and establish
392 the Commission's personnel policies and programs relating to conflicts of interest,
393 qualifications of personnel, and other related personnel matters;
- 394 12. As set forth in the Commission Rules, charge a fee to a Licensee for the grant of a
395 Multistate License and thereafter, as may be established by Commission Rule, charge the
396 Licensee a Multistate License renewal fee for each renewal period. Nothing herein shall
397 be construed to prevent a Home State from charging a Licensee a fee for a Multistate
398 License or renewals of a Multistate License, or a fee for the jurisprudence requirement if
399 the Member State imposes such a requirement for the grant of Multistate License ;
- 400 13. Assess and collect fees;
- 401 14. Accept any and all appropriate gifts, donations, grants of money, other sources of
402 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of
403 the same; provided that at all times the Commission shall avoid any appearance of
404 impropriety or conflict of interest;
- 405 15. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed,
406 or any undivided interest therein;
- 407 16. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
408 property real, personal, or mixed;
- 409 17. Establish a budget and make expenditures;
- 410 18. Borrow money;
- 411 19. Appoint committees, including standing committees, composed of members, State
412 regulators, State legislators or their representatives, and consumer representatives, and
413 such other interested persons as may be designated in this Compact and the bylaws;
- 414 20. Provide and receive information from, and cooperate with, law enforcement agencies
- 415 21. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the
416 Commission as provided in the Commission's bylaws;

- 417 22. Establish and elect an Executive Committee, including a chair and a vice chair;
418 23. Adopt and provide to the Participating States an annual report.
419 24. Determine whether a State's adopted language is materially different from the model
420 Compact language such that the State would not qualify for participation in the Compact;
421 and
422 25. Perform such other functions as may be necessary or appropriate to achieve the purposes
423 of this Compact.

424 D. The Executive Committee

- 425 1. The Executive Committee shall have the power to act on behalf of the Commission
426 according to the terms of this Compact. The powers, duties, and responsibilities of the
427 Executive Committee shall include:
- 428 a. Overseeing the day-to-day activities of the administration of the Compact including
429 compliance with the provisions of the Compact, the Commission's Rules and bylaws,
430 and other such duties as deemed necessary;
 - 431 b. Recommending to the Commission changes to the Rules or bylaws, changes to this
432 Compact legislation, fees charged to Compact Member States, fees charged to
433 Licensees, and other fees;
 - 434 c. Ensuring Compact administration services are appropriately provided, including by
435 contract;
 - 436 d. Preparing and recommending the budget;
 - 437 e. Maintaining financial records on behalf of the Commission;
 - 438 f. Monitoring Compact compliance of Member States and providing compliance reports
439 to the Commission;
 - 440 g. Establishing additional committees as necessary;
 - 441 h. Exercise the powers and duties of the Commission during the interim between
442 Commission meetings, except for adopting or amending Rules, adopting or amending
443 bylaws, and exercising any other powers and duties expressly reserved to the
444 Commission by Rule or bylaw; and
 - 445 i. Other duties as provided in the Rules or bylaws of the Commission.
- 446 2. The Executive Committee shall be composed of up to seven voting members:
- 447 a. The chair and vice chair of the Commission and any other members if the
448 Commission who serve on the Executive Committee shall be voting members of the
449 Executive Committee; and

- 450 b. Other than the chair and vice-chair, secretary and treasurer, the Commission shall
451 elect three voting members from the current membership of the Commission.
- 452 c. The Commission may elect ex-officio, nonvoting members from a recognized
453 national organization as approved by the Commission. The Commission's bylaws
454 shall identify qualifying organizations and the manner of appointment if the number
455 of organizations seeking to appoint an ex officio member exceeds the number of
456 members specified in this Article.
- 457 3. The Commission may remove any member of the Executive Committee as provided in
458 the Commission's bylaws.
- 459 4. The Executive Committee shall meet at least annually.
- 460 a. Annual Executive Committee meetings, as well as any Executive Committee meeting
461 which it does not take or intend to take formal action on a matter for which a
462 Commission vote would otherwise be required, shall be open to the public, except
463 that the Executive Committee may meet in a closed, non-public session of a public
464 meeting when dealing with any of the matters covered under subsection F.2.
- 465 b. The Executive Committee shall give five business days advance notice of its public
466 meetings, posted on its website and as determined to provide notice to persons with
467 an interest in the public matters the Executive Committee intends to address at those
468 meetings.
- 469 5. The Executive Committee may hold an emergency meeting when acting for the
470 Commission to:
- 471 a. Meet an imminent threat to public health, safety, or welfare;
472 b. Prevent a loss of Commission or Participating State funds; or
473 c. Protect public health and safety.
- 474 E. The Commission shall adopt and provide to the Member States an annual report.
- 475 F. Meetings of the Commission
- 476 1. All meetings of the Commission that are not closed pursuant to this subsection shall be
477 open to the public. Notice of public meetings shall be posted on the Commission's
478 website at least thirty (30) days prior to the public meeting.
- 479 2. Notwithstanding subsection F.1 of this Article, the Commission may convene an
480 emergency public meeting by providing at least twenty-four (24) hours prior notice on
481 the Commission's website, and any other means as provided in the Commission's Rules,
482 for any of the reasons it may dispense with notice of proposed rulemaking under Article
483 10.L. The Commission's legal counsel shall certify the that one of the reasons justifying
484 an emergency public meeting has been met.
485

- 486 3. Notice of all Commission meetings shall provide the time, date, and location of the
487 meeting, and if the meeting is to be held or accessible via telecommunication, video
488 conference, or other electronic means, the notice shall include the mechanism for access
489 to the meeting.
- 490 4. The Commission may convene in a closed, non-public meeting for the Commission to
491 discuss:
- 492 a. Non-compliance of a Member State with its obligations under the Compact;
- 493 b. The employment, compensation, discipline or other matters, practices or procedures
494 related to specific employees or other matters related to the Commission's internal
495 personnel practices and procedures;
- 496 c. Current or threatened discipline of a Licensee by the Commission or by a Member
497 State's Licensing Authority;
- 498 d. Current, threatened, or reasonably anticipated litigation;
- 499 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
500 estate;
- 501 f. Accusing any person of a crime or formally censuring any person;
- 502 g. Trade secrets or commercial or financial information that is privileged or
503 confidential;
- 504 h. Information of a personal nature where disclosure would constitute a clearly
505 unwarranted invasion of personal privacy;
- 506 i. Investigative records compiled for law enforcement purposes;
- 507 j. Information related to any investigative reports prepared by or on behalf of or for use
508 of the Commission or other committee charged with responsibility of investigation or
509 determination of compliance issues pursuant to the Compact;
- 510 k. Legal Advice
- 511 l. Matters specifically exempted from disclosure to the public by federal or Member
512 State law; or
- 513 m. Other matters as promulgated by the Commission by Rule.
- 514 5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
515 meeting will be closed and reference each relevant exempting provision, and such
516 reference shall be recorded in the minutes.

517 6. The Commission shall keep minutes that fully and clearly describe all matters discussed
518 in a meeting and shall provide a full and accurate summary of actions taken, and the
519 reasons therefore, including a description of the views expressed. All documents
520 considered in connection with an action shall be identified in such minutes. All minutes
521 and documents of a closed meeting shall remain under seal, subject to release only by a
522 majority vote of the Commission or order of a court of competent jurisdiction.

523 G. Financing of the Commission

524 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its
525 establishment, organization, and ongoing activities.

526 2. The Commission may accept any and all appropriate sources of revenue, donations, and
527 grants of money, equipment, supplies, materials, and services.

528 3. The Commission may levy on and collect an annual assessment from each Member State
529 and impose fees on Licensees of Member States to whom it grants a Multistate License to
530 cover the cost of the operations and activities of the Commission and its staff, which must
531 be in a total amount sufficient to cover its annual budget as approved each year for which
532 revenue is not provided by other sources. The aggregate annual assessment amount for
533 Member States shall be allocated based upon a formula that the Commission shall
534 promulgate by Rule.

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

538 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
539 receipts and disbursements of the Commission shall be subject to the financial review and
540 accounting procedures established under its bylaws. All receipts and disbursements of
541 funds handled by the Commission shall be subject to an annual financial review by a
542 certified or licensed public accountant, and the report of the financial review shall be
543 included in and become part of the annual report of the Commission.

544 H. Qualified Immunity, Defense, and Indemnification

545 1. The members, officers, executive director, employees and representatives of the
546 Commission shall be immune from suit and liability, both personally and in their official
547 capacity, for any claim for damage to or loss of property or personal injury or other civil
548 liability caused by or arising out of any actual or alleged act, error, or omission that
549 occurred, or that the person against whom the claim is made had a reasonable basis for
550 believing occurred within the scope of Commission employment, duties or
551 responsibilities; provided that nothing in this paragraph shall be construed to protect any
552 such person from suit or liability for any damage, loss, injury, or liability caused by the
553 intentional or willful or wanton misconduct of that person. The procurement of insurance
554 of any type by the Commission shall not in any way compromise or limit the immunity
555 granted hereunder.

- 556 2. The Commission shall defend any member, officer, executive director, employee, and
557 representative of the Commission in any civil action seeking to impose liability arising
558 out of any actual or alleged act, error, or omission that occurred within the scope of
559 Commission employment, duties, or responsibilities, or as determined by the
560 Commission that the person against whom the claim is made had a reasonable basis for
561 believing occurred within the scope of Commission employment, duties, or
562 responsibilities; provided that nothing herein shall be construed to prohibit that person
563 from retaining their own counsel at their own expense; and provided further, that the
564 actual or alleged act, error, or omission did not result from that person's intentional or
565 willful or wanton misconduct.
- 566 3. The Commission shall indemnify and hold harmless any member, officer, executive
567 director, employee, and representative of the Commission for the amount of any
568 settlement or judgment obtained against that person arising out of any actual or alleged
569 act, error, or omission that occurred within the scope of Commission employment, duties,
570 or responsibilities, or that such person had a reasonable basis for believing occurred
571 within the scope of Commission employment, duties, or responsibilities, provided that the
572 actual or alleged act, error, or omission did not result from the intentional or willful or
573 wanton misconduct of that person.
- 574 4. Nothing herein shall be construed as a limitation on the liability of any Licensee for
575 professional malpractice or misconduct, which shall be governed solely by any other
576 applicable State laws.
- 577 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member
578 State's State action immunity or State action affirmative defense with respect to antitrust
579 claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or
580 anticompetitive law or regulation.
- 581 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the
582 Member States or by the Commission.

583 **ARTICLE 10- DATA SYSTEM**

- 584 A. The Commission shall provide for the development, maintenance, operation, and utilization
585 of a coordinated database and reporting system.
- 586 B. The Commission shall assign each applicant for a Multistate License a unique identifier, as
587 determined by the Rules of the Commission.
- 588 C. Notwithstanding any other provision of State law to the contrary, a Member State shall
589 submit a uniform data set to the Data System on all individuals to whom this Compact is
590 applicable as required by the Rules of the Commission, including:
- 591 1. Identifying information;
- 592 2. Licensure data;

- 593 3. Adverse Actions against a license and information related thereto;
- 594 4. Non-confidential information related to Alternative Program participation, the beginning
595 and ending dates of such participation, and other information related to such
596 participation;
- 597 5. Any denial of application for licensure, and the reason(s) for such denial (excluding the
598 reporting of any criminal history record information where prohibited by law);
- 599 6. The existence of Investigative Information;
- 600 7. The existence of Current Significant Investigative Information; and
- 601 8. Other information that may facilitate the administration of this Compact or the protection
602 of the public, as determined by the Rules of the Commission.
- 603 D. The records and information provided to a Member State pursuant to this Compact or
604 through the Data System, when certified by the Commission or an agent thereof, shall
605 constitute the authenticated business records of the Commission, and shall be entitled to any
606 associated hearsay exception in any relevant judicial, quasi-judicial or administrative
607 proceedings in a Member State.
- 608 E. The existence of Current Significant Investigative Information and the existence of
609 Investigative Information pertaining to a Licensee in any Member State will only be available
610 to other Member States.
- 611 F. It is the responsibility of the Member States to monitor the database to determine whether
612 Adverse Action has been taken against such a Licensee or License applicant. Adverse Action
613 information pertaining to a Licensee or License applicant in any Member State will be
614 available to any other Member State.
- 615 G. Member States contributing information to the Data System may designate information that
616 may not be shared with the public without the express permission of the contributing State.
- 617 H. Any information submitted to the Data System that is subsequently expunged pursuant to
618 federal law or the laws of the Member State contributing the information shall be removed
619 from the Data System.

620 **ARTICLE 11- RULEMAKING**

- 621 A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently
622 implement and administer the purposes and provisions of the Compact. A Rule shall be
623 invalid and have no force or effect only if a court of competent jurisdiction holds that the
624 Rule is invalid because the Commission exercised its rulemaking authority in a manner that
625 is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based
626 upon another applicable standard of review.
- 627 B. The Rules of the Commission shall have the force of law in each Member State, provided

628 however that where the Rules of the Commission conflict with the laws of the Member State
629 that establish the Member State’s scope of practice laws governing the Practice of Esthetics
630 as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective
631 in that State to the extent of the conflict.

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

635 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by
636 enactment of a statute or resolution in the same manner used to adopt the Compact within
637 four (4) years of the date of adoption of the Rule, then such Rule shall have no further force
638 and effect in any Member State or to any State applying to participate in the Compact.

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

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

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

645 1. On the website of the Commission or other publicly accessible platform;

646 2. To persons who have requested notice of the Commission’s notices of proposed
647 rulemaking, and

648 3. In such other way(s) as the Commission may by Rule specify.

649 H. The notice of proposed rulemaking shall include:

650 1. The time, date, and location of the public hearing at which the Commission will hear
651 public comments on the proposed Rule and, if different, the time, date, and location of
652 the meeting where the Commission will consider and vote on the proposed Rule;

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

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

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

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

659 I. All hearings will be recorded. A copy of the recording and all written comments and
660 documents received by the Commission in response to the proposed Rule shall be available

- 661 to the public.
- 662 J. Nothing in this Article shall be construed as requiring a separate hearing on each Rule. Rules
663 may be grouped for the convenience of the Commission at hearings required by this Article.
- 664 K. The Commission shall, by majority vote of all members, take final action on the proposed
665 Rule based on the rulemaking record and the full text of the Rule.
- 666 1. The Commission may adopt changes to the proposed Rule provided the changes do not
667 enlarge the original purpose of the proposed Rule.
- 668 2. The Commission shall provide an explanation of the reasons for substantive changes
669 made to the proposed Rule as well as reasons for substantive changes not made that were
670 recommended by commenters.
- 671 3. The Commission shall determine a reasonable effective date for the Rule. Except for an
672 emergency as provided in Article 11.subsection L, the effective date of the Rule shall be
673 no sooner than forty-five (45) days after the Commission issuing the notice that it
674 adopted or amended the Rule.
- 675 L. Upon determination that an emergency exists, the Commission may consider and adopt an
676 emergency Rule with five (5) days notice, with opportunity to comment, provided that the
677 usual rulemaking procedures provided in the Compact and in this Article shall be
678 retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety
679 (90) days after the effective date of the Rule. For the purposes of this provision, an
680 emergency Rule is one that must be adopted immediately to:
- 681 1. Meet an imminent threat to public health, safety, or welfare;
- 682 2. Prevent a loss of Commission or Member State funds;
- 683 3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule;
684 or
- 685 4. Protect public health and safety.
- 686 M. The Commission or an authorized committee of the Commission may direct revisions to a
687 previously adopted Rule for purposes of correcting typographical errors, errors in format,
688 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on
689 the website of the Commission. The revision shall be subject to challenge by any person for a
690 period of thirty (30) days after posting. The revision may be challenged only on grounds that
691 the revision results in a material change to a Rule. A challenge shall be made in writing and
692 delivered to the Commission prior to the end of the notice period. If no challenge is made,
693 the revision will take effect without further action. If the revision is challenged, the revision
694 may not take effect without the approval of the Commission.
- 695 N. No Member State's rulemaking requirements shall apply under this Compact.

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

697 A. Oversight

- 698 1. The executive and judicial branches of State government in each Member State shall
699 enforce this Compact and take all actions necessary and appropriate to implement the
700 Compact.
- 701 2. Venue is proper and judicial proceedings by or against the Commission shall be brought
702 solely and exclusively in a court of competent jurisdiction where the principal office of
703 the Commission is located. The Commission may waive venue and jurisdictional
704 defenses to the extent it adopts or consents to participate in alternative dispute resolution
705 proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any
706 action against a Licensee for professional malpractice, misconduct or any such similar
707 matter.
- 708 3. The Commission shall be entitled to receive service of process in any proceeding
709 regarding the enforcement or interpretation of the Compact and shall have standing to
710 intervene in such a proceeding for all purposes. Failure to provide the Commission
711 service of process shall render a judgment or order void as to the Commission, this
712 Compact, or promulgated Rules.

713 B. Default, Technical Assistance, and Termination

- 714 1. If the Commission determines that a Member State has defaulted in the performance of
715 its obligations or responsibilities under this Compact or the promulgated Rules, the
716 Commission shall provide written notice to the defaulting State. The notice of default
717 shall describe the default, the proposed means of curing the default, and any other action
718 that the Commission may take, and shall offer training and specific technical assistance
719 regarding the default.
- 720 2. The Commission shall provide a copy of the notice of default to the other Member States.
721
- 722 C. If a State in default fails to cure the default, the defaulting State may be terminated from the
723 Compact upon an affirmative vote of a majority of the delegates of the Member States, and
724 all rights, privileges and benefits conferred on that State by this Compact may be terminated
725 on the effective date of termination. A cure of the default does not relieve the offending State
726 of obligations or liabilities incurred during the period of default.

727 D. Termination of membership in the Compact shall be imposed only after all other means of
728 securing compliance have been exhausted. Notice of intent to suspend or terminate shall be
729 given by the Commission to the governor, the majority and minority leaders of the defaulting
730 State's legislature, the defaulting State's State Licensing Authority and each of the Member
731 States' State Licensing Authority.

732 E. A State that has been terminated is responsible for all assessments, obligations, and liabilities
733 incurred through the effective date of termination, including obligations that extend beyond
734 the effective date of termination.

735 F. Upon the termination of a State's membership from this Compact, that State shall

736 immediately provide notice to all Licensees who hold a Multistate License within that State
737 of such termination. The terminated State shall continue to recognize all licenses granted
738 pursuant to this Compact for a minimum of one hundred eighty (180) days after the date of
739 said notice of termination.

740 G. The Commission shall not bear any costs related to a State that is found to be in default or
741 that has been terminated from the Compact, unless agreed upon in writing between the
742 Commission and the defaulting State.

743 H. The defaulting State may appeal the action of the Commission by petitioning the U.S.
744 District Court for the District of Columbia or the federal district where the Commission has
745 its principal offices. The prevailing party shall be awarded all costs of such litigation,
746 including reasonable attorney's fees.

747 I. Dispute Resolution

748 1. Upon request by a Member State, the Commission shall attempt to resolve disputes
749 related to the Compact that arise among Member States and between Member and non-
750 Member States.

751 2. The Commission shall promulgate a Rule providing for both mediation and binding
752 dispute resolution for disputes as appropriate.

753 J. Enforcement

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

756 2. By majority vote as provided by Commission Rule, the Commission may initiate legal
757 action against a Member State in default in the United States District Court for the
758 District of Columbia or the federal district where the Commission has its principal offices
759 to enforce compliance with the provisions of the Compact and its promulgated Rules. The
760 relief sought may include both injunctive relief and damages. In the event judicial
761 enforcement is necessary, the prevailing party shall be awarded all costs of such
762 litigation, including reasonable attorney's fees. The remedies herein shall not be the
763 exclusive remedies of the Commission. The Commission may pursue any other remedies
764 available under federal or the defaulting Member State's law.

765 3. A Member State may initiate legal action against the Commission in the U.S. District
766 Court for the District of Columbia or the federal district where the Commission has its
767 principal offices to enforce compliance with the provisions of the Compact and its
768 promulgated Rules. The relief sought may include both injunctive relief and damages. In
769 the event judicial enforcement is necessary, the prevailing party shall be awarded all costs
770 of such litigation, including reasonable attorney's fees.

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

773 **ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

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

776 1. On or after the effective date of the Compact, the Commission shall convene and
777 review the enactment of each of the Charter Member States to determine if the
778 statute enacted by each such Charter Member State is materially different than the
779 model Compact statute.

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

783 b. If any Member State is later found to be in default, or is terminated or withdraws
784 from the Compact, the Commission shall remain in existence and the Compact
785 shall remain in effect even if the number of Member States should be less than
786 seven (7).

787 2. Member States enacting the Compact subsequent to the Charter Member States shall
788 be subject to the process set forth in Article 9.C.21 to determine if their enactments
789 are materially different from the model Compact statute and whether they qualify for
790 participation in the Compact.

791 3. All actions taken for the benefit of the Commission or in furtherance of the purposes
792 of the administration of the Compact prior to the effective date of the Compact or the
793 Commission coming into existence shall be considered to be actions of the
794 Commission unless specifically repudiated by the Commission.

795 4. Any State that joins the Compact shall be subject to the Commission's Rules and
796 bylaws as they exist on the date on which the Compact becomes law in that State.
797 Any Rule that has been previously adopted by the Commission shall have the full
798 force and effect of law on the day the Compact becomes law in that State.
799

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

802 1. A Member State's withdrawal shall not take effect until one hundred eighty (180)
803 days after enactment of the repealing statute.

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

807 3. Upon the enactment of a statute withdrawing from this Compact, a State shall
808 immediately provide notice of such withdrawal to all Licensees within that State.
809 Notwithstanding any subsequent statutory enactment to the contrary, such
810 withdrawing State shall continue to recognize all licenses granted pursuant to this

811 Compact for a minimum of 180 days after the date of such notice of withdrawal.

812

813 C. Nothing contained in this Compact shall be construed to invalidate or prevent any
814 licensure agreement or other cooperative arrangement between a Member State and a
815 non-Member State that does not conflict with the provisions of this Compact.

816

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

820 **ARTICLE 14. CONSTRUCTION AND SEVERABILITY**

821 A. This Compact and the Commission's rulemaking authority shall be liberally construed so as
822 to effectuate the purposes, and the implementation and administration of the Compact.
823 Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall
824 not be construed to limit the Commission's rulemaking authority solely for those purposes.

825 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or
826 provision of this Compact is held by a court of competent jurisdiction to be contrary to the
827 constitution of any Member State, a State seeking participation in the Compact, or of the
828 United States, or the applicability thereof to any government, agency, person or circumstance
829 is held to be unconstitutional by a court of competent jurisdiction, the validity of the
830 remainder of this Compact and the applicability thereof to any other government, agency,
831 person or circumstance shall not be affected thereby.

832 C. Notwithstanding subsection B of this Article, the Commission may deny a State's
833 participation in the Compact or, in accordance with the requirements of Article 12, terminate
834 a Member State's participation in the Compact, if it determines that a constitutional
835 requirement of a Member State is a material departure from the Compact. Otherwise, if this
836 Compact shall be held to be contrary to the constitution of any Member State, the Compact
837 shall remain in full force and effect as to the remaining Member States and in full force and
838 effect as to the Member State affected as to all severable matters.

839 **ARTICLE 15- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

840 Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State
841 that is not inconsistent with the Compact.

842 Any laws, statutes, regulations, or other legal requirements in a Member State in conflict
843 with the Compact are superseded to the extent of the conflict.

844 All permissible agreements between the Commission and the Member States are binding in
845 accordance with their terms.