

# Cosmetology Licensure COMPACT

## Summary of Key Provisions

### Article 1: Purpose

The purpose of this compact is to facilitate the interstate practice and regulation of cosmetology with the goal of improving public access to, and the safety of, cosmetology services and reducing unnecessary burdens related to cosmetology licensure.

This compact is designed to achieve the following objectives:

- Provide opportunities for interstate practice by cosmetologists who meet uniform requirements for multistate licensure.
- Enhance the abilities of member states to protect public health and safety and prevent fraud and unlicensed activity within the profession.
- Ensure and encourage cooperation between member states in the licensure and regulation of the practice of cosmetology.
- Support relocating military members and their spouses.
- Facilitate the exchange of information between member states related to the licensure, investigation, and discipline of the practice of cosmetology.
- Provide for the licensure and mobility of the workforce in the profession, while addressing the shortage of workers and lessening the associated burdens on the member states.

### Article 2: Definitions

This section establishes the definitions of key terms and concepts as used throughout the compact to provide uniform understanding on the part of regulatory jurisdictions and practitioners. Defined terms are capitalized throughout the document.

Key Definition:

“Authorization to Practice” means a legal authorization associated with a multistate license permitting the practice of cosmetology in that remote state, which shall be subject to the enforcement jurisdiction of the state licensing authority in that remote state.

### Article 3: Member State Requirements

This section establishes the foundational requirements for states to be eligible to join the compact and what is required of compact member states to remain compliant.

To enact the compact, a state must:

- License and regulate cosmetology.

This project was funded by the Department of Defense.

- Require that applicants for licensure pass a cosmetology competency examination.
- Require that applicants for licensure satisfy educational or training requirements in cosmetology.
- Implement procedures for considering one or more of the following categories of information from applicants for licensure: criminal history, disciplinary history, or background check.

#### **Article 4: Multistate License**

This section describes the requirements for a cosmetologist to participate in the compact. Member states are obligated to accept multistate licenses from other compact member states as an authorization to practice in each member state.

To participate in the compact a licensed cosmetologist in a member state must:

- Hold an active, unencumbered single-state license to practice cosmetology in their home state.
- Agree to abide by the rules of the state licensing authority, and the state scope of practice laws governing the practice of cosmetology, of the member state in which the licensee provides services.
- Pay all required fees related to the application and process, and any other fees which the Cosmetology Licensure Compact Commission may require by rule.
- Comply with other rules and requirements provided by the commission regarding multistate licenses.

#### **Article 5: Reissuance of a Multistate License by a New Home State**

The Cosmetology Licensure Compact allows multistate licensees who move to another compact member state to apply for expedited transfer of their multistate license to the new home state without the need for repeated primary source verification.

#### **Article 6: Authority of the Cosmetology Compact Commission and Member State Licensing Authorities**

This article describes the parameters under which the commission can create rules and specifies the powers retained by each member state to regulate the practice of cosmetology and discipline licensees who are providing services within their borders.

#### **Article 7: Adverse Actions**

This section clarifies that only a licensee's home state may take adverse action against a multistate license.

However, a remote state may take adverse action against a licensee's authorization to practice in that state and may issue enforceable subpoenas for witnesses and evidence from other member states.

Home states must take reported adverse action from any member state into account in accordance with the home state's own laws.

Member states may initiate joint investigations of licensees and are required to share investigative materials in furtherance of any joint or single-state investigation of a licensee.

Member states must report any adverse action to the compact data system, which then promptly alerts the home state of this adverse action. Any member state may take adverse action based on the factual findings of a remote state. Member states retain the right to require a licensee to participate in an alternative program for health-related concerns in lieu of adverse action.

### **Article 8: Active Duty Military and their Spouses**

This section allows an active duty service member or their spouse to designate a home state where the individual has a current license in good standing. This state then serves as the individual's home state for as long as the service member is on active duty.

### **Article 9: Establishment and Operation of the Cosmetology Compact Commission**

This section outlines the composition and powers of the compact commission and executive committee.

- Each member state is entitled to exactly one delegate, who shall be the administrator, executive director or equivalent of the member state's licensing authority or their designee.
- Each delegate has one vote on commission rules and bylaws.
- The commission may establish a term of office, code of ethics, bylaws, rules, a budget and financial records in order to carry out the compact.
- The commission shall elect an executive committee composed of seven voting delegates.
- The commission may elect one ex-officio, nonvoting member of a recognized national cosmetology professional organization.
- All commission meetings shall be open to the public unless confidential or privileged information must be discussed.

### **Article 10: Data System**

This section requires the sharing of licensee information by all member states.

Member states shall submit a uniform dataset to the data system on all cosmetologists to whom this compact is applicable as required by the rules of the compact commission. This database will allow for the expedited sharing of disciplinary and investigative information.

Investigative information pertaining to a licensee in any member state will only be available to other member states.

A member state may designate information submitted to the data system that may not be shared with the public without the express permission of that member state.

### **Article 11: Rulemaking**

Rules carry the force of law in all member states.

A simple majority of member state legislatures may veto a rule of the compact commission.

Changes to rules require a 30-day notice of proposed rulemaking, with an opportunity for a public hearing.

If the commission takes an action that is beyond the scope of the compact, the action is invalid and has no force and effect.

### **Article 12: Oversight, Dispute Resolution and Enforcement**

Ensures compliance with the compact by member states and details the procedures to be followed in the event a member state fails to comply with the compact, including:

- A period of technical assistance in remedying the situation.
- Dispute resolution, including mediation and binding processes.
- Termination from the compact if no other means of compliance is successful.
- The compact commission shall attempt to resolve any compact-related disputes that may arise between states.

### **Article 13: Effective Date, Withdrawal and Amendment**

The compact takes effect on the date of enactment by the seventh state.

States that join after this date are subject to the rules of the compact commission as they exist on the date when the compact becomes law in that state.

Member states may enact a law to repeal their membership in the compact. A state's withdrawal takes effect 180 days after enactment of such law.

### **Article 14: Construction and Severability**

The compact is to be liberally construed to effectuate its purposes.

The compact's provisions are severable, meaning that:

- If a provision is declared to conflict with the United States Constitution, all other provisions remain valid for all member states.

- If a provision is held contrary to a member state's constitution, the compact retains its full force in all other states, and all other provisions remain valid in the affected state.

### **Article 15: Consistent Effect and Conflict with Other State Laws**

Member states retain sovereignty over all laws, and nothing shall inhibit or prohibit enforcement of laws that are not in conflict with the compact.

Any laws, statutes, regulations or other legal requirements in a member state that conflict with the compact are superseded to the extent of the conflict.