

1 H.539

2 Introduced by Representative Stone of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; barbers and cosmetologists;

6 Cosmetology Licensure Compact

7 Statement of purpose of bill as introduced: This bill proposes to adopt the

8 Cosmetology Licensure Compact.

9 An act relating to adopting the Cosmetology Licensure Compact

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 3 V.S.A. § 123 is amended to read:

12 § 123. DUTIES OF OFFICE

13 \* \* \*

14 (j)(1) The Office may inquire into the criminal background histories of  
15 applicants for initial licensure and for license renewal of any Office-issued  
16 credential, including a license, certification, registration, or specialty  
17 designation for the following professions:

18 \* \* \*

19 (M) occupational therapists licensed under 26 V.S.A. chapter 71;

1 (N) peer support providers and peer recovery support specialists  
2 certified under 26 V.S.A. chapter 60;

3 (O) community-based perinatal doulas certified under 26 V.S.A. chapter  
4 84; and

5 (P) Barbers, cosmetologists, estheticians, and nail technicians.

6 \* \* \*

7 Sec. 2. 26 V.S.A. § 282 is amended to read:

8 § 282. SHOP; LICENSE

9 (a) A shop shall not be granted a license unless the shop complies with the  
10 rules of the Director and has a designated in-state licensee responsible for  
11 overall cleanliness, sanitation, and safety of the shop.

12 (b) The practices of barbering, cosmetology, esthetics, or manicuring shall  
13 be permitted only in shops licensed by the Director, except as provided in  
14 sections 273 and 281 of this chapter and the rules of the Director.

15 Sec. 3. 26 V.S.A. § 284 is amended to read:

16 § 284. ISSUANCE OF LICENSE

17 (a) The Director shall issue a license to an applicant who has passed the  
18 examination as determined by the Director, has paid the required fee, and has  
19 completed all the requirements for the particular license.

20 (b) The Director shall issue a license to the person who owns or controls a  
21 shop or school of barbering, cosmetology, esthetics, or manicuring who;

1           (1) has paid the required fee;  
2           (2) has a designated in-state licensee responsible for overall cleanliness,  
3           sanitation, and safety of the shop; and  
4           (3) is in compliance with the rules of the Director and the provisions of  
5           this chapter.

6           (c) The license shall be conspicuously displayed for the customer in the  
7           licensee's principal office, place of business, or place of employment.

8           Sec. 4. 26 V.S.A. chapter 6, subchapter 4 is added to read:

9                               Subchapter 4. Cosmetology License Compact

10           § 291. PURPOSE

11           (a) The purpose of this compact is to facilitate the interstate practice and  
12           regulation of cosmetology with the goal of improving public access to, and the  
13           safety of, cosmetology services and reducing unnecessary burdens related to  
14           cosmetology licensure. Through this compact, the member states seek to  
15           establish a regulatory framework which provides for a new multistate licensing  
16           program. Through this new licensing program, the member states seek to  
17           provide increased value and mobility to licensed cosmetologists in the member  
18           states, while ensuring the provision of safe, effective, and reliable services to  
19           the public.

20           (b) This compact is designed to achieve the following objectives, and the  
21           member states hereby ratify the same intentions by subscribing hereto:

1           (1) provide opportunities for interstate practice by cosmetologists who  
2           meet uniform requirements for multistate licensure;

3           (2) enhance the abilities of member states to protect public health and  
4           safety, and prevent fraud and unlicensed activity within the profession;

5           (3) ensure and encourage cooperation between member states in the  
6           licensure and regulation of the practice of cosmetology;

7           (4) support relocating military members and their spouses;

8           (5) facilitate the exchange of information between member states related  
9           to the licensure, investigation, and discipline of the practice of cosmetology;  
10          and

11          (6) provide for the licensure and mobility of the workforce in the  
12          profession, while addressing the shortage of workers and lessening the  
13          associated burdens on the member states.

14          § 292. DEFINITIONS

15          As used in this compact, and except as otherwise provided, the following  
16          definitions shall govern the terms herein:

17               (1) “Active military member” means any person with full-time duty  
18               status in the armed forces of the United States, including members of the  
19               National Guard and Reserve.

20               (2) “Adverse action” means any administrative, civil, equitable, or  
21               criminal action permitted by a member state’s laws which is imposed by a state

1 licensing authority or other regulatory body against a cosmetologist, including  
2 actions against an individual's license or authorization to practice such as  
3 revocation, suspension, probation, monitoring of the licensee, limitation of the  
4 licensee's practice, or any other encumbrance on a license affecting an  
5 individual's ability to participate in the cosmetology industry, including the  
6 issuance of a cease and desist order.

7 (3) "Authorization to practice" means a legal authorization associated  
8 with a multistate license permitting the practice of cosmetology in that remote  
9 state, which shall be subject to the enforcement jurisdiction of the state  
10 licensing authority in that remote state.

11 (4) "Alternative program" means a nondisciplinary monitoring or  
12 prosecutorial diversion program approved by a member state's state licensing  
13 authority.

14 (5) "Background check" means the submission of information for an  
15 applicant for the purpose of obtaining that applicant's criminal history record  
16 information, as further defined in 28 C.F.R. § 20.3(d), from the Federal Bureau  
17 of Investigation and the agency responsible for retaining state criminal or  
18 disciplinary history in the applicant's home state.

19 (6) "Charter member state" means member states who have enacted  
20 legislation to adopt this compact where such legislation predates the effective  
21 date of this compact as defined in section 303 of this title.

1           (7) “Commission” means the government agency whose membership  
2           consists of all states that have enacted this compact, which is known as the  
3           Cosmetology Licensure Compact Commission, as defined in section 299 of  
4           this title, and which shall operate as an instrumentality of the member states.

5           (8) “Cosmetologist” means an individual licensed in their home state to  
6           practice cosmetology.

7           (9) “Cosmetology,” “cosmetology services,” and the “practice of  
8           cosmetology” mean the care and services provided by a cosmetologist as set  
9           forth in the member state’s statutes and regulations in the state where the  
10          services are being provided.

11          (10) “Current significant investigative information” means:

12           (A) investigative information that a state licensing authority, after an  
13           inquiry or investigation that complies with a member state’s due process  
14           requirements, has reason to believe is not groundless and, if proved true, would  
15           indicate a violation of that state’s laws regarding fraud or the practice of  
16           cosmetology; or

17           (B) investigative information that indicates that a licensee has  
18           engaged in fraud or represents an immediate threat to public health and safety,  
19           regardless of whether the licensee has been notified and had an opportunity to  
20           respond.

1           (11) “Data system” means a repository of information about licensees,  
2           including, but not limited to, license status, investigative information, and  
3           adverse actions.

4           (12) “Disqualifying event” means any event which shall disqualify an  
5           individual from holding a multistate license under this compact, which the  
6           Commission may by rule or order specify.

7           (13) “Encumbered license” means a license in which an adverse action  
8           restricts the practice of cosmetology by a licensee, or where said adverse action  
9           has been reported to the Commission.

10           (14) “Encumbrance” means a revocation or suspension of, or any  
11           limitation on, the full and unrestricted practice of cosmetology by a state  
12           licensing authority.

13           (15) “Executive Committee” means a group of delegates elected or  
14           appointed to act on behalf of, and within the powers granted to them by, the  
15           Commission.

16           (16) “Home state” means the member state which is a licensee’s primary  
17           state of residence, and where that licensee holds an active and unencumbered  
18           license to practice cosmetology.

19           (17) “Investigative information” means information, records, or  
20           documents received or generated by a state licensing authority pursuant to an  
21           investigation or other inquiry.

1           (18) “Jurisprudence requirement” means the assessment of an  
2           individual’s knowledge of the laws and rules governing the practice of  
3           cosmetology in a state.

4           (19) “Licensee” means an individual who currently holds a license from  
5           a member state to practice as a cosmetologist.

6           (20) “Member state” means any state that has adopted this compact.

7           (21) “Multistate license” means a license issued by and subject to the  
8           enforcement jurisdiction of the state licensing authority in a licensee’s home  
9           state, which authorizes the practice of cosmetology in member states and  
10           includes authorizations to practice cosmetology in all remote states pursuant to  
11           this compact.

12           (22) “Remote state” means any member state, other than the licensee’s  
13           home state.

14           (23) “Rule” means any rule or regulation promulgated by the  
15           Commission under this compact which has the force of law.

16           (24) “Single-state license” means a cosmetology license issued by a  
17           member state that authorizes practice of cosmetology only within the issuing  
18           state and does not include any authorization outside of the issuing state.

19           (25) “State” means a state, territory, or possession of the United States  
20           and the District of Columbia.



1           (26) “State licensing authority” means a member state’s regulatory body  
2           responsible for issuing cosmetology licenses or otherwise overseeing the  
3           practice of cosmetology in that state.

4           § 293. MEMBER STATE REQUIREMENTS

5           (a) To be eligible to join this compact, and to maintain eligibility as a  
6           member state, a state must:

7                 (1) License and regulate cosmetology;

8                 (2) Have a mechanism or entity in place to receive and investigate  
9                 complaints about licensees practicing in that state;

10                (3) Require that licensees within the state pass a cosmetology  
11                competency examination prior to being licensed to provide cosmetology  
12                services to the public in that state;

13                (4) Require that licensees satisfy educational or training requirements in  
14                cosmetology prior to being licensed to provide cosmetology services to the  
15                public in that state;

16                (5) Implement procedures for considering one or more of the following  
17                categories of information from applicants for licensure: criminal history;  
18                disciplinary history; or background check. Such procedures may include the  
19                submission of information by applicants for the purpose of obtaining an  
20                applicant’s background check as defined herein;

1           (6) Participate in the data system, including through the use of unique  
2           identifying numbers;

3           (7) Share information related to adverse actions with the Commission  
4           and other member states, both through the data system and otherwise;

5           (8) Notify the Commission and other member states, in compliance with  
6           the terms of the Compact and rules of the Commission, of the existence of  
7           investigative information or current significant investigative information in the  
8           state's possession regarding a licensee practicing in that state;

9           (9) Comply with such rules as may be enacted by the Commission to  
10          administer the Compact; and

11          (10) Accept licensees from other member states as established herein.

12          (b) Member states may charge a fee for granting a license to practice  
13          cosmetology.

14          (c) Individuals not residing in a member state shall continue to be able to  
15          apply for a member state's single-state license as provided under the laws of  
16          each member state. However, the single-state license granted to these  
17          individuals shall not be recognized as granting a multistate license to provide  
18          services in any other member state.

19          (d) Nothing in this compact shall affect the requirements established by a  
20          member state for the issuance of a single-state license.

1       (e) A multistate license issued to a licensee by a home state to a resident of  
2       that state shall be recognized by each member state as authorizing a licensee to  
3       practice cosmetology in each member state.

4       (f) At no point shall the Commission have the power to define the  
5       educational or professional requirements for a license to practice cosmetology.  
6       The member states shall retain sole jurisdiction over the provision of these  
7       requirements.

8       § 294. MULTISTATE LICENSE

9       (a) To be eligible to apply to their home state's state licensing authority for  
10       an initial multistate license under this compact, a licensee must hold an active  
11       and unencumbered single-state license to practice cosmetology in their home  
12       state.

13       (b) Upon the receipt of an application for a multistate license, according to  
14       the rules of the Commission, a member state's state licensing authority shall  
15       ascertain whether the applicant meets the requirements for a multistate license  
16       under this compact.

17       (c) If an applicant meets the requirements for a multistate license under this  
18       compact and any applicable rules of the Commission, the state licensing  
19       authority in receipt of the application shall, within a reasonable time, grant a  
20       multistate license to that applicant, and inform all member states of the grant of  
21       said multistate license.

1       (d) A multistate license to practice cosmetology issued by a member state's  
2       state licensing authority shall be recognized by each member state as  
3       authorizing the practice thereof as though that licensee held a single-state  
4       license to do so in each member state, subject to the restrictions herein.

5       (e) A multistate license granted pursuant to this compact may be effective  
6       for a definite period of time, concurrent with the licensure renewal period in  
7       the home state.

8       (f) To maintain a multistate license under this compact, a licensee must:

9           (1) agree to abide by the rules of the state licensing authority, and the  
10       state scope of practice laws governing the practice of cosmetology, of any  
11       member state in which the licensee provides services;

12           (2) pay all required fees related to the application and process, and any  
13       other fees which the Commission may by rule require; and

14           (3) comply with any and all other requirements regarding multistate  
15       licenses which the Commission may by rule provide.

16       (g) A licensee practicing in a member state is subject to all scope of  
17       practice laws governing cosmetology services in that state.

18       (h) The practice of cosmetology under a multistate license granted pursuant  
19       to this compact will subject the licensee to the jurisdiction of the state licensing  
20       authority, the courts, and the laws of the member state in which the  
21       cosmetology services are provided.

1     § 295. REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME  
2             STATE

3             (a) A licensee may hold a multistate license, issued by their home state, in  
4             only one member state at any given time.

5             (b) If a licensee changes their home state by moving between two member  
6             states:

7                 (1) The licensee shall immediately apply for the reissuance of their  
8                 multistate license in their new home state. The licensee shall pay all applicable  
9                 fees and notify the prior home state in accordance with the rules of the  
10                Commission.

11               (2) Upon receipt of an application to reissue a multistate license, the  
12               new home state shall verify that the multistate license is active, unencumbered,  
13               and eligible for reissuance under the terms of the Compact and the rules of the  
14               Commission. The multistate license issued by the prior home state will be  
15               deactivated and all member states notified in accordance with the applicable  
16               rules adopted by the Commission.

17               (3) If required for initial licensure, the new home state may require a  
18               background check as specified in the laws of that state, or the compliance with  
19               any jurisprudence requirements of the new home state.

20               (4) Notwithstanding any other provision of this compact, if a licensee  
21               does not meet the requirements set forth in this compact for the reissuance of a

1 multistate license by the new home state, then the licensee shall be subject to  
2 the new home state requirements for the issuance of a single-state license in  
3 that state.

4 (c) If a licensee changes their primary state of residence by moving from a  
5 member state to a nonmember state, or from a nonmember state to a member  
6 state, then the licensee shall be subject to the state requirements for the  
7 issuance of a single-state license in the new home state.

8 (d) Nothing in this compact shall interfere with a licensee's ability to hold a  
9 single-state license in multiple states; however, for the purposes of this  
10 compact, a licensee shall have only one home state, and only one multistate  
11 license.

12 (e) Nothing in this compact shall interfere with the requirements  
13 established by a member state for the issuance of a single-state license.

14 § 296. AUTHORITY OF THE COMPACT COMMISSION AND MEMBER  
15 STATE LICENSING AUTHORITIES

16 (a) Nothing in this compact, nor any rule or regulation of the Commission,  
17 shall be construed to limit, restrict, or in any way reduce the ability of a  
18 member state to enact and enforce laws, regulations, or other rules related to  
19 the practice of cosmetology in that state, where those laws, regulations, or  
20 other rules are not inconsistent with the provisions of this compact.

1       (b) Insofar as practical, a member state's state licensing authority shall  
2       cooperate with the Commission and with each entity exercising independent  
3       regulatory authority over the practice of cosmetology according to the  
4       provisions of this compact.

5       (c) Discipline shall be the sole responsibility of the state in which  
6       cosmetology services are provided. Accordingly, each member state's state  
7       licensing authority shall be responsible for receiving complaints about  
8       individuals practicing cosmetology in that state and for communicating all  
9       relevant investigative information about any such adverse action to the other  
10       member states through the data system in addition to any other methods the  
11       Commission may by rule require.

12       § 297. ADVERSE ACTIONS

13       (a) A licensee's home state shall have exclusive power to impose an  
14       adverse action against a licensee's multistate license issued by the home state.

15       (b) A home state may take adverse action on a multistate license based on  
16       the investigative information, current significant investigative information, or  
17       adverse action of a remote state.

18       (c) In addition to the powers conferred by state law, each remote state's  
19       state licensing authority shall have the power to:

20               (1) Take adverse action against a licensee's authorization to practice  
21       cosmetology through the multistate license in that member state, provided that:

1           (A) Only the licensee's home state shall have the power to take  
2           adverse action against the multistate license issued by the home state; and

3           (B) For the purposes of taking adverse action, the home state's state  
4           licensing authority shall give the same priority and effect to reported conduct  
5           received from a remote state as it would if such conduct had occurred within  
6           the home state. In so doing, the home state shall apply its own state laws to  
7           determine the appropriate action.

8           (2) Issue cease and desist orders or impose an encumbrance on a  
9           licensee's authorization to practice within that member state.

10          (3) Complete any pending investigations of a licensee who changes their  
11          primary state of residence during the course of such an investigation. The state  
12          licensing authority shall also be empowered to report the results of such an  
13          investigation to the Commission through the data system as described herein.

14          (4) Issue subpoenas for both hearings and investigations that require the  
15          attendance and testimony of witnesses, as well as the production of evidence.  
16          Subpoenas issued by a state licensing authority in a member state for the  
17          attendance and testimony of witnesses or the production of evidence from  
18          another member state shall be enforced in the latter state by any court of  
19          competent jurisdiction, according to the practice and procedure of that court  
20          applicable to subpoenas issued in proceedings before it. The issuing state  
21          licensing authority shall pay any witness fees, travel expenses, mileage, and



1 other fees required by the service statutes of the state in which the witnesses or  
2 evidence are located.

3 (5) If otherwise permitted by state law, recover from the affected  
4 licensee the costs of investigations and disposition of cases resulting from any  
5 adverse action taken against that licensee.

6 (6) Take adverse action against the licensee's authorization to practice  
7 in that state based on the factual findings of another remote state.

8 (d) A licensee's home state shall complete any pending investigation of a  
9 cosmetologist who changes their primary state of residence during the course  
10 of the investigation. The home state shall also have the authority to take  
11 appropriate action and shall promptly report the conclusions of the  
12 investigations to the data system.

13 (e) If an adverse action is taken by the home state against a licensee's  
14 multistate license, the licensee's authorization to practice in all other member  
15 states shall be deactivated until all encumbrances have been removed from the  
16 home state license. All home state disciplinary orders that impose an adverse  
17 action against a licensee's multistate license shall include a statement that the  
18 cosmetologist's authorization to practice is deactivated in all member states  
19 during the pendency of the order.

20 (f) Nothing in this compact shall override a member state's authority to  
21 accept a licensee's participation in an alternative program in lieu of adverse

1 action. A licensee's multistate license shall be suspended for the duration of  
2 the licensee's participation in any alternative program.

3 (g) Joint investigations.

4 (1) In addition to the authority granted to a member state by its  
5 respective scope of practice laws or other applicable state law, a member state  
6 may participate with other member states in joint investigations of licensees.

7 (2) Member states shall share any investigative, litigation, or compliance  
8 materials in furtherance of any joint or individual investigation initiated under  
9 the Compact.

10 § 298. ACTIVE MILITARY MEMBERS AND THEIR SPOUSES

11 Active military members, or their spouses, shall designate a home state  
12 where the individual has a current license to practice cosmetology in good  
13 standing. The individual may retain their home state designation during any  
14 period of service when that individual or their spouse is on active duty  
15 assignment.

16 § 299. ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY

17 LICENSURE COMPACT COMMISSION

18 (a) The Compact member states hereby create and establish a joint  
19 government agency whose membership consists of all member states that have  
20 enacted the Compact known as the Cosmetology Licensure Compact  
21 Commission. The Commission is an instrumentality of the Compact member

1 states acting jointly and not an instrumentality of any one state. The  
2 Commission shall come into existence on or after the effective date of the  
3 Compact as set forth in section 303 of this title.

4 (b) Membership, voting, and meetings.

5 (1) Each member state shall have and be limited to one delegate selected  
6 by that member state's state licensing authority.

7 (2) The delegate shall be an administrator of the state licensing authority  
8 of the member state or their designee.

9 (3) The Commission shall by rule or bylaw establish a term of office for  
10 delegates and may by rule or bylaw establish term limits.

11 (4) The Commission may recommend removal or suspension of any  
12 delegate from office.

13 (5) A member state's state licensing authority shall fill any vacancy of  
14 its delegate occurring on the Commission within 60 days of the vacancy.

15 (6) Each delegate shall be entitled to one vote on all matters that are  
16 voted on by the Commission.

17 (7) The Commission shall meet at least once during each calendar year.  
18 Additional meetings may be held as set forth in the bylaws. The Commission  
19 may meet by telecommunication, video conference, or other similar electronic  
20 means.

1        (c) The Commission shall have the following powers:

2            (1) Establish the fiscal year of the Commission;

3            (2) Establish code of conduct and conflict of interest policies;

4            (3) Adopt rules and bylaws;

5            (4) Maintain its financial records in accordance with the bylaws;

6            (5) Meet and take such actions as are consistent with the provisions of

7        this compact, the Commission's rules, and the bylaws;

8            (6) Initiate and conclude legal proceedings or actions in the name of the

9        Commission, provided that the standing of any state licensing authority to sue

10       or be sued under applicable law shall not be affected;

11           (7) Maintain and certify records and information provided to a member

12       state as the authenticated business records of the Commission, and designate

13       an agent to do so on the Commission's behalf;

14           (8) Purchase and maintain insurance and bonds;

15           (9) Borrow, accept, or contract for services of personnel, including, but

16       not limited to, employees of a member state;

17           (10) Conduct an annual financial review;

18           (11) Hire employees, elect or appoint officers, fix compensation, define

19       duties, grant such individuals appropriate authority to carry out the purposes of

20       the Compact, and establish the Commission's personnel policies and programs

1 relating to conflicts of interest, qualifications of personnel, and other related  
2 personnel matters;

3 (12) As set forth in the Commission rules, charge a fee to a licensee for  
4 the grant of a multistate license and thereafter, as may be established by  
5 Commission rule, charge the licensee a multistate license renewal fee for each  
6 renewal period. Nothing herein shall be construed to prevent a home state  
7 from charging a licensee a fee for a multistate license or renewals of a  
8 multistate license, or a fee for the jurisprudence requirement if the member  
9 state imposes such a requirement for the grant of a multistate license;

10 (13) Assess and collect fees;

11 (14) Accept any and all appropriate gifts, donations, grants of money,  
12 other sources of revenue, equipment, supplies, materials, and services, and  
13 receive, utilize, and dispose of the same; provided that at all times the  
14 Commission shall avoid any appearance of impropriety or conflict of interest;

15 (15) Lease, purchase, retain, own, hold, improve, or use any property,  
16 real, personal, or mixed, or any undivided interest therein;

17 (16) Sell, convey, mortgage, pledge, lease, exchange, abandon, or  
18 otherwise dispose of any property real, personal, or mixed;

19 (17) Establish a budget and make expenditures;

20 (18) Borrow money;

1           (19) Appoint committees, including standing committees, composed of  
2           members, state regulators, state legislators or their representatives, and  
3           consumer representatives, and such other interested persons as may be  
4           designated in this compact and the bylaws;

5           (20) Provide and receive information from, and cooperate with, law  
6           enforcement agencies;

7           (21) Elect a chair, vice chair, secretary, and treasurer and such other  
8           officers of the Commission as provided in the Commission's bylaws;

9           (22) Establish and elect an Executive Committee, including a chair and  
10          a vice chair;

11          (23) Adopt and provide to the member states an annual report;

12          (24) Determine whether a state's adopted language is materially  
13          different from the model Compact language such that the state would not  
14          qualify for participation in the Compact; and

15          (25) Perform such other functions as may be necessary or appropriate to  
16          achieve the purposes of this compact.

17          (d) The Executive Committee.

18           (1) The Executive Committee shall have the power to act on behalf of  
19           the Commission according to the terms of this compact. The powers, duties,  
20           and responsibilities of the Executive Committee shall include:

1           (A) overseeing the day-to-day activities of the administration of the  
2           Compact, including compliance with the provisions of the Compact, the  
3           Commission's rules and bylaws, and other such duties as deemed necessary;

4           (B) recommending to the Commission changes to the rules or  
5           bylaws, changes to this compact legislation, fees charged to Compact member  
6           states, fees charged to licensees, and other fees;

7           (C) ensuring Compact administration services are appropriately  
8           provided, including by contract;

9           (D) preparing and recommending the budget;

10          (E) maintaining financial records on behalf of the Commission;

11          (F) monitoring Compact compliance of member states and providing  
12          compliance reports to the Commission;

13          (G) establishing additional committees as necessary;

14          (H) exercising the powers and duties of the Commission during the  
15          interim between Commission meetings, except for adopting or amending rules,  
16          adopting or amending bylaws, and exercising any other powers and duties  
17          expressly reserved to the Commission by rule or bylaw; and

18          (I) other duties as provided in the rules or bylaws of the Commission.

19          (2) The Executive Committee shall be composed of up to seven voting  
20          members:

1           (A) the Chair and Vice Chair of the Commission and any other  
2           members of the Commission who serve on the Executive Committee shall be  
3           voting members of the Executive Committee; and

4           (B) other than the Chair, Vice Chair, Secretary, and Treasurer, the  
5           Commission shall elect three voting members from the current membership of  
6           the Commission.

7           (C) The Commission may elect, ex officio, nonvoting members from  
8           a recognized national cosmetology professional association as approved by the  
9           Commission. The Commission's bylaws shall identify qualifying  
10          organizations and the manner of appointment if the number of organizations  
11          seeking to appoint an ex officio member exceeds the number of members  
12          specified in this section.

13          (3) The Commission may remove any member of the Executive  
14          Committee as provided in the Commission's bylaws.

15          (4) The Executive Committee shall meet at least annually.

16          (A) Annual Executive Committee meetings, as well as any Executive  
17          Committee meeting at which it does not take or intend to take formal action on  
18          a matter for which a Commission vote would otherwise be required, shall be  
19          open to the public, except that the Executive Committee may meet in a closed,  
20          nonpublic session of a public meeting when dealing with any of the matters  
21          covered under subdivision (f)(4) of this section.



1           (B) The Executive Committee shall give five business days advance  
2           notice of its public meetings, posted on its website and as determined to  
3           provide notice to persons with an interest in the public matters the Executive  
4           Committee intends to address at those meetings.

5           (5) The Executive Committee may hold an emergency meeting when  
6           acting for the Commission to:

7                   (A) meet an imminent threat to public health, safety, or welfare;

8                   (B) prevent a loss of Commission or member state funds; or

9                   (C) protect public health and safety.

10           (e) The Commission shall adopt and provide to the member states an  
11           annual report.

12           (f) Meetings of the Commission.

13           (1) All meetings of the Commission that are not closed pursuant to  
14           subdivision (4) of this subsection shall be open to the public. Notice of public  
15           meetings shall be posted on the Commission's website at least 30 days prior to  
16           the public meeting.

17           (2) Notwithstanding subdivision (1) of this subsection, the Commission  
18           may convene an emergency public meeting by providing at least 24 hours prior  
19           notice on the Commission's website, and any other means as provided in the  
20           Commission's rules, for any of the reasons it may dispense with notice of  
21           proposed rulemaking under subsection 301(l) of this title. The Commission's

1 legal counsel shall certify that one of the reasons justifying an emergency  
2 public meeting has been met.

3 (3) Notice of all Commission meetings shall provide the time, date, and  
4 location of the meeting, and if the meeting is to be held or accessible via  
5 telecommunication, video conference, or other electronic means, the notice  
6 shall include the mechanism for access to the meeting.

7 (4) The Commission may convene in a closed, nonpublic meeting for  
8 the Commission to discuss:

9 (A) noncompliance of a member state with its obligations under the  
10 Compact;

11 (B) the employment, compensation, discipline or other matters,  
12 practices, or procedures related to specific employees or other matters related  
13 to the Commission's internal personnel practices and procedures;

14 (C) current or threatened discipline of a licensee by the Commission  
15 or by a member state's licensing authority;

16 (D) current, threatened, or reasonably anticipated litigation;

17 (E) negotiation of contracts for the purchase, lease, or sale of goods,  
18 services, or real estate;

19 (F) accusing any person of a crime or formally censuring any person;

20 (G) Trade secrets or commercial or financial information that is  
21 privileged or confidential;

1           (H) information of a personal nature where disclosure would  
2           constitute a clearly unwarranted invasion of personal privacy;

3           (I) investigative records compiled for law enforcement purposes;

4           (J) information related to any investigative reports prepared by or on  
5           behalf of or for use of the Commission or other committee charged with  
6           responsibility of investigation or determination of compliance issues pursuant  
7           to the Compact;

8           (K) legal advice;

9           (L) matters specifically exempted from disclosure to the public by  
10          federal or member state law; or

11          (M) other matters as promulgated by the Commission by rule.

12          (5) If a meeting, or portion of a meeting, is closed, the presiding officer  
13          shall state that the meeting will be closed and reference each relevant  
14          exempting provision, and such reference shall be recorded in the minutes.

15          (6) The Commission shall keep minutes that fully and clearly describe  
16          all matters discussed in a meeting and shall provide a full and accurate  
17          summary of actions taken, and the reasons therefore, including a description of  
18          the views expressed. All documents considered in connection with an action  
19          shall be identified in such minutes. All minutes and documents of a closed  
20          meeting shall remain under seal, subject to release only by a majority vote of  
21          the Commission or order of a court of competent jurisdiction.

1       (g) Financing of the Commission.

2           (1) The Commission shall pay, or provide for the payment of, the  
3       reasonable expenses of its establishment, organization, and ongoing activities.

4           (2) The Commission may accept any and all appropriate sources of  
5       revenue, donations, and grants of money, equipment, supplies, materials, and  
6       services.

7           (3) The Commission may levy on and collect an annual assessment from  
8       each member state and impose fees on licensees of member states to whom it  
9       grants a multistate license to cover the cost of the operations and activities of  
10       the Commission and its staff, which must be in a total amount sufficient to  
11       cover its annual budget as approved each year for which revenue is not  
12       provided by other sources. The aggregate annual assessment amount for  
13       member states shall be allocated based upon a formula that the Commission  
14       shall promulgate by rule.

15           (4) The Commission shall not incur obligations of any kind prior to  
16       securing the funds adequate to meet the same; nor shall the Commission  
17       pledge the credit of any member states, except by and with the authority of the  
18       member state.

19           (5) The Commission shall keep accurate accounts of all receipts and  
20       disbursements. The receipts and disbursements of the Commission shall be  
21       subject to the financial review and accounting procedures established under its

1 bylaws. All receipts and disbursements of funds handled by the Commission  
2 shall be subject to an annual financial review by a certified or licensed public  
3 accountant, and the report of the financial review shall be included in and  
4 become part of the annual report of the Commission.

5 (h) Qualified immunity, defense, and indemnification.

6 (1) The members, officers, executive director, employees, and  
7 representatives of the Commission shall be immune from suit and liability,  
8 both personally and in their official capacity, for any claim for damage to or  
9 loss of property or personal injury or other civil liability caused by or arising  
10 out of any actual or alleged act, error, or omission that occurred, or that the  
11 person against whom the claim is made had a reasonable basis for believing  
12 occurred, within the scope of Commission employment, duties, or  
13 responsibilities; provided that nothing in this paragraph shall be construed to  
14 protect any such person from suit or liability for any damage, loss, injury, or  
15 liability caused by the intentional or willful or wanton misconduct of that  
16 person. The procurement of insurance of any type by the Commission shall  
17 not in any way compromise or limit the immunity granted hereunder.

18 (2) The Commission shall defend any member, officer, executive  
19 director, employee, and representative of the Commission in any civil action  
20 seeking to impose liability arising out of any actual or alleged act, error, or  
21 omission that occurred within the scope of Commission employment, duties, or

1 responsibilities, or as determined by the Commission that the person against  
2 whom the claim is made had a reasonable basis for believing occurred within  
3 the scope of Commission employment, duties, or responsibilities; provided that  
4 nothing herein shall be construed to prohibit that person from retaining their  
5 own counsel at their own expense; and provided further that the actual or  
6 alleged act, error, or omission did not result from that person's intentional or  
7 willful or wanton misconduct.

8 (3) The Commission shall indemnify and hold harmless any member,  
9 officer, executive director, employee, and representative of the Commission  
10 for the amount of any settlement or judgment obtained against that person  
11 arising out of any actual or alleged act, error, or omission that occurred within  
12 the scope of Commission employment, duties, or responsibilities, or that such  
13 person had a reasonable basis for believing occurred within the scope of  
14 Commission employment, duties, or responsibilities, provided that the actual  
15 or alleged act, error, or omission did not result from the intentional or willful  
16 or wanton misconduct of that person.

17 (4) Nothing herein shall be construed as a limitation on the liability of  
18 any licensee for professional malpractice or misconduct, which shall be  
19 governed solely by any other applicable state laws.

20 (5) Nothing in this compact shall be interpreted to waive or otherwise  
21 abrogate a member state's state action immunity or state action affirmative

1 defense with respect to antitrust claims under the Sherman Act, Clayton Act, or  
2 any other state or federal antitrust or anticompetitive law or regulation.

3 (6) Nothing in this compact shall be construed to be a waiver of  
4 sovereign immunity by the member states or by the Commission.

5 § 300. DATA SYSTEM

6 (a) The Commission shall provide for the development, maintenance,  
7 operation, and utilization of a coordinated database and reporting system.

8 (b) The Commission shall assign each applicant for a multistate license a  
9 unique identifier, as determined by the rules of the Commission.

10 (c) Notwithstanding any other provision of state law to the contrary, a  
11 member state shall submit a uniform data set to the data system on all  
12 individuals to whom this compact is applicable as required by the rules of the  
13 Commission, including:

14 (1) identifying information;

15 (2) licensure data;

16 (3) adverse actions against a license and information related thereto;

17 (4) nonconfidential information related to alternative program  
18 participation, the beginning and ending dates of such participation, and other  
19 information related to such participation;

1           (5) any denial of application for licensure, and the reasons for such  
2           denial, excluding the reporting of any criminal history record information  
3           where prohibited by law;

4           (6) the existence of investigative information;

5           (7) the existence of current significant investigative information; and

6           (8) other information that may facilitate the administration of this  
7           compact or the protection of the public, as determined by the rules of the  
8           Commission.

9           (d) The records and information provided to a member state pursuant to  
10          this compact or through the data system, when certified by the Commission or  
11          an agent thereof, shall constitute the authenticated business records of the  
12          Commission and shall be entitled to any associated hearsay exception in any  
13          relevant judicial, quasi-judicial, or administrative proceedings in a member  
14          state.

15          (e) The existence of current significant investigative information and the  
16          existence of investigative information pertaining to a licensee in any member  
17          state will only be available to other member states.

18          (f) It is the responsibility of the member states to monitor the database to  
19          determine whether adverse action has been taken against such a licensee or  
20          license applicant. Adverse action information pertaining to a licensee or



1 license applicant in any member state will be available to any other member  
2 state.

3 (g) Member states contributing information to the data system may  
4 designate information that may not be shared with the public without the  
5 express permission of the contributing state.

6 (h) Any information submitted to the data system that is subsequently  
7 expunged pursuant to federal law or the laws of the member state contributing  
8 the information shall be removed from the data system.

9 § 301. RULEMAKING

10 (a) The Commission shall promulgate reasonable rules in order to  
11 effectively and efficiently implement and administer the purposes and  
12 provisions of the Compact. A rule shall be invalid and have no force or effect  
13 only if a court of competent jurisdiction holds that the rule is invalid because  
14 the Commission exercised its rulemaking authority in a manner that is beyond  
15 the scope and purposes of the Compact, or the powers granted hereunder, or  
16 based upon another applicable standard of review.

17 (b) The rules of the Commission shall have the force of law in each  
18 member state, provided however that where the rules of the Commission  
19 conflict with the laws of the member state that establish the member state's  
20 scope of practice laws governing the practice of cosmetology as held by a court

1 of competent jurisdiction, the rules of the Commission shall be ineffective in  
2 that state to the extent of the conflict.

3 (c) The Commission shall exercise its rulemaking powers pursuant to the  
4 criteria set forth in this section and the rules adopted thereunder. Rules shall  
5 become binding as of the date specified by the Commission for each rule.

6 (d) If a majority of the legislatures of the member states rejects a rule or  
7 portion of a rule, by enactment of a statute or resolution in the same manner  
8 used to adopt the Compact within four years of the date of adoption of the rule,  
9 then such rule shall have no further force and effect in any member state or to  
10 any state applying to participate in the Compact.

11 (e) Rules shall be adopted at a regular or special meeting of the  
12 Commission.

13 (f) Prior to adoption of a proposed rule, the Commission shall hold a public  
14 hearing and allow persons to provide oral and written comments, data, facts,  
15 opinions, and arguments.

16 (g) Prior to adoption of a proposed rule by the Commission, and at least 30  
17 days in advance of the meeting at which the Commission will hold a public  
18 hearing on the proposed rule, the Commission shall provide a notice of  
19 proposed rulemaking:

20 (1) on the website of the Commission or other publicly accessible  
21 platform;

1           (2) to persons who have requested notice of the Commission's notices of  
2           proposed rulemaking; and

3           (3) in such other ways as the Commission may by rule specify.

4           (h) The notice of proposed rulemaking shall include:

5           (1) the time, date, and location of the public hearing at which the  
6           Commission will hear public comments on the proposed rule and, if different,  
7           the time, date, and location of the meeting where the Commission will consider  
8           and vote on the proposed rule;

9           (2) if the hearing is held via telecommunication, video conference, or  
10          other electronic means, the Commission shall include the mechanism for  
11          access to the hearing in the notice of proposed rulemaking;

12          (3) the text of the proposed rule and the reason therefor;

13          (4) a request for comments on the proposed rule from any interested  
14          person; and

15          (5) the manner in which interested persons may submit written  
16          comments.

17          (i) All hearings will be recorded. A copy of the recording and all written  
18          comments and documents received by the Commission in response to the  
19          proposed rule shall be available to the public.

1       (j) Nothing in this section shall be construed as requiring a separate hearing  
2       on each rule. Rules may be grouped for the convenience of the Commission at  
3       hearings required by this section.

4       (k) The Commission shall, by majority vote of all members, take final  
5       action on the proposed rule based on the rulemaking record and the full text of  
6       the rule.

7       (1) The Commission may adopt changes to the proposed rule provided  
8       the changes do not enlarge the original purpose of the proposed rule.

9       (2) The Commission shall provide an explanation of the reasons for  
10       substantive changes made to the proposed rule as well as reasons for  
11       substantive changes not made that were recommended by commenters.

12       (3) The Commission shall determine a reasonable effective date for the  
13       rule. Except for an emergency as provided in subsection (l) of this section, the  
14       effective date of the rule shall be no sooner than 45 days after the Commission  
15       issuing the notice that it adopted or amended the rule.

16       (l) Upon determination that an emergency exists, the Commission may  
17       consider and adopt an emergency rule with five days' notice, with opportunity  
18       to comment, provided that the usual rulemaking procedures provided in the  
19       Compact and in this section shall be retroactively applied to the rule as soon as  
20       reasonably possible, in no event later than 90 days after the effective date of

1 the rule. For the purposes of this provision, an emergency rule is one that must  
2 be adopted immediately to:

3 (1) meet an imminent threat to public health, safety, or welfare;

4 (2) prevent a loss of Commission or member state funds;

5 (3) meet a deadline for the promulgation of a rule that is established by  
6 federal law or rule; or

7 (4) protect public health and safety.

8 (m) The Commission or an authorized committee of the Commission may  
9 direct revisions to a previously adopted rule for purposes of correcting  
10 typographical errors, errors in format, errors in consistency, or grammatical  
11 errors. Public notice of any revisions shall be posted on the website of the  
12 Commission. The revision shall be subject to challenge by any person for a  
13 period of 30 days after posting. The revision may be challenged only on  
14 grounds that the revision results in a material change to a rule. A challenge  
15 shall be made in writing and delivered to the Commission prior to the end of  
16 the notice period. If no challenge is made, the revision will take effect without  
17 further action. If the revision is challenged, the revision may not take effect  
18 without the approval of the Commission.

19 (n) No member state's rulemaking requirements shall apply under this  
20 compact.

1     § 302. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

2         (a) Oversight.

3             (1) The executive and judicial branches of state government in each  
4     member state shall enforce this compact and take all actions necessary and  
5     appropriate to implement the Compact.

6             (2) Venue is proper and judicial proceedings by or against the  
7     Commission shall be brought solely and exclusively in a court of competent  
8     jurisdiction where the principal office of the Commission is located. The  
9     Commission may waive venue and jurisdictional defenses to the extent it  
10    adopts or consents to participate in alternative dispute resolution proceedings.  
11    Nothing herein shall affect or limit the selection or propriety of venue in any  
12    action against a licensee for professional malpractice, misconduct, or any such  
13    similar matter.

14            (3) The Commission shall be entitled to receive service of process in  
15    any proceeding regarding the enforcement or interpretation of the Compact and  
16    shall have standing to intervene in such a proceeding for all purposes. Failure  
17    to provide the Commission service of process shall render a judgment or order  
18    void as to the Commission, this compact, or promulgated rules.

19         (b) Default, technical assistance, and termination.

20            (1) If the Commission determines that a member state has defaulted in  
21    the performance of its obligations or responsibilities under this compact or the

1 promulgated rules, the Commission shall provide written notice to the  
2 defaulting state. The notice of default shall describe the default, the proposed  
3 means of curing the default, and any other action that the Commission may  
4 take and shall offer training and specific technical assistance regarding the  
5 default.

6 (2) The Commission shall provide a copy of the notice of default to the  
7 other member states.

8 (3) If a state in default fails to cure the default, the defaulting state may  
9 be terminated from the Compact upon an affirmative vote of a majority of the  
10 delegates of the member states, and all rights, privileges, and benefits  
11 conferred on that state by this compact may be terminated on the effective date  
12 of termination. A cure of the default does not relieve the offending state of  
13 obligations or liabilities incurred during the period of default.

14 (4) Termination of membership in the Compact shall be imposed only  
15 after all other means of securing compliance have been exhausted. Notice of  
16 intent to suspend or terminate shall be given by the Commission to the  
17 governor, the majority and minority leaders of the defaulting state's legislature,  
18 the defaulting state's state licensing authority and each of the member states'  
19 state licensing authority.

1           (5) A state that has been terminated is responsible for all assessments,  
2           obligations, and liabilities incurred through the effective date of termination,  
3           including obligations that extend beyond the effective date of termination.

4           (6) Upon the termination of a state's membership from this compact,  
5           that state shall immediately provide notice to all licensees who hold a  
6           multistate license within that state of such termination. The terminated state  
7           shall continue to recognize all licenses granted pursuant to this compact for a  
8           minimum of 180 days after the date of said notice of termination.

9           (7) The Commission shall not bear any costs related to a state that is  
10          found to be in default or that has been terminated from the Compact, unless  
11          agreed upon in writing between the Commission and the defaulting state.

12          (8) The defaulting state may appeal the action of the Commission by  
13          petitioning the United States District Court for the District of Columbia or the  
14          federal district where the Commission has its principal offices. The prevailing  
15          party shall be awarded all costs of such litigation, including reasonable  
16          attorney's fees.

17          (c) Dispute resolution.

18          (1) Upon request by a member state, the Commission shall attempt to  
19          resolve disputes related to the Compact that arise among member states and  
20          between Member and nonmember states.



1           (2) The Commission shall promulgate a rule providing for both  
2           mediation and binding dispute resolution for disputes as appropriate.

3           (d) Enforcement.

4           (1) The Commission, in the reasonable exercise of its discretion, shall  
5           enforce the provisions of this compact and the Commission's rules.

6           (2) By majority vote as provided by Commission rule, the Commission  
7           may initiate legal action against a member state in default in the United States  
8           District Court for the District of Columbia or the federal district where the  
9           Commission has its principal offices to enforce compliance with the provisions  
10          of the Compact and its promulgated rules. The relief sought may include both  
11          injunctive relief and damages. In the event judicial enforcement is necessary,  
12          the prevailing party shall be awarded all costs of such litigation, including  
13          reasonable attorney's fees. The remedies herein shall not be the exclusive  
14          remedies of the Commission. The Commission may pursue any other  
15          remedies available under federal or the defaulting member state's law.

16          (3) A member state may initiate legal action against the Commission in  
17          the United States District Court for the District of Columbia or the federal  
18          district where the Commission has its principal offices to enforce compliance  
19          with the provisions of the Compact and its promulgated rules. The relief  
20          sought may include both injunctive relief and damages. In the event judicial

1 enforcement is necessary, the prevailing party shall be awarded all costs of  
2 such litigation, including reasonable attorney's fees.

3 (4) No individual or entity other than a member state may enforce this  
4 compact against the Commission.

5 § 303. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

6 (a) The Compact shall come into effect on the date on which the Compact  
7 statute is enacted into law in the seventh member state.

8 (1) On or after the effective date of the Compact, the Commission shall  
9 convene and review the enactment of each of the charter member states to  
10 determine if the statute enacted by each such charter member state is materially  
11 different than the model Compact statute.

12 (A) A charter member state whose enactment is found to be  
13 materially different from the model Compact statute shall be entitled to the  
14 default process set forth in section 302 of this title.

15 (B) If any member state is later found to be in default, or is  
16 terminated or withdraws from the Compact, the Commission shall remain in  
17 existence and the Compact shall remain in effect even if the number of  
18 member states should be less than seven.

19 (2) Member states enacting the Compact subsequent to the charter  
20 member states shall be subject to the process set forth in subdivision  
21 299(c)(24) of this title to determine if their enactments are materially different

1 from the model Compact statute and whether they qualify for participation in  
2 the Compact.

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

8 (4) Any state that joins the Compact shall be subject to the  
9 Commission's rules and bylaws as they exist on the date on which the  
10 Compact becomes law in that state. Any rule that has been previously adopted  
11 by the Commission shall have the full force and effect of law on the day the  
12 Compact becomes law in that state.

13 (b) Any member state may withdraw from this compact by enacting a  
14 statute repealing that state's enactment of the Compact.

15 (1) A member state's withdrawal shall not take effect until 180 days  
16 after enactment of the repealing statute.

17 (2) Withdrawal shall not affect the continuing requirement of the  
18 withdrawing state's state licensing authority to comply with the investigative  
19 and adverse action reporting requirements of this compact prior to the effective  
20 date of withdrawal.

1           (3) Upon the enactment of a statute withdrawing from this compact, a  
2           state shall immediately provide notice of such withdrawal to all licensees  
3           within that state. Notwithstanding any subsequent statutory enactment to the  
4           contrary, such withdrawing state shall continue to recognize all licenses  
5           granted pursuant to this compact for a minimum of 180 days after the date of  
6           such notice of withdrawal.

7           (c) Nothing contained in this compact shall be construed to invalidate or  
8           prevent any licensure agreement or other cooperative arrangement between a  
9           member state and a nonmember state that does not conflict with the provisions  
10          of this compact.

11          (d) This compact may be amended by the member states. No amendment  
12          to this compact shall become effective and binding upon any member state  
13          until it is enacted into the laws of all member states.

14          § 304. CONSTRUCTION AND SEVERABILITY

15          (a) This compact and the Commission's rulemaking authority shall be  
16          liberally construed so as to effectuate the purposes, and the implementation  
17          and administration of, the Compact. Provisions of the Compact expressly  
18          authorizing or requiring the promulgation of rules shall not be construed to  
19          limit the Commission's rulemaking authority solely for those purposes.

20          (b) The provisions of this compact shall be severable and if any phrase,  
21          clause, sentence, or provision of this compact is held by a court of competent

1 jurisdiction to be contrary to the constitution of any member state, a state  
2 seeking participation in the Compact, or of the United States, or the  
3 applicability thereof to any government, agency, person, or circumstance is  
4 held to be unconstitutional by a court of competent jurisdiction, the validity of  
5 the remainder of this compact and the applicability thereof to any other  
6 government, agency, person, or circumstance shall not be affected thereby.

7 (c) Notwithstanding subsection (b) of this section, the Commission may  
8 deny a state's participation in the Compact or, in accordance with the  
9 requirements of section 302 of this title, terminate a member state's  
10 participation in the Compact, if it determines that a constitutional requirement  
11 of a member state is a material departure from the Compact. Otherwise, if this  
12 compact shall be held to be contrary to the constitution of any member state,  
13 the Compact shall remain in full force and effect as to the remaining member  
14 states and in full force and effect as to the member state affected as to all  
15 severable matters.

16 § 305. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE  
17 LAWS

18 (a) Nothing herein shall prevent or inhibit the enforcement of any other law  
19 of a member state that is not inconsistent with the Compact.

20 (b) Any laws, statutes, regulations, or other legal requirements in a member  
21 state in conflict with the Compact are superseded to the extent of the conflict.

1        (c) All permissible agreements between the Commission and the member  
2        states are binding in accordance with their terms.

3        Sec. 5. EFFECTIVE DATE

4        This act shall take effect on June 1, 2027.