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**HOUSE BILL 1023**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Ryu and Leavitt

Prefiled 12/09/24.

1 AN ACT Relating to the cosmetology licensure compact; adding a  
2 new section to chapter 18.16 RCW; creating a new section; and  
3 providing a contingent effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.16  
6 RCW to read as follows:

7 **ARTICLE 1**

8 **PURPOSE**

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

1 This compact is designed to achieve the following objectives, and  
2 the member states hereby ratify the same intentions by subscribing  
3 hereto:

4 (1) Provide opportunities for interstate practice by  
5 cosmetologists who meet uniform requirements for multistate  
6 licensure;

7 (2) Enhance the abilities of member states to protect public  
8 health and safety, and prevent fraud and unlicensed activity within  
9 the profession;

10 (3) Ensure and encourage cooperation between member states in the  
11 licensure and regulation of the practice of cosmetology;

12 (4) Support relocating military members and their spouses;

13 (5) Facilitate the exchange of information between member states  
14 related to the licensure, investigation, and discipline of the  
15 practice of cosmetology;

16 (6) Provide for the licensure and mobility of the workforce in  
17 the profession, while addressing the shortage of workers and  
18 lessening the associated burdens on the member states.

## 19 **ARTICLE 2**

### 20 **DEFINITIONS**

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

23 (1) "Active military member" means any person with full-time duty  
24 status in the armed forces of the United States, including members of  
25 the national guard and reserve.

26 (2) "Adverse action" means any administrative, civil, equitable,  
27 or criminal action permitted by a member state's laws which is  
28 imposed by a state licensing authority or other regulatory body  
29 against a cosmetologist, including actions against an individual's  
30 license or authorization to practice such as revocation, suspension,  
31 probation, monitoring of the licensee, limitation of the licensee's  
32 practice, or any other encumbrance on a license affecting an  
33 individual's ability to participate in the cosmetology industry,  
34 including the issuance of a cease and desist order.

35 (3) "Alternative program" means a nondisciplinary monitoring or  
36 prosecutorial diversion program approved by a member state's state  
37 licensing authority.

38 (4) "Authorization to practice" means a legal authorization  
39 associated with a multistate license permitting the practice of

1 cosmetology in that remote state, which shall be subject to the  
2 enforcement jurisdiction of the state licensing authority in that  
3 remote state.

4 (5) "Background check" means the submission of information for an  
5 applicant for the purpose of obtaining that applicant's criminal  
6 history record information, as further defined in 28 C.F.R. Sec.  
7 20.3(d), from the federal bureau of investigation and the agency  
8 responsible for retaining state criminal or disciplinary history in  
9 the applicant's home state.

10 (6) "Charter member state" means member states who have enacted  
11 legislation to adopt this compact where such legislation predates the  
12 effective date of this compact as defined in Article 13 of this  
13 compact.

14 (7) "Commission" means the government agency whose membership  
15 consists of all states that have enacted this compact, which is known  
16 as the cosmetology licensure compact commission, as defined in  
17 Article 9 of this compact, and which shall operate as an  
18 instrumentality of the member states.

19 (8) "Cosmetologist" means an individual licensed in their home  
20 state to practice cosmetology.

21 (9) "Cosmetology," "cosmetology services," and the "practice of  
22 cosmetology" mean the care and services provided by a cosmetologist  
23 as set forth in the member state's statutes and regulations in the  
24 state where the services are being provided.

25 (10) "Current significant investigative information" means:

26 (a) Investigative information that a state licensing authority,  
27 after an inquiry or investigation that complies with a member state's  
28 due process requirements, has reason to believe is not groundless  
29 and, if proved true, would indicate a violation of that state's laws  
30 regarding fraud or the practice of cosmetology; or

31 (b) Investigative information that indicates that a licensee has  
32 engaged in fraud or represents an immediate threat to public health  
33 and safety, regardless of whether the licensee has been notified and  
34 had an opportunity to respond.

35 (11) "Data system" means a repository of information about  
36 licensees including, but not limited to, license status,  
37 investigative information, and adverse actions.

38 (12) "Disqualifying event" means any event which shall disqualify  
39 an individual from holding a multistate license under this compact,  
40 which the commission may by rule or order specify.

1 (13) "Encumbered license" means a license in which an adverse  
2 action restricts the practice of cosmetology by a licensee, or where  
3 said adverse action has been reported to the commission.

4 (14) "Encumbrance" means a revocation or suspension of, or any  
5 limitation on, the full and unrestricted practice of cosmetology by a  
6 state licensing authority.

7 (15) "Executive committee" means a group of delegates elected or  
8 appointed to act on behalf of, and within the powers granted to them  
9 by, the commission.

10 (16) "Home state" means the member state which is a licensee's  
11 primary state of residence, and where that licensee holds an active  
12 and unencumbered license to practice cosmetology.

13 (17) "Investigative information" means information, records, or  
14 documents received or generated by a state licensing authority  
15 pursuant to an investigation or other inquiry.

16 (18) "Jurisprudence requirement" means the assessment of an  
17 individual's knowledge of the laws and rules governing the practice  
18 of cosmetology in a state.

19 (19) "Licensee" means an individual who currently holds a license  
20 from a member state to practice as a cosmetologist.

21 (20) "Member state" means any state that has adopted this  
22 compact.

23 (21) "Multistate license" means a license issued by and subject  
24 to the enforcement jurisdiction of the state licensing authority in a  
25 licensee's home state, which authorizes the practice of cosmetology  
26 in member states and includes authorizations to practice cosmetology  
27 in all remote states pursuant to this compact.

28 (22) "Remote state" means any member state, other than the  
29 licensee's home state.

30 (23) "Rule" means any rule or regulation promulgated by the  
31 commission under this compact which has the force of law.

32 (24) "Single-state license" means a cosmetology license issued by  
33 a member state that authorizes practice of cosmetology only within  
34 the issuing state and does not include any authorization outside of  
35 the issuing state.

36 (25) "State" means a state, territory, or possession of the  
37 United States and the District of Columbia.

38 (26) "State licensing authority" means a member state's  
39 regulatory body responsible for issuing cosmetology licenses or  
40 otherwise overseeing the practice of cosmetology in that state.

1 **ARTICLE 3**

2 **MEMBER STATE REQUIREMENTS**

3 (1) To be eligible to join this compact, and to maintain  
4 eligibility as a member state, a state must:

5 (a) License and regulate cosmetology;

6 (b) Have a mechanism or entity in place to receive and  
7 investigate complaints about licensees practicing in that state;

8 (c) Require that licensees within the state pass a cosmetology  
9 competency examination prior to being licensed to provide cosmetology  
10 services to the public in that state;

11 (d) Require that licensees satisfy educational or training  
12 requirements in cosmetology prior to being licensed to provide  
13 cosmetology services to the public in that state;

14 (e) Implement procedures for considering one or more of the  
15 following categories of information from applicants for licensure:  
16 Criminal history; disciplinary history; or background check. Such  
17 procedures may include the submission of information by applicants  
18 for the purpose of obtaining an applicant's background check as  
19 defined in this compact;

20 (f) Participate in the data system, including through the use of  
21 unique identifying numbers;

22 (g) Share information related to adverse actions with the  
23 commission and other member states, both through the data system and  
24 otherwise;

25 (h) Notify the commission and other member states, in compliance  
26 with the terms of the compact and rules of the commission, of the  
27 existence of investigative information or current significant  
28 investigative information in the state's possession regarding a  
29 licensee practicing in that state;

30 (i) Comply with such rules as may be enacted by the commission to  
31 administer this compact; and

32 (j) Accept licensees from other member states as established in  
33 this compact.

34 (2) Member states may charge a fee for granting a license to  
35 practice cosmetology.

36 (3) Individuals not residing in a member state shall continue to  
37 be able to apply for a member state's single-state license as  
38 provided under the laws of each member state. However, the single-  
39 state license granted to these individuals shall not be recognized as

1 granting a multistate license to provide services in any other member  
2 state.

3 (4) Nothing in this compact shall affect the requirements  
4 established by a member state for the issuance of a single-state  
5 license.

6 (5) A multistate license issued to a licensee by a home state to  
7 a resident of that state shall be recognized by each member state as  
8 authorizing a licensee to practice cosmetology in each member state.

9 (6) At no point shall the commission have the power to define the  
10 educational or professional requirements for a license to practice  
11 cosmetology. The member states shall retain sole jurisdiction over  
12 the provision of these requirements.

13 **ARTICLE 4**

14 **MULTISTATE LICENSE**

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

19 (2) Upon the receipt of an application for a multistate license,  
20 according to the rules of the commission, a member state's state  
21 licensing authority shall ascertain whether the applicant meets the  
22 requirements for a multistate license under this compact.

23 (3) If an applicant meets the requirements for a multistate  
24 license under this compact and any applicable rules of the  
25 commission, the state licensing authority in receipt of the  
26 application shall, within a reasonable time, grant a multistate  
27 license to that applicant, and inform all member states of the grant  
28 of said multistate license.

29 (4) A multistate license to practice cosmetology issued by a  
30 member state's state licensing authority shall be recognized by each  
31 member state as authorizing the practice thereof as though that  
32 licensee held a single-state license to do so in each member state,  
33 subject to the restrictions in this compact.

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

37 (6) To maintain a multistate license under this compact, a  
38 licensee must:

1 (a) Agree to abide by the rules of the state licensing authority,  
2 and the state scope of practice laws governing the practice of  
3 cosmetology, of any member state in which the licensee provides  
4 services;

5 (b) Pay all required fees related to the application and process,  
6 and any other fees which the commission may by rule require; and

7 (c) Comply with any and all other requirements regarding  
8 multistate licenses which the commission may by rule provide.

9 (7) A licensee practicing in a member state is subject to all  
10 scope of practice laws governing cosmetology services in that state.

11 (8) The practice of cosmetology under a multistate license  
12 granted pursuant to this compact will subject the licensee to the  
13 jurisdiction of the state licensing authority, the courts, and the  
14 laws of the member state in which the cosmetology services are  
15 provided.

## 16 **ARTICLE 5**

### 17 **REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE**

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

20 (2) If a licensee changes their home state by moving between two  
21 member states:

22 (a) The licensee shall immediately apply for the reissuance of  
23 their multistate license in their new home state. The licensee shall  
24 pay all applicable fees and notify the prior home state in accordance  
25 with the rules of the commission.

26 (b) Upon receipt of an application to reissue a multistate  
27 license, the new home state shall verify that the multistate license  
28 is active, unencumbered, and eligible for reissuance under the terms  
29 of the compact and the rules of the commission. The multistate  
30 license issued by the prior home state will be deactivated and all  
31 member states notified in accordance with the applicable rules  
32 adopted by the commission.

33 (c) If required for initial licensure, the new home state may  
34 require a background check as specified in the laws of that state, or  
35 the compliance with any jurisprudence requirements of the new home  
36 state.

37 (d) Notwithstanding any other provision of this compact, if a  
38 licensee does not meet the requirements set forth in this compact for  
39 the reissuance of a multistate license by the new home state, then

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

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

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

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

## 15 **ARTICLE 6**

### 16 **AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE** 17 **LICENSING AUTHORITIES**

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

24 (2) Insofar as practical, a member state's state licensing  
25 authority shall cooperate with the commission and with each entity  
26 exercising independent regulatory authority over the practice of  
27 cosmetology according to the provisions of this compact.

28 (3) Discipline shall be the sole responsibility of the state in  
29 which cosmetology services are provided. Accordingly, each member  
30 state's state licensing authority shall be responsible for receiving  
31 complaints about individuals practicing cosmetology in that state,  
32 and for communicating all relevant investigative information about  
33 any such adverse action to the other member states through the data  
34 system in addition to any other methods the commission may by rule  
35 require.

## 36 **ARTICLE 7**

### 37 **ADVERSE ACTIONS**



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

4 (2) A home state may take adverse action on a multistate license  
5 based on the investigative information, current significant  
6 investigative information, or adverse action of a remote state.

7 (3) In addition to the powers conferred by state law, each remote  
8 state's state licensing authority shall have the power to:

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

12 (i) Only the licensee's home state shall have the power to take  
13 adverse action against the multistate license issued by the home  
14 state; and

15 (ii) For the purposes of taking adverse action, the home state's  
16 state licensing authority shall give the same priority and effect to  
17 reported conduct received from a remote state as it would if such  
18 conduct had occurred within the home state. In so doing, the home  
19 state shall apply its own state laws to determine the appropriate  
20 action;

21 (b) Issue cease and desist orders or impose an encumbrance on a  
22 licensee's authorization to practice within that member state;

23 (c) Complete any pending investigations of a licensee who changes  
24 their primary state of residence during the course of such an  
25 investigation. The state licensing authority shall also be empowered  
26 to report the results of such an investigation to the commission  
27 through the data system as described in this compact;

28 (d) Issue subpoenas for both hearings and investigations that  
29 require the attendance and testimony of witnesses, as well as the  
30 production of evidence. Subpoenas issued by a state licensing  
31 authority in a member state for the attendance and testimony of  
32 witnesses or the production of evidence from another member state  
33 shall be enforced in the latter state by any court of competent  
34 jurisdiction, according to the practice and procedure of that court  
35 applicable to subpoenas issued in proceedings before it. The issuing  
36 state licensing authority shall pay any witness fees, travel  
37 expenses, mileage, and other fees required by the service statutes of  
38 the state in which the witnesses or evidence are located;

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

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

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

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

21 (6) Nothing in this compact shall override a member state's  
22 authority to accept a licensee's participation in an alternative  
23 program in lieu of adverse action. A licensee's multistate license  
24 shall be suspended for the duration of the licensee's participation  
25 in any alternative program.

26 (7) Joint investigations.

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

31 (b) Member states shall share any investigative, litigation, or  
32 compliance materials in furtherance of any joint or individual  
33 investigation initiated under this compact.

## 34 **ARTICLE 8**

### 35 **ACTIVE MILITARY MEMBERS AND THEIR SPOUSES**

36 Active military members, or their spouses, shall designate a home  
37 state where the individual has a current license to practice  
38 cosmetology in good standing. The individual may retain their home

1 state designation during any period of service when that individual  
2 or their spouse is on active duty assignment.

3 **ARTICLE 9**

4 **ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY**

5 **LICENSURE COMPACT COMMISSION**

6 (1) The compact member states hereby create and establish a joint  
7 government agency whose membership consists of all member states that  
8 have enacted the compact known as the cosmetology licensure compact  
9 commission. The commission is an instrumentality of the compact  
10 member states acting jointly and not an instrumentality of any one  
11 state. The commission shall come into existence on or after the  
12 effective date of the compact as set forth in Article 13 of this  
13 compact.

14 (2) Membership, voting, and meetings.

15 (a) Each member state shall have and be limited to one delegate  
16 selected by that member state's state licensing authority.

17 (b) The delegate shall be an administrator of the state licensing  
18 authority of the member state or their designee.

19 (c) The commission shall by rule or bylaw establish a term of  
20 office for delegates and may by rule or bylaw establish term limits.

21 (d) The commission may recommend removal or suspension of any  
22 delegate from office.

23 (e) A member state's state licensing authority shall fill any  
24 vacancy of its delegate occurring on the commission within 60 days of  
25 the vacancy.

26 (f) Each delegate shall be entitled to one vote on all matters  
27 that are voted on by the commission.

28 (g) The commission shall meet at least once during each calendar  
29 year. Additional meetings may be held as set forth in the bylaws. The  
30 commission may meet by telecommunication, videoconference, or other  
31 similar electronic means.

32 (3) The commission shall have the following powers:

33 (a) Establish the fiscal year of the commission;

34 (b) Establish code of conduct and conflict of interest policies;

35 (c) Adopt rules and bylaws;

36 (d) Maintain its financial records in accordance with the bylaws;

37 (e) Meet and take such actions as are consistent with the  
38 provisions of this compact, the commission's rules, and the bylaws;

1 (f) Initiate and conclude legal proceedings or actions in the  
2 name of the commission, provided that the standing of any state  
3 licensing authority to sue or be sued under applicable law shall not  
4 be affected;

5 (g) Maintain and certify records and information provided to a  
6 member state as the authenticated business records of the commission,  
7 and designate an agent to do so on the commission's behalf;

8 (h) Purchase and maintain insurance and bonds;

9 (i) Borrow, accept, or contract for services of personnel  
10 including, but not limited to, employees of a member state;

11 (j) Conduct an annual financial review;

12 (k) Hire employees, elect or appoint officers, fix compensation,  
13 define duties, grant such individuals appropriate authority to carry  
14 out the purposes of the compact, and establish the commission's  
15 personnel policies and programs relating to conflicts of interest,  
16 qualifications of personnel, and other related personnel matters;

17 (l) As set forth in the commission rules, charge a fee to a  
18 licensee for the grant of a multistate license and thereafter, as may  
19 be established by commission rule, charge the licensee a multistate  
20 license renewal fee for each renewal period. Nothing in this compact  
21 shall be construed to prevent a home state from charging a licensee a  
22 fee for a multistate license or renewals of a multistate license, or  
23 a fee for the jurisprudence requirement if the member state imposes  
24 such a requirement for the grant of a multistate license;

25 (m) Assess and collect fees;

26 (n) Accept any and all appropriate gifts, donations, grants of  
27 money, other sources of revenue, equipment, supplies, materials, and  
28 services, and receive, utilize, and dispose of the same; provided  
29 that at all times the commission shall avoid any appearance of  
30 impropriety or conflict of interest;

31 (o) Lease, purchase, retain, own, hold, improve, or use any  
32 property, real, personal, or mixed, or any undivided interest  
33 therein;

34 (p) Sell, convey, mortgage, pledge, lease, exchange, abandon, or  
35 otherwise dispose of any property, real, personal, or mixed;

36 (q) Establish a budget and make expenditures;

37 (r) Borrow money;

38 (s) Appoint committees, including standing committees, composed  
39 of members, state regulators, state legislators or their  
40 representatives, and consumer representatives, and such other

1 interested persons as may be designated in this compact and the  
2 bylaws;

3 (t) Provide and receive information from, and cooperate with, law  
4 enforcement agencies;

5 (u) Elect a chair, vice chair, secretary, and treasurer and such  
6 other officers of the commission as provided in the commission's  
7 bylaws;

8 (v) Establish and elect an executive committee, including a chair  
9 and a vice chair;

10 (w) Adopt and provide to the member states an annual report;

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

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

16 (4) The executive committee.

17 (a) The executive committee shall have the power to act on behalf  
18 of the commission according to the terms of this compact. The powers,  
19 duties, and responsibilities of the executive committee shall  
20 include:

21 (i) Overseeing the day-to-day activities of the administration of  
22 the compact including compliance with the provisions of the compact,  
23 the commission's rules and bylaws, and other such duties as deemed  
24 necessary;

25 (ii) Recommending to the commission changes to the rules or  
26 bylaws, changes to this compact legislation, fees charged to compact  
27 member states, fees charged to licensees, and other fees;

28 (iii) Ensuring compact administration services are appropriately  
29 provided, including by contract;

30 (iv) Preparing and recommending the budget;

31 (v) Maintaining financial records on behalf of the commission;

32 (vi) Monitoring compact compliance of member states and providing  
33 compliance reports to the commission;

34 (vii) Establishing additional committees as necessary;

35 (viii) Exercising the powers and duties of the commission during  
36 the interim between commission meetings, except for adopting or  
37 amending rules, adopting or amending bylaws, and exercising any other  
38 powers and duties expressly reserved to the commission by rule or  
39 bylaw; and

1 (ix) Other duties as provided in the rules or bylaws of the  
2 commission.

3 (b) (i) The executive committee shall be composed of up to seven  
4 voting members:

5 (A) The chair and vice chair of the commission and any other  
6 members of the commission who serve on the executive committee shall  
7 be voting members of the executive committee; and

8 (B) Other than the chair, vice chair, secretary, and treasurer,  
9 the commission shall elect three voting members from the current  
10 membership of the commission.

11 (ii) The commission may elect ex officio, nonvoting members from  
12 a recognized national cosmetology professional association as  
13 approved by the commission. The commission's bylaws shall identify  
14 qualifying organizations and the manner of appointment if the number  
15 of organizations seeking to appoint an ex officio member exceeds the  
16 number of members specified in this Article.

17 (c) The commission may remove any member of the executive  
18 committee as provided in the commission's bylaws.

19 (d) The executive committee shall meet at least annually.

20 (i) Annual executive committee meetings, as well as any executive  
21 committee meeting at which it does not take or intend to take formal  
22 action on a matter for which a commission vote would otherwise be  
23 required, shall be open to the public, except that the executive  
24 committee may meet in a closed, nonpublic session of a public meeting  
25 when dealing with any of the matters covered under subsection (6) (d)  
26 of this Article.

27 (ii) The executive committee shall give five business days'  
28 advance notice of its public meetings, posted on its website and as  
29 determined to provide notice to persons with an interest in the  
30 public matters the executive committee intends to address at those  
31 meetings.

32 (e) The executive committee may hold an emergency meeting when  
33 acting for the commission to:

34 (i) Meet an imminent threat to public health, safety, or welfare;

35 (ii) Prevent a loss of commission or member state funds; or

36 (iii) Protect public health and safety.

37 (5) The commission shall adopt and provide to the member states  
38 an annual report.

39 (6) Meetings of the commission.

1 (a) All meetings of the commission that are not closed pursuant  
2 to (d) of this subsection shall be open to the public. Notice of  
3 public meetings shall be posted on the commission's website at least  
4 30 days prior to the public meeting.

5 (b) Notwithstanding (a) of this subsection, the commission may  
6 convene an emergency public meeting by providing at least 24 hours'  
7 prior notice on the commission's website, and any other means as  
8 provided in the commission's rules, for any of the reasons it may  
9 dispense with notice of proposed rule making under Article 11(12) of  
10 this compact. The commission's legal counsel shall certify that one  
11 of the reasons justifying an emergency public meeting has been met.

12 (c) Notice of all commission meetings shall provide the time,  
13 date, and location of the meeting, and if the meeting is to be held  
14 or accessible via telecommunication, videoconference, or other  
15 electronic means, the notice shall include the mechanism for access  
16 to the meeting.

17 (d) The commission may convene in a closed, nonpublic meeting for  
18 the commission to discuss:

19 (i) Noncompliance of a member state with its obligations under  
20 the compact;

21 (ii) The employment, compensation, discipline, or other matters,  
22 practices, or procedures related to specific employees or other  
23 matters related to the commission's internal personnel practices and  
24 procedures;

25 (iii) Current or threatened discipline of a licensee by the  
26 commission or by a member state's state licensing authority;

27 (iv) Current, threatened, or reasonably anticipated litigation;

28 (v) Negotiation of contracts for the purchase, lease, or sale of  
29 goods, services, or real estate;

30 (vi) Accusing any person of a crime or formally censuring any  
31 person;

32 (vii) Trade secrets or commercial or financial information that  
33 is privileged or confidential;

34 (viii) Information of a personal nature where disclosure would  
35 constitute a clearly unwarranted invasion of personal privacy;

36 (ix) Investigative records compiled for law enforcement purposes;

37 (x) Information related to any investigative reports prepared by  
38 or on behalf of or for use of the commission or other committee  
39 charged with responsibility of investigation or determination of  
40 compliance issues pursuant to the compact;

1 (xi) Legal advice;

2 (xii) Matters specifically exempted from disclosure to the public  
3 by federal or member state law; or

4 (xiii) Other matters as promulgated by the commission by rule.

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

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

17 (7) Financing of the commission.

18 (a) The commission shall pay, or provide for the payment of, the  
19 reasonable expenses of its establishment, organization, and ongoing  
20 activities.

21 (b) The commission may accept any and all appropriate sources of  
22 revenue, donations, and grants of money, equipment, supplies,  
23 materials, and services.

24 (c) The commission may levy on and collect an annual assessment  
25 from each member state and impose fees on licensees of member states  
26 to whom it grants a multistate license to cover the cost of the  
27 operations and activities of the commission and its staff, which must  
28 be in a total amount sufficient to cover its annual budget as  
29 approved each year for which revenue is not provided by other  
30 sources. The aggregate annual assessment amount for member states  
31 shall be allocated based upon a formula that the commission shall  
32 promulgate by rule.

33 (d) The commission shall not incur obligations of any kind prior  
34 to securing the funds adequate to meet the same; nor shall the  
35 commission pledge the credit of any member states, except by and with  
36 the authority of the member state.

37 (e) The commission shall keep accurate accounts of all receipts  
38 and disbursements. The receipts and disbursements of the commission  
39 shall be subject to the financial review and accounting procedures  
40 established under its bylaws. All receipts and disbursements of funds



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

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

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

20 (b) The commission shall defend any member, officer, executive  
21 director, employee, and representative of the commission in any civil  
22 action seeking to impose liability arising out of any actual or  
23 alleged act, error, or omission that occurred within the scope of  
24 commission employment, duties, or responsibilities, or as determined  
25 by the commission that the person against whom the claim is made had  
26 a reasonable basis for believing occurred within the scope of  
27 commission employment, duties, or responsibilities; provided that  
28 nothing herein shall be construed to prohibit that person from  
29 retaining their own counsel at their own expense; and provided  
30 further, that the actual or alleged act, error, or omission did not  
31 result from that person's intentional or willful or wanton  
32 misconduct.

33 (c) The commission shall indemnify and hold harmless any member,  
34 officer, executive director, employee, and representative of the  
35 commission for the amount of any settlement or judgment obtained  
36 against that person arising out of any actual or alleged act, error,  
37 or omission that occurred within the scope of commission employment,  
38 duties, or responsibilities, or that such person had a reasonable  
39 basis for believing occurred within the scope of commission  
40 employment, duties, or responsibilities, provided that the actual or

1 alleged act, error, or omission did not result from the intentional  
2 or willful or wanton misconduct of that person.

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

6 (e) Nothing in this compact shall be interpreted to waive or  
7 otherwise abrogate a member state's state action immunity or state  
8 action affirmative defense with respect to antitrust claims under the  
9 Sherman act, Clayton act, or any other state or federal antitrust or  
10 anticompetitive law or regulation.

11 (f) Nothing in this compact shall be construed to be a waiver of  
12 sovereign immunity by the member states or by the commission.

### 13 **ARTICLE 10**

#### 14 **DATA SYSTEM**

15 (1) The commission shall provide for the development,  
16 maintenance, operation, and utilization of a coordinated database and  
17 reporting system.

18 (2) The commission shall assign each applicant for a multistate  
19 license a unique identifier, as determined by the rules of the  
20 commission.

21 (3) Notwithstanding any other provision of state law to the  
22 contrary, a member state shall submit a uniform data set to the data  
23 system on all individuals to whom this compact is applicable as  
24 required by the rules of the commission, including:

25 (a) Identifying information;

26 (b) Licensure data;

27 (c) Adverse actions against a license and information related  
28 thereto;

29 (d) Nonconfidential information related to alternative program  
30 participation, the beginning and ending dates of such participation,  
31 and other information related to such participation;

32 (e) Any denial of application for licensure, and the reason(s)  
33 for such denial (excluding the reporting of any criminal history  
34 record information where prohibited by law);

35 (f) The existence of investigative information;

36 (g) The existence of current significant investigative  
37 information; and

1 (h) Other information that may facilitate the administration of  
2 this compact or the protection of the public, as determined by the  
3 rules of the commission.

4 (4) The records and information provided to a member state  
5 pursuant to this compact or through the data system, when certified  
6 by the commission or an agent thereof, shall constitute the  
7 authenticated business records of the commission, and shall be  
8 entitled to any associated hearsay exception in any relevant  
9 judicial, quasi-judicial, or administrative proceedings in a member  
10 state.

11 (5) The existence of current significant investigative  
12 information and the existence of investigative information pertaining  
13 to a licensee in any member state will only be available to other  
14 member states.

15 (6) It is the responsibility of the member states to monitor the  
16 database to determine whether adverse action has been taken against  
17 such a licensee or license applicant. Adverse action information  
18 pertaining to a licensee or license applicant in any member state  
19 will be available to any other member state.

20 (7) Member states contributing information to the data system may  
21 designate information that may not be shared with the public without  
22 the express permission of the contributing state.

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

## 27 **ARTICLE 11**

### 28 **RULE MAKING**

29 (1) The commission shall promulgate reasonable rules in order to  
30 effectively and efficiently implement and administer the purposes and  
31 provisions of this compact. A rule shall be invalid and have no force  
32 or effect only if a court of competent jurisdiction holds that the  
33 rule is invalid because the commission exercised its rule-making  
34 authority in a manner that is beyond the scope and purposes of the  
35 compact, or the powers granted hereunder, or based upon another  
36 applicable standard of review.

37 (2) The rules of the commission shall have the force of law in  
38 each member state, provided however that where the rules of the  
39 commission conflict with the laws of the member state that establish

1 the member state's scope of practice laws governing the practice of  
2 cosmetology as held by a court of competent jurisdiction, the rules  
3 of the commission shall be ineffective in that state to the extent of  
4 the conflict.

5 (3) The commission shall exercise its rule-making powers pursuant  
6 to the criteria set forth in this Article and the rules adopted  
7 thereunder. Rules shall become binding as of the date specified by  
8 the commission for each rule.

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

15 (5) Rules shall be adopted at a regular or special meeting of the  
16 commission.

17 (6) Prior to adoption of a proposed rule, the commission shall  
18 hold a public hearing and allow persons to provide oral and written  
19 comments, data, facts, opinions, and arguments.

20 (7) Prior to adoption of a proposed rule by the commission, and  
21 at least 30 days in advance of the meeting at which the commission  
22 will hold a public hearing on the proposed rule, the commission shall  
23 provide a notice of proposed rule making:

24 (a) On the website of the commission or other publicly accessible  
25 platform;

26 (b) To persons who have requested notice of the commission's  
27 notices of proposed rule making; and

28 (c) In such other way(s) as the commission may by rule specify.

29 (8) The notice of proposed rule making shall include:

30 (a) The time, date, and location of the public hearing at which  
31 the commission will hear public comments on the proposed rule and, if  
32 different, the time, date, and location of the meeting where the  
33 commission will consider and vote on the proposed rule;

34 (b) If the hearing is held via telecommunication,  
35 videoconference, or other electronic means, the commission shall  
36 include the mechanism for access to the hearing in the notice of  
37 proposed rule making;

38 (c) The text of the proposed rule and the reason therefor;

39 (d) A request for comments on the proposed rule from any  
40 interested person; and

1 (e) The manner in which interested persons may submit written  
2 comments.

3 (9) All hearings will be recorded. A copy of the recording and  
4 all written comments and documents received by the commission in  
5 response to the proposed rule shall be available to the public.

6 (10) Nothing in this Article shall be construed as requiring a  
7 separate hearing on each rule. Rules may be grouped for the  
8 convenience of the commission at hearings required by this Article.

9 (11) The commission shall, by majority vote of all members, take  
10 final action on the proposed rule based on the rule-making record and  
11 the full text of the rule.

12 (a) The commission may adopt changes to the proposed rule  
13 provided the changes do not enlarge the original purpose of the  
14 proposed rule.

15 (b) The commission shall provide an explanation of the reasons  
16 for substantive changes made to the proposed rule as well as reasons  
17 for substantive changes not made that were recommended by commenters.

18 (c) The commission shall determine a reasonable effective date  
19 for the rule. Except for an emergency as provided in Article 11(12)  
20 of this compact, the effective date of the rule shall be no sooner  
21 than 45 days after the commission issuing the notice that it adopted  
22 or amended the rule.

23 (12) Upon determination that an emergency exists, the commission  
24 may consider and adopt an emergency rule with five days' notice, with  
25 opportunity to comment, provided that the usual rule-making  
26 procedures provided in the compact and in this Article shall be  
27 retroactively applied to the rule as soon as reasonably possible, in  
28 no event later than 90 days after the effective date of the rule. For  
29 the purposes of this provision, an emergency rule is one that must be  
30 adopted immediately to:

31 (a) Meet an imminent threat to public health, safety, or welfare;

32 (b) Prevent a loss of commission or member state funds;

33 (c) Meet a deadline for the promulgation of a rule that is  
34 established by federal law or rule; or

35 (d) Protect public health and safety.

36 (13) The commission or an authorized committee of the commission  
37 may direct revisions to a previously adopted rule for purposes of  
38 correcting typographical errors, errors in format, errors in  
39 consistency, or grammatical errors. Public notice of any revisions  
40 shall be posted on the website of the commission. The revision shall

1 be subject to challenge by any person for a period of 30 days after  
2 posting. The revision may be challenged only on grounds that the  
3 revision results in a material change to a rule. A challenge shall be  
4 made in writing and delivered to the commission prior to the end of  
5 the notice period. If no challenge is made, the revision will take  
6 effect without further action. If the revision is challenged, the  
7 revision may not take effect without the approval of the commission.

8 (14) No member state's rule-making requirements shall apply under  
9 this compact.

10 **ARTICLE 12**

11 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

12 (1) Oversight.

13 (a) The executive and judicial branches of state government in  
14 each member state shall enforce this compact and take all actions  
15 necessary and appropriate to implement the compact.

16 (b) Venue is proper and judicial proceedings by or against the  
17 commission shall be brought solely and exclusively in a court of  
18 competent jurisdiction where the principal office of the commission  
19 is located. The commission may waive venue and jurisdictional  
20 defenses to the extent it adopts or consents to participate in  
21 alternative dispute resolution proceedings. Nothing herein shall  
22 affect or limit the selection or propriety of venue in any action  
23 against a licensee for professional malpractice, misconduct, or any  
24 such similar matter.

25 (c) The commission shall be entitled to receive service of  
26 process in any proceeding regarding the enforcement or interpretation  
27 of the compact and shall have standing to intervene in such a  
28 proceeding for all purposes. Failure to provide the commission  
29 service of process shall render a judgment or order void as to the  
30 commission, this compact, or promulgated rules.

31 (2) Default, technical assistance, and termination.

32 (a) If the commission determines that a member state has  
33 defaulted in the performance of its obligations or responsibilities  
34 under this compact or the promulgated rules, the commission shall  
35 provide written notice to the defaulting state. The notice of default  
36 shall describe the default, the proposed means of curing the default,  
37 and any other action that the commission may take, and shall offer  
38 training and specific technical assistance regarding the default.

1 (b) The commission shall provide a copy of the notice of default  
2 to the other member states.

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

10 (d) Termination of membership in the compact shall be imposed  
11 only after all other means of securing compliance have been  
12 exhausted. Notice of intent to suspend or terminate shall be given by  
13 the commission to the governor, the majority and minority leaders of  
14 the defaulting state's legislature, the defaulting state's state  
15 licensing authority, and each of the member states' state licensing  
16 authority.

17 (e) A state that has been terminated is responsible for all  
18 assessments, obligations, and liabilities incurred through the  
19 effective date of termination, including obligations that extend  
20 beyond the effective date of termination.

21 (f) Upon the termination of a state's membership from this  
22 compact, that state shall immediately provide notice to all licensees  
23 who hold a multistate license within that state of such termination.  
24 The terminated state shall continue to recognize all licenses granted  
25 pursuant to this compact for a minimum of 180 days after the date of  
26 said notice of termination.

27 (g) The commission shall not bear any costs related to a state  
28 that is found to be in default or that has been terminated from the  
29 compact, unless agreed upon in writing between the commission and the  
30 defaulting state.

31 (h) The defaulting state may appeal the action of the commission  
32 by petitioning the United States district court for the District of  
33 Columbia or the federal district where the commission has its  
34 principal offices. The prevailing party shall be awarded all costs of  
35 such litigation, including reasonable attorneys' fees.

36 (3) Dispute resolution.

37 (a) Upon request by a member state, the commission shall attempt  
38 to resolve disputes related to the compact that arise among member  
39 states and between member and nonmember states.

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

3 (4) Enforcement.

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

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

19 (c) A member state may initiate legal action against the  
20 commission in the United States District Court for the District of  
21 Columbia or the federal district where the commission has its  
22 principal offices to enforce compliance with the provisions of the  
23 compact and its promulgated rules. The relief sought may include both  
24 injunctive relief and damages. In the event judicial enforcement is  
25 necessary, the prevailing party shall be awarded all costs of such  
26 litigation, including reasonable attorneys' fees.

27 (d) No individual or entity other than a member state may enforce  
28 this compact against the commission.

### 29 **ARTICLE 13**

#### 30 **EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

31 (1) The compact shall come into effect on the date on which the  
32 compact statute is enacted into law in the seventh member state.

33 (a) On or after the effective date of the compact, the commission  
34 shall convene and review the enactment of each of the charter member  
35 states to determine if the statute enacted by each such charter  
36 member state is materially different than the model compact statute.

37 (i) A charter member state whose enactment is found to be  
38 materially different from the model compact statute shall be entitled  
39 to the default process set forth in Article 12 of this compact.



1 (ii) If any member state is later found to be in default, or is  
2 terminated or withdraws from the compact, the commission shall remain  
3 in existence and the compact shall remain in effect even if the  
4 number of member states should be less than seven.

5 (b) Member states enacting the compact subsequent to the charter  
6 member states shall be subject to the process set forth in Article  
7 9(3)(x) of this compact to determine if their enactments are  
8 materially different from the model compact statute and whether they  
9 qualify for participation in the compact.

10 (c) All actions taken for the benefit of the commission or in  
11 furtherance of the purposes of the administration of the compact  
12 prior to the effective date of the compact or the commission coming  
13 into existence shall be considered to be actions of the commission  
14 unless specifically repudiated by the commission.

15 (d) Any state that joins the compact shall be subject to the  
16 commission's rules and bylaws as they exist on the date on which the  
17 compact becomes law in that state. Any rule that has been previously  
18 adopted by the commission shall have the full force and effect of law  
19 on the day the compact becomes law in that state.

20 (2) Any member state may withdraw from this compact by enacting a  
21 statute repealing that state's enactment of the compact.

22 (a) A member state's withdrawal shall not take effect until 180  
23 days after enactment of the repealing statute.

24 (b) Withdrawal shall not affect the continuing requirement of the  
25 withdrawing state's state licensing authority to comply with the  
26 investigative and adverse action reporting requirements of this  
27 compact prior to the effective date of withdrawal.

28 (c) Upon the enactment of a statute withdrawing from this  
29 compact, a state shall immediately provide notice of such withdrawal  
30 to all licensees within that state. Notwithstanding any subsequent  
31 statutory enactment to the contrary, such withdrawing state shall  
32 continue to recognize all licenses granted pursuant to this compact  
33 for a minimum of 180 days after the date of such notice of  
34 withdrawal.

35 (3) Nothing contained in this compact shall be construed to  
36 invalidate or prevent any licensure agreement or other cooperative  
37 arrangement between a member state and a nonmember state that does  
38 not conflict with the provisions of this compact.

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

#### 4 **ARTICLE 14**

#### 5 **CONSTRUCTION AND SEVERABILITY**

6 (1) This compact and the commission's rule-making authority shall  
7 be liberally construed so as to effectuate the purposes and the  
8 implementation and administration of the compact. Provisions of the  
9 compact expressly authorizing or requiring the promulgation of rules  
10 shall not be construed to limit the commission's rule-making  
11 authority solely for those purposes.

12 (2) The provisions of this compact shall be severable and if any  
13 phrase, clause, sentence, or provision of this compact is held by a  
14 court of competent jurisdiction to be contrary to the Constitution of  
15 any member state, a state seeking participation in the compact, or of  
16 the United States, or the applicability thereof to any government,  
17 agency, person, or circumstance is held to be unconstitutional by a  
18 court of competent jurisdiction, the validity of the remainder of  
19 this compact and the applicability thereof to any other government,  
20 agency, person, or circumstance shall not be affected thereby.

21 (3) Notwithstanding subsection (2) of this Article, the  
22 commission may deny a state's participation in the compact or, in  
23 accordance with the requirements of Article 12 of this compact,  
24 terminate a member state's participation in the compact, if it  
25 determines that a constitutional requirement of a member state is a  
26 material departure from the compact. Otherwise, if this compact shall  
27 be held to be contrary to the Constitution of any member state, the  
28 compact shall remain in full force and effect as to the remaining  
29 member states and in full force and effect as to the member state  
30 affected as to all severable matters.

#### 31 **ARTICLE 15**

#### 32 **CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

33 (1) Nothing herein shall prevent or inhibit the enforcement of  
34 any other law of a member state that is not inconsistent with the  
35 compact.

36 (2) Any laws, statutes, regulations, or other legal requirements  
37 in a member state in conflict with the compact are superseded to the  
38 extent of the conflict.

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

3           NEW SECTION.   **Sec. 2.** This act may be known and cited as the  
4 cosmetology licensure compact.

--- END ---