

Cosmetology Licensure COMPACT

Cosmetology Licensure Compact Model Legislation

This project was funded by the Department of Defense.

The following language must be enacted into law by a state to officially join the Cosmetology Licensure Compact.

No substantive changes should be made to the model language. Any substantive changes may jeopardize the enacting state's participation in the Compact.

The Council of State Governments National Center for Interstate Compacts reviews state compact legislation to ensure consistency with the model language. Please direct inquiries to Keith Buckhout at kbuckhout@csg.org.

1 **COSMETOLOGY LICENSURE COMPACT**

2 **ARTICLE 1- PURPOSE**

3 The purpose of this Compact is to facilitate the interstate practice and regulation of
4 Cosmetology with the goal of improving public access to, and the safety of, Cosmetology
5 Services and reducing unnecessary burdens related to Cosmetology licensure. Through this
6 Compact, the Member States seek to establish a regulatory framework which provides for a
7 new multistate licensing program. Through this new licensing program, the Member States
8 seek to provide increased value and mobility to licensed Cosmetologists in the Member States,
9 while ensuring the 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 Cosmetologists who meet uniform
13 requirements 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 Cosmetology;
- 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 Cosmetology;
- 25
- 26 F. Provide for the licensure and mobility of the workforce in the profession, while addressing
27 the shortage of workers and lessening the associated burdens on the Member States.
- 28

29 **ARTICLE 2- DEFINITIONS**

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

- 32 A. “Active Military Member” means any person with full-time duty status in the armed forces of
33 the United States, including members of the National Guard and Reserve.
34
- 35 B. “Adverse Action” means any administrative, civil, equitable, or criminal action permitted by
36 a Member State’s laws which is imposed by a State Licensing Authority or other regulatory
37 body against a Cosmetologist, including actions against an individual’s license or
38 Authorization to Practice such as revocation, suspension, probation, monitoring of the
39 Licensee, limitation of the Licensee’s practice, or any other Encumbrance on a license

- 40 affecting an individual’s ability to participate in the Cosmetology industry, including the
41 issuance of a cease and desist order.
42
- 43 C. “Authorization to Practice” means a legal authorization associated with a Multistate License
44 permitting the Practice of Cosmetology in that Remote State, which shall be subject to the
45 enforcement jurisdiction of the State Licensing Authority in that Remote State.
46
- 47 D. “Alternative Program” means a non-disciplinary monitoring or prosecutorial diversion
48 program approved by a Member State’s State Licensing Authority.
49
- 50 E. “Background Check” means the submission of information for an applicant for the purpose
51 of obtaining that applicant’s criminal history record information, as further defined in 28
52 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and the agency responsible for
53 retaining State criminal or disciplinary history in the applicant’s Home State.
54
- 55 F. “Charter Member State” means Member States who have enacted legislation to adopt this
56 Compact where such legislation predates the effective date of this Compact as defined in
57 Article 13.
58
- 59 G. “Commission” means the government agency whose membership consists of all States that
60 have enacted this Compact, which is known as the Cosmetology Licensure Compact
61 Commission, as defined in Article 9, and which shall operate as an instrumentality of the
62 Member States.
63
- 64 H. “Cosmetologist” means an individual licensed in their Home State to practice Cosmetology.
65
- 66 I. “Cosmetology”, “Cosmetology Services”, and the “Practice of Cosmetology” mean the care
67 and services provided by a Cosmetologist as set forth in the Member State’s statutes and
68 regulations in the State where the services are being provided.
69
- 70 J. “Current Significant Investigative Information” means:
71
- 72 1. Investigative Information that a State Licensing Authority, after an inquiry or
73 investigation that complies with a Member State’s due process requirements, has
74 reason to believe is not groundless and, if proved true, would indicate a violation
75 of that State’s laws regarding fraud or the Practice of Cosmetology; or
76
 - 77 2. Investigative Information that indicates that a Licensee has engaged in fraud or
78 represents an immediate threat to public health and safety, regardless of whether
79 the Licensee has been notified and had an opportunity to respond.
80
- 81 K. “Data System” means a repository of information about Licensees, including, but not limited
82 to, license status, Investigative Information, and Adverse Actions.

- 83
- 84 L. “Disqualifying Event” means any event which shall disqualify an individual from holding a
85 Multistate License under this Compact, which the Commission may by Rule or order specify.
86
- 87 M. “Encumbered License” means a license in which an Adverse Action restricts the Practice of
88 Cosmetology by a Licensee, or where said Adverse Action has been reported to the
89 Commission.
90
- 91 N. “Encumbrance” means a revocation or suspension of, or any limitation on, the full and
92 unrestricted Practice of Cosmetology by a State Licensing Authority.
93
- 94 O. “Executive Committee” means a group of delegates elected or appointed to act on behalf of,
95 and within the powers granted to them by, the Commission.
96
- 97 P. “Home State” means the Member State which is a Licensee’s primary State of residence, and
98 where that Licensee holds an active and unencumbered license to practice Cosmetology.
99
- 100 Q. “Investigative Information” means information, records, or documents received or generated
101 by a State Licensing Authority pursuant to an investigation or other inquiry.
102
- 103 R. “Jurisprudence Requirement” means the assessment of an individual’s knowledge of the laws
104 and rules governing the Practice of Cosmetology in a State.
105
- 106 S. “Licensee” means an individual who currently holds a license from a Member State to
107 practice as a Cosmetologist.
108
- 109 T. “Member State” means any State that has adopted this Compact.
110
- 111 U. “Multistate License” means a license issued by and subject to the enforcement jurisdiction of
112 the State Licensing Authority in a Licensee’s Home State, which authorizes the Practice of
113 Cosmetology in Member States and includes Authorizations to Practice Cosmetology in all
114 Remote States pursuant to this Compact.
115
- 116 V. “Remote State” means any Member State, other than the Licensee’s Home State.
117
- 118 W. “Rule” means any rule or regulation promulgated by the Commission under this Compact
119 which has the force of law.
120
- 121 X. “Single-State License” means a Cosmetology license issued by a Member State that
122 authorizes practice of Cosmetology only within the issuing State and does not include any
123 authorization outside of the issuing State.
124

- 125 Y. “State” means a State, territory, or possession of the United States and the District of
126 Columbia.
127
128 Z. “State Licensing Authority” means a Member State’s regulatory body responsible for issuing
129 Cosmetology licenses or otherwise overseeing the Practice of Cosmetology in that State.

130 **ARTICLE 3- MEMBER STATE REQUIREMENTS**

- 131 A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a State
132 must:
133
134 1. License and regulate Cosmetology;
135
136 2. Have a mechanism or entity in place to receive and investigate complaints about
137 Licensees practicing in that State;
138
139 3. Require that Licensees within the State pass a Cosmetology competency examination
140 prior to being licensed to provide Cosmetology Services to the public in that State;
141
142 4. Require that Licensees satisfy educational or training requirements in Cosmetology prior
143 to being licensed to provide Cosmetology Services to the public in that State;
144
145 5. Implement procedures for considering one or more of the following categories of
146 information from applicants for licensure: criminal history; disciplinary history; or
147 Background Check. Such procedures may include the submission of information by
148 applicants for the purpose of obtaining an applicant’s Background Check as defined
149 herein;
150
151 6. Participate in the Data System, including through the use of unique identifying numbers;
152
153 7. Share information related to Adverse Actions with the Commission and other Member
154 States, both through the Data System and otherwise;
155
156 8. Notify the Commission and other Member States, in compliance with the terms of the
157 Compact and Rules of the Commission, of the existence of Investigative Information or
158 Current Significant Investigative Information in the State’s possession regarding a
159 Licensee practicing in that State;
160
161 9. Comply with such Rules as may be enacted by the Commission to administer the
162 Compact; and
163
164 10. Accept Licensees from other Member States as established herein.
165

- 166 B. Member States may charge a fee for granting a license to practice Cosmetology.
167
- 168 C. Individuals not residing in a Member State shall continue to be able to apply for a Member
169 State's Single-State License as provided under the laws of each Member State. However, the
170 Single-State License granted to these individuals shall not be recognized as granting a
171 Multistate License to provide services in any other Member State.
172
- 173 D. Nothing in this Compact shall affect the requirements established by a Member State for the
174 issuance of a Single-State License.
175
- 176 E. A Multistate License issued to a Licensee by a Home State to a resident of that State shall be
177 recognized by each Member State as authorizing a Licensee to practice Cosmetology in each
178 Member State.
179
- 180 F. At no point shall the Commission have the power to define the educational or professional
181 requirements for a license to practice Cosmetology. The Member States shall retain sole
182 jurisdiction over the provision of these requirements.

183 **ARTICLE 4- MULTISTATE LICENSE**

- 184 A. To be eligible to apply to their Home State's State Licensing Authority for an initial
185 Multistate License under this Compact, a Licensee must hold an active and unencumbered
186 Single-State License to practice Cosmetology in their Home State.
187
- 188 B. Upon the receipt of an application for a Multistate License, according to the Rules of the
189 Commission, a Member State's State Licensing Authority shall ascertain whether the
190 applicant meets the requirements for a Multistate License under this Compact.
191
- 192 C. If an applicant meets the requirements for a Multistate License under this Compact and any
193 applicable Rules of the Commission, the State Licensing Authority in receipt of the
194 application shall, within a reasonable time, grant a Multistate License to that applicant, and
195 inform all Member States of the grant of said Multistate License.
196
- 197 D. A Multistate License to practice Cosmetology issued by a Member State's State Licensing
198 Authority shall be recognized by each Member State as authorizing the practice thereof as
199 though that Licensee held a Single-State License to do so in each Member State, subject to
200 the restrictions herein.
201
- 202 E. A Multistate License granted pursuant to this Compact may be effective for a definite period
203 of time, concurrent with the licensure renewal period in the Home State.
204
- 205 F. To maintain a Multistate License under this Compact, a Licensee must:
206

- 207 1. Agree to abide by the rules of the State Licensing Authority, and the State scope of
208 practice laws governing the Practice of Cosmetology, of any Member State in which the
209 Licensee provides services;
210
211 2. Pay all required fees related to the application and process, and any other fees which the
212 Commission may by Rule require; and
213
214 3. Comply with any and all other requirements regarding Multistate Licenses which the
215 Commission may by Rule provide.
216
217 G. A Licensee practicing in a Member State is subject to all scope of practice laws governing
218 Cosmetology Services in that State.
219
220 H. The Practice of Cosmetology under a Multistate License granted pursuant to this Compact
221 will subject the Licensee to the jurisdiction of the State Licensing Authority, the courts, and
222 the laws of the Member State in which the Cosmetology Services are provided.

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

- 224 A. A Licensee may hold a Multistate License, issued by their Home State, in only one Member
225 State at any given time.
226
227 B. If a Licensee changes their Home State by moving between two Member States:
228
229 1. The Licensee shall immediately apply for the reissuance of their Multistate License in
230 their new Home State. The Licensee shall pay all applicable fees and notify the prior
231 Home State in accordance with the Rules of the Commission.
232
233 2. Upon receipt of an application to reissue a Multistate License, the new Home State shall
234 verify that the Multistate License is active, unencumbered and eligible for reissuance
235 under the terms of the Compact and the Rules of the Commission. The Multistate License
236 issued by the prior Home State will be deactivated and all Member States notified in
237 accordance with the applicable Rules adopted by the Commission.
238
239 3. If required for initial licensure, the new Home State may require a Background Check as
240 specified in the laws of that State, or the compliance with any Jurisprudence
241 Requirements of the new Home State.
242
243 4. Notwithstanding any other provision of this Compact, if a Licensee does not meet the
244 requirements set forth in this Compact for the reissuance of a Multistate License by the
245 new Home State, then the Licensee shall be subject to the new Home State requirements
246 for the issuance of a Single-State License in that State.
247

- 248 C. If a Licensee changes their primary state of residence by moving from a Member State to a
249 non-Member State, or from a non-Member State to a Member State, then the Licensee shall
250 be subject to the State requirements for the issuance of a Single-State License in the new
251 Home State.
252
- 253 D. Nothing in this Compact shall interfere with a Licensee’s ability to hold a Single-State
254 License in multiple States; however, for the purposes of this Compact, a Licensee shall have
255 only one Home State, and only one Multistate License.
256
- 257 E. Nothing in this Compact shall interfere with the requirements established by a Member State
258 for the issuance of a Single-State License.

259 **ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER**
260 **STATE LICENSING AUTHORITIES**

- 261 A. Nothing in this Compact, nor any Rule or regulation of the Commission, shall be construed
262 to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce
263 laws, regulations, or other rules related to the Practice of Cosmetology in that State, where
264 those laws, regulations, or other rules are not inconsistent with the provisions of this
265 Compact.
266
- 267 B. Insofar as practical, a Member State’s State Licensing Authority shall cooperate with the
268 Commission and with each entity exercising independent regulatory authority over the
269 Practice of Cosmetology according to the provisions of this Compact.
270
- 271 C. Discipline shall be the sole responsibility of the State in which Cosmetology Services are
272 provided. Accordingly, each Member State’s State Licensing Authority shall be responsible
273 for receiving complaints about individuals practicing Cosmetology in that State, and for
274 communicating all relevant Investigative Information about any such Adverse Action to the
275 other Member States through the Data System in addition to any other methods the
276 Commission may by Rule require.

277 **ARTICLE 7- ADVERSE ACTIONS**

- 278 A. A Licensee’s Home State shall have exclusive power to impose an Adverse Action against a
279 Licensee’s Multistate License issued by the Home State.
280
- 281 B. A Home State may take Adverse Action on a Multistate License based on the Investigative
282 Information, Current Significant Investigative Information, or Adverse Action of a Remote
283 State.
284
- 285 C. In addition to the powers conferred by State law, each Remote State’s State Licensing
286 Authority shall have the power to:
287

- 288 1. Take Adverse Action against a Licensee’s Authorization to Practice Cosmetology
289 through the Multistate License in that Member State, provided that:
290
- 291 a. Only the Licensee’s Home State shall have the power to take Adverse Action against
292 the Multistate License issued by the Home State; and
293
- 294 b. For the purposes of taking Adverse Action, the Home State’s State Licensing
295 Authority shall give the same priority and effect to reported conduct received from a
296 Remote State as it would if such conduct had occurred within the Home State. In so
297 doing, the Home State shall apply its own State laws to determine the appropriate
298 action.
299
- 300 2. Issue cease and desist orders or impose an Encumbrance on a Licensee’s Authorization to
301 Practice within that Member State.
302
- 303 3. Complete any pending investigations of a Licensee who changes their primary state of
304 residence during the course of such an investigation. The State Licensing Authority shall
305 also be empowered to report the results of such an investigation to the Commission
306 through the Data System as described herein.
307
- 308 4. Issue subpoenas for both hearings and investigations that require the attendance and
309 testimony of witnesses, as well as the production of evidence. Subpoenas issued by a
310 State Licensing Authority in a Member State for the attendance and testimony of
311 witnesses or the production of evidence from another Member State shall be enforced in
312 the latter State by any court of competent jurisdiction, according to the practice and
313 procedure of that court applicable to subpoenas issued in proceedings before it. The
314 issuing State Licensing Authority shall pay any witness fees, travel expenses, mileage,
315 and other fees required by the service statutes of the State in which the witnesses or
316 evidence are located.
317
- 318 5. If otherwise permitted by State law, recover from the affected Licensee the costs of
319 investigations and disposition of cases resulting from any Adverse Action taken against
320 that Licensee.
321
- 322 6. Take Adverse Action against the Licensee’s Authorization to Practice in that State based
323 on the factual findings of another Remote State.
324
- 325 D. A Licensee’s Home State shall complete any pending investigation(s) of a Cosmetologist
326 who changes their primary state of residence during the course of the investigation(s). The
327 Home State shall also have the authority to take appropriate action(s) and shall promptly
328 report the conclusions of the investigations to the Data System.
329

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

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

341
342 G. Joint Investigations

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

347
348 2. Member States shall share any investigative, litigation, or compliance materials in
349 furtherance of any joint or individual investigation initiated under the Compact.

350 **ARTICLE 8- ACTIVE MILITARY MEMBERS AND THEIR SPOUSES**

351 Active Military Members, or their spouses, shall designate a Home State where the individual
352 has a current license to practice Cosmetology in good standing. The individual may retain their
353 Home State designation during any period of service when that individual or their spouse is on
354 active duty assignment.

355 **ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY**
356 **LICENSURE COMPACT COMMISSION**

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

363 B. Membership, Voting, and Meetings

364 1. Each Member State shall have and be limited to one (1) delegate selected by that Member
365 State’s State Licensing Authority.

- 366 2. The delegate shall be an administrator of the State Licensing Authority of the Member
367 State or their designee.
- 368 3. The Commission shall by Rule or bylaw establish a term of office for delegates and may
369 by Rule or bylaw establish term limits.
- 370 4. The Commission may recommend removal or suspension of any delegate from office.
- 371 5. A Member State's State Licensing Authority shall fill any vacancy of its delegate
372 occurring on the Commission within 60 days of the vacancy.
- 373 6. Each delegate shall be entitled to one vote on all matters that are voted on by the
374 Commission.
- 375 7. The Commission shall meet at least once during each calendar year. Additional meetings
376 may be held as set forth in the bylaws. The Commission may meet by
377 telecommunication, video conference or other similar electronic means.
- 378 C. The Commission shall have the following powers:
- 379 1. Establish the fiscal year of the Commission;
- 380 2. Establish code of conduct and conflict of interest policies;
- 381 3. Adopt Rules and bylaws;
- 382 4. Maintain its financial records in accordance with the bylaws;
- 383 5. Meet and take such actions as are consistent with the provisions of this Compact, the
384 Commission's Rules, and the bylaws;
- 385 6. Initiate and conclude legal proceedings or actions in the name of the Commission,
386 provided that the standing of any State Licensing Authority to sue or be sued under
387 applicable law shall not be affected;
- 388 7. Maintain and certify records and information provided to a Member State as the
389 authenticated business records of the Commission, and designate an agent to do so on the
390 Commission's behalf;
- 391 8. Purchase and maintain insurance and bonds;
- 392 9. Borrow, accept, or contract for services of personnel, including, but not limited to,
393 employees of a Member State;
- 394 10. Conduct an annual financial review;

- 395 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
396 individuals appropriate authority to carry out the purposes of the Compact, and establish
397 the Commission’s personnel policies and programs relating to conflicts of interest,
398 qualifications of personnel, and other related personnel matters;
- 399 12. As set forth in the Commission Rules, charge a fee to a Licensee for the grant of a
400 Multistate License and thereafter, as may be established by Commission Rule, charge the
401 Licensee a Multistate License renewal fee for each renewal period. Nothing herein shall
402 be construed to prevent a Home State from charging a Licensee a fee for a Multistate
403 License or renewals of a Multistate License, or a fee for the jurisprudence requirement if
404 the Member State imposes such a requirement for the grant of a Multistate License;
- 405 13. Assess and collect fees;
- 406 14. Accept any and all appropriate gifts, donations, grants of money, other sources of
407 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of
408 the same; provided that at all times the Commission shall avoid any appearance of
409 impropriety or conflict of interest;
- 410 15. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed,
411 or any undivided interest therein;
- 412 16. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
413 property real, personal, or mixed;
- 414 17. Establish a budget and make expenditures;
- 415 18. Borrow money;
- 416 19. Appoint committees, including standing committees, composed of members, State
417 regulators, State legislators or their representatives, and consumer representatives, and
418 such other interested persons as may be designated in this Compact and the bylaws;
- 419 20. Provide and receive information from, and cooperate with, law enforcement agencies;
- 420 21. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the
421 Commission as provided in the Commission’s bylaws;
- 422 22. Establish and elect an Executive Committee, including a chair and a vice chair;
- 423 23. Adopt and provide to the Member States an annual report.
- 424 24. Determine whether a State’s adopted language is materially different from the model
425 Compact language such that the State would not qualify for participation in the Compact;
426 and

427 25. Perform such other functions as may be necessary or appropriate to achieve the purposes
428 of this Compact.

429 D. The Executive Committee

430 1. The Executive Committee shall have the power to act on behalf of the Commission
431 according to the terms of this Compact. The powers, duties, and responsibilities of the
432 Executive Committee shall include:

433 a. Overseeing the day-to-day activities of the administration of the Compact including
434 compliance with the provisions of the Compact, the Commission's Rules and bylaws,
435 and other such duties as deemed necessary;

436 b. Recommending to the Commission changes to the Rules or bylaws, changes to this
437 Compact legislation, fees charged to Compact Member States, fees charged to
438 Licensees, and other fees;

439 c. Ensuring Compact administration services are appropriately provided, including by
440 contract;

441 d. Preparing and recommending the budget;

442 e. Maintaining financial records on behalf of the Commission;

443 f. Monitoring Compact compliance of Member States and providing compliance reports
444 to the Commission;

445 g. Establishing additional committees as necessary;

446 h. Exercising the powers and duties of the Commission during the interim between
447 Commission meetings, except for adopting or amending Rules, adopting or amending
448 bylaws, and exercising any other powers and duties expressly reserved to the
449 Commission by Rule or bylaw; and

450 i. Other duties as provided in the Rules or bylaws of the Commission.

451 2. The Executive Committee shall be composed of up to seven voting members:

452 a. The chair and vice chair of the Commission and any other members of the
453 Commission who serve on the Executive Committee shall be voting members of the
454 Executive Committee; and

455 b. Other than the chair, vice-chair, secretary and treasurer, the Commission shall elect
456 three voting members from the current membership of the Commission.

- 457 c. The Commission may elect ex-officio, nonvoting members from a recognized
458 national Cosmetology professional association as approved by the Commission. The
459 Commission's bylaws shall identify qualifying organizations and the manner of
460 appointment if the number of organizations seeking to appoint an ex officio member
461 exceeds the number of members specified in this Article.
- 462 3. The Commission may remove any member of the Executive Committee as provided in
463 the Commission's bylaws.
- 464 4. The Executive Committee shall meet at least annually.
- 465 a. Annual Executive Committee meetings, as well as any Executive Committee meeting
466 at which it does not take or intend to take formal action on a matter for which a
467 Commission vote would otherwise be required, shall be open to the public, except
468 that the Executive Committee may meet in a closed, non-public session of a public
469 meeting when dealing with any of the matters covered under Article 9.F.4.
- 470 b. The Executive Committee shall give five business days advance notice of its public
471 meetings, posted on its website and as determined to provide notice to persons with
472 an interest in the public matters the Executive Committee intends to address at those
473 meetings.
- 474 5. The Executive Committee may hold an emergency meeting when acting for the
475 Commission to:
- 476 a. Meet an imminent threat to public health, safety, or welfare;
- 477 b. Prevent a loss of Commission or Member State funds; or
- 478 c. Protect public health and safety.
- 479 E. The Commission shall adopt and provide to the Member States an annual report.
- 480 F. Meetings of the Commission
- 481 1. All meetings of the Commission that are not closed pursuant to Article 9.F.4 shall be
482 open to the public. Notice of public meetings shall be posted on the Commission's
483 website at least thirty (30) days prior to the public meeting.
- 484 2. Notwithstanding Article 9.F.1, the Commission may convene an emergency public
485 meeting by providing at least twenty-four (24) hours prior notice on the Commission's
486 website, and any other means as provided in the Commission's Rules, for any of the
487 reasons it may dispense with notice of proposed rulemaking under Article 11.L. The
488 Commission's legal counsel shall certify that one of the reasons justifying an emergency
489 public meeting has been met.

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

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

527 G. Financing of the Commission

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

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

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

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

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

548 H. Qualified Immunity, Defense, and Indemnification

549 1. The members, officers, executive director, employees and representatives of the
550 Commission shall be immune from suit and liability, both personally and in their official
551 capacity, for any claim for damage to or loss of property or personal injury or other civil
552 liability caused by or arising out of any actual or alleged act, error, or omission that
553 occurred, or that the person against whom the claim is made had a reasonable basis for
554 believing occurred within the scope of Commission employment, duties or
555 responsibilities; provided that nothing in this paragraph shall be construed to protect any
556 such person from suit or liability for any damage, loss, injury, or liability caused by the
557 intentional or willful or wanton misconduct of that person. The procurement of insurance

558 of any type by the Commission shall not in any way compromise or limit the immunity
559 granted hereunder.

560 2. The Commission shall defend any member, officer, executive director, employee, and
561 representative of the Commission in any civil action seeking to impose liability arising
562 out of any actual or alleged act, error, or omission that occurred within the scope of
563 Commission employment, duties, or responsibilities, or as determined by the
564 Commission that the person against whom the claim is made had a reasonable basis for
565 believing occurred within the scope of Commission employment, duties, or
566 responsibilities; provided that nothing herein shall be construed to prohibit that person
567 from retaining their own counsel at their own expense; and provided further, that the
568 actual or alleged act, error, or omission did not result from that person's intentional or
569 willful or wanton misconduct.

570 3. The Commission shall indemnify and hold harmless any member, officer, executive
571 director, employee, and representative of the Commission for the amount of any
572 settlement or judgment obtained against that person arising out of any actual or alleged
573 act, error, or omission that occurred within the scope of Commission employment, duties,
574 or responsibilities, or that such person had a reasonable basis for believing occurred
575 within the scope of Commission employment, duties, or responsibilities, provided that the
576 actual or alleged act, error, or omission did not result from the intentional or willful or
577 wanton misconduct of that person.

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

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

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

587 **ARTICLE 10- DATA SYSTEM**

588 A. The Commission shall provide for the development, maintenance, operation, and utilization
589 of a coordinated database and reporting system.

590 B. The Commission shall assign each applicant for a Multistate License a unique identifier, as
591 determined by the Rules of the Commission.

592 C. Notwithstanding any other provision of State law to the contrary, a Member State shall
593 submit a uniform data set to the Data System on all individuals to whom this Compact is

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

624 **ARTICLE 11- RULEMAKING**

- 625 A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently
626 implement and administer the purposes and provisions of the Compact. A Rule shall be
627 invalid and have no force or effect only if a court of competent jurisdiction holds that the
628 Rule is invalid because the Commission exercised its rulemaking authority in a manner that
629 is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based
630 upon another applicable standard of review.
- 631 B. The Rules of the Commission shall have the force of law in each Member State, provided
632 however that where the Rules of the Commission conflict with the laws of the Member State
633 that establish the Member State’s scope of practice laws governing the Practice of
634 Cosmetology as held by a court of competent jurisdiction, the Rules of the Commission shall
635 be ineffective in that State to the extent of the conflict.
- 636 C. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this
637 Article and the Rules adopted thereunder. Rules shall become binding as of the date specified
638 by the Commission for each Rule.
- 639 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by
640 enactment of a statute or resolution in the same manner used to adopt the Compact within
641 four (4) years of the date of adoption of the Rule, then such Rule shall have no further force
642 and effect in any Member State or to any State applying to participate in the Compact.
- 643 E. Rules shall be adopted at a regular or special meeting of the Commission.
- 644 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow
645 persons to provide oral and written comments, data, facts, opinions, and arguments.
- 646 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in
647 advance of the meeting at which the Commission will hold a public hearing on the proposed
648 Rule, the Commission shall provide a notice of proposed rulemaking:
- 649 1. On the website of the Commission or other publicly accessible platform;
- 650 2. To persons who have requested notice of the Commission’s notices of proposed
651 rulemaking; and
- 652 3. In such other way(s) as the Commission may by Rule specify.
- 653 H. The notice of proposed rulemaking shall include:
- 654 1. The time, date, and location of the public hearing at which the Commission will hear
655 public comments on the proposed Rule and, if different, the time, date, and location of
656 the meeting where the Commission will consider and vote on the proposed Rule;
- 657 2. If the hearing is held via telecommunication, video conference, or other electronic means,

- 658 the Commission shall include the mechanism for access to the hearing in the notice of
659 proposed rulemaking;
- 660 3. The text of the proposed Rule and the reason therefor;
- 661 4. A request for comments on the proposed Rule from any interested person; and
- 662 5. The manner in which interested persons may submit written comments.
- 663 I. All hearings will be recorded. A copy of the recording and all written comments and
664 documents received by the Commission in response to the proposed Rule shall be available
665 to the public.
- 666 J. Nothing in this Article shall be construed as requiring a separate hearing on each Rule. Rules
667 may be grouped for the convenience of the Commission at hearings required by this Article.
- 668 K. The Commission shall, by majority vote of all members, take final action on the proposed
669 Rule based on the rulemaking record and the full text of the Rule.
- 670 1. The Commission may adopt changes to the proposed Rule provided the changes do not
671 enlarge the original purpose of the proposed Rule.
- 672 2. The Commission shall provide an explanation of the reasons for substantive changes
673 made to the proposed Rule as well as reasons for substantive changes not made that were
674 recommended by commenters.
- 675 3. The Commission shall determine a reasonable effective date for the Rule. Except for an
676 emergency as provided in Article 11.L, the effective date of the Rule shall be no sooner
677 than forty-five (45) days after the Commission issuing the notice that it adopted or
678 amended the Rule.
- 679 L. Upon determination that an emergency exists, the Commission may consider and adopt an
680 emergency Rule with five (5) days' notice, with opportunity to comment, provided that the
681 usual rulemaking procedures provided in the Compact and in this Article shall be
682 retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety
683 (90) days after the effective date of the Rule. For the purposes of this provision, an
684 emergency Rule is one that must be adopted immediately to:
- 685 1. Meet an imminent threat to public health, safety, or welfare;
- 686 2. Prevent a loss of Commission or Member State funds;
- 687 3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule;
688 or
- 689 4. Protect public health and safety.

690 M. The Commission or an authorized committee of the Commission may direct revisions to a
691 previously adopted Rule for purposes of correcting typographical errors, errors in format,
692 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on
693 the website of the Commission. The revision shall be subject to challenge by any person for a
694 period of thirty (30) days after posting. The revision may be challenged only on grounds that
695 the revision results in a material change to a Rule. A challenge shall be made in writing and
696 delivered to the Commission prior to the end of the notice period. If no challenge is made,
697 the revision will take effect without further action. If the revision is challenged, the revision
698 may not take effect without the approval of the Commission.

699 N. No Member State’s rulemaking requirements shall apply under this Compact.

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

701 A. Oversight

702 1. The executive and judicial branches of State government in each Member State shall
703 enforce this Compact and take all actions necessary and appropriate to implement the
704 Compact.

705 2. Venue is proper and judicial proceedings by or against the Commission shall be brought
706 solely and exclusively in a court of competent jurisdiction where the principal office of
707 the Commission is located. The Commission may waive venue and jurisdictional
708 defenses to the extent it adopts or consents to participate in alternative dispute resolution
709 proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any
710 action against a Licensee for professional malpractice, misconduct or any such similar
711 matter.

712 3. The Commission shall be entitled to receive service of process in any proceeding
713 regarding the enforcement or interpretation of the Compact and shall have standing to
714 intervene in such a proceeding for all purposes. Failure to provide the Commission
715 service of process shall render a judgment or order void as to the Commission, this
716 Compact, or promulgated Rules.

717 B. Default, Technical Assistance, and Termination

718 1. If the Commission determines that a Member State has defaulted in the performance of
719 its obligations or responsibilities under this Compact or the promulgated Rules, the
720 Commission shall provide written notice to the defaulting State. The notice of default
721 shall describe the default, the proposed means of curing the default, and any other action
722 that the Commission may take, and shall offer training and specific technical assistance
723 regarding the default.

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

725 3. If a State in default fails to cure the default, the defaulting State may be terminated from

726 the Compact upon an affirmative vote of a majority of the delegates of the Member
727 States, and all rights, privileges and benefits conferred on that State by this Compact may
728 be terminated on the effective date of termination. A cure of the default does not relieve
729 the offending State of obligations or liabilities incurred during the period of default.

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

735 5. A State that has been terminated is responsible for all assessments, obligations, and
736 liabilities incurred through the effective date of termination, including obligations that
737 extend beyond the effective date of termination.

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

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

746 8. The defaulting State may appeal the action of the Commission by petitioning the United
747 States District Court for the District of Columbia or the federal district where the
748 Commission has its principal offices. The prevailing party shall be awarded all costs of
749 such litigation, including reasonable attorney's fees.

750 C. Dispute Resolution

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

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

756 D. Enforcement

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

759 2. By majority vote as provided by Commission Rule, the Commission may initiate legal
760 action against a Member State in default in the United States District Court for the

761 District of Columbia or the federal district where the Commission has its principal offices
762 to enforce compliance with the provisions of the Compact and its promulgated Rules. The
763 relief sought may include both injunctive relief and damages. In the event judicial
764 enforcement is necessary, the prevailing party shall be awarded all costs of such
765 litigation, including reasonable attorney's fees. The remedies herein shall not be the
766 exclusive remedies of the Commission. The Commission may pursue any other remedies
767 available under federal or the defaulting Member State's law.

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

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

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

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

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

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

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

790 2. Member States enacting the Compact subsequent to the Charter Member States shall
791 be subject to the process set forth in Article 9.C.24 to determine if their enactments
792 are materially different from the model Compact statute and whether they qualify for
793 participation in the Compact.

794 3. All actions taken for the benefit of the Commission or in furtherance of the purposes
795 of the administration of the Compact prior to the effective date of the Compact or the

- 796 Commission coming into existence shall be considered to be actions of the
797 Commission unless specifically repudiated by the Commission.
- 798 4. Any State that joins the Compact shall be subject to the Commission’s Rules and
799 bylaws as they exist on the date on which the Compact becomes law in that State.
800 Any Rule that has been previously adopted by the Commission shall have the full
801 force and effect of law on the day the Compact becomes law in that State.
- 802 B. Any Member State may withdraw from this Compact by enacting a statute repealing that
803 State’s enactment of the Compact.
- 804 1. A Member State’s withdrawal shall not take effect until one hundred eighty (180)
805 days after enactment of the repealing statute.
- 806 2. Withdrawal shall not affect the continuing requirement of the withdrawing State’s
807 State Licensing Authority to comply with the investigative and Adverse Action
808 reporting requirements of this Compact prior to the effective date of withdrawal.
- 809 3. Upon the enactment of a statute withdrawing from this Compact, a State shall
810 immediately provide notice of such withdrawal to all Licensees within that State.
811 Notwithstanding any subsequent statutory enactment to the contrary, such
812 withdrawing State shall continue to recognize all licenses granted pursuant to this
813 Compact for a minimum of one hundred eighty (180) days after the date of such
814 notice of withdrawal.
- 815 C. Nothing contained in this Compact shall be construed to invalidate or prevent any
816 licensure agreement or other cooperative arrangement between a Member State and a
817 non-Member State that does not conflict with the provisions of this Compact.
818
- 819 D. This Compact may be amended by the Member States. No amendment to this Compact
820 shall become effective and binding upon any Member State until it is enacted into the
821 laws of all Member States.

822 **ARTICLE 14- CONSTRUCTION AND SEVERABILITY**

- 823 A. This Compact and the Commission’s rulemaking authority shall be liberally construed so as
824 to effectuate the purposes, and the implementation and administration of the Compact.
825 Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall
826 not be construed to limit the Commission’s rulemaking authority solely for those purposes.
- 827 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or
828 provision of this Compact is held by a court of competent jurisdiction to be contrary to the
829 constitution of any Member State, a State seeking participation in the Compact, or of the
830 United States, or the applicability thereof to any government, agency, person or circumstance
831 is held to be unconstitutional by a court of competent jurisdiction, the validity of the

832 remainder of this Compact and the applicability thereof to any other government, agency,
833 person or circumstance shall not be affected thereby.

834 C. Notwithstanding Article 14.B, the Commission may deny a State's participation in the
835 Compact or, in accordance with the requirements of Article 12, terminate a Member State's
836 participation in the Compact, if it determines that a constitutional requirement of a Member
837 State is a material departure from the Compact. Otherwise, if this Compact shall be held to be
838 contrary to the constitution of any Member State, the Compact shall remain in full force and
839 effect as to the remaining Member States and in full force and effect as to the Member State
840 affected as to all severable matters.

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

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

844

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

847

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