
Postsecondary Education & Workforce Committee

HB 1023

Brief Description: Adopting the cosmetology licensure compact.

Sponsors: Representatives Ryu, Leavitt, Schmidt, Jacobsen, Reed, Eslick, Doglio, Simmons, Berg, Reeves and Donaghy.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Enacts the cosmetology licensure compact.

Hearing Date: 1/15/25

Staff: Saranda Ross (786-7068).

Background:

Cosmetologists.

A cosmetologist is a person who is licensed to engage in the practice of cosmetology, which includes arranging, dressing, cutting, trimming, styling, shampooing, and other specified activities relating to hair and facial services. To be licensed as a cosmetologist, a person must:

- submit an application and pay a fee;
- be at least 17 years old;
- have graduated from a licensed cosmetology school after completing the minimum number of hours of training, or have successfully completed a state-approved apprenticeship program; and
- have passed the appropriate licensing exam.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Compact Establishment.

The Cosmetology Licensure Compact (Compact) is established, which allows licensed cosmetologists to practice across state lines in Compact states with a multistate license.

Compact Commission.

The Compact is administered by a Compact commission (Commission), which is a joint government agency whose membership consists of all member states that have enacted the Compact. Membership of the Commission consists of one delegate selected by each member state's licensing authority. The delegate must be an administrator of the state's licensing authority or their designated staff.

Duties of the Commission include:

- establish by laws;
- establish a code of conduct;
- maintain financial records;
- initiate and conclude legal proceedings and actions in the name of the Commission; and
- hiring employees and electing officers.

The Commission must establish an executive committee. The executive committee's duties include recommending changes to rules or bylaws, preparing and recommending a budget, monitoring Compact compliance, and other duties provided in the bylaws.

The Commission and executive committee must meet at least once every year. With limited exceptions, all meetings of the Commission and executive committee are open to the public. Notice shall be provided on the Commission's website at least 30 days prior to the meeting. The Commission must keep minutes of its meetings. The Commission may close meetings to the public to discuss certain matters, including noncompliance by participating states, employment matters, litigation, disclosure of trade secrets, law enforcement investigative records, and matters specifically exempt from disclosure by federal or state law.

The Commission may levy an annual assessment on Compact states and levy fees on licensees to cover the costs of operations and activities.

Other Compact provisions relating to the Commission include provisions relating to:

- financing the Commission; and
- qualified immunity, defense, and indemnification of Commission members.

Data System.

The Commission must establish a coordinated data and reporting system containing licensure, adverse action, and the presence of significant investigative information. Participating states must submit a uniform data set to the data system. Participating states may designate information that may not be shared without the states' permission. Any information that is subsequently required to be expunged by the laws of a participating state must be removed from the system.

State Membership Requirements.

To be eligible for Compact membership, a state must:

- license and regulate cosmetology;
- have a mechanism in place for receiving and investigating complaints against licensees and license applicants;
- require cosmetologists pass a cosmetology competency exam prior to being licensed;
- implement procedures for considering criminal history, disciplinary history, or a background check;
- participate in the data system;
- share information related to adverse actions with the Commission and the member states;
- notify the Commission of any significant investigative information regarding a licensee; and
- comply with the Commission's rules.

Multistate License Requirements.

To be eligible for and maintain a multistate license, a licensee must:

- hold an active and unencumbered single-state license to practice cosmetology in their home state;
- pay all required fees;
- agree to abide by the rules of the state licensing authority and the state's scope of practice laws; and
- comply with the Commission's rules.

Adverse Actions.

A licensee's home state has exclusive power to impose an adverse action against a licensee's multistate license issued by the home state. A home state may take adverse action on a multistate license based on the investigative information or adverse action of a remote state. Each remote state has the power to take adverse action against a licensee's authorization to practice cosmetology through the multistate license in that member state, provided that only the licensee's home state has the power to take adverse action against the multistate license. A home state's licensing authority must give the same priority and effect when evaluating reported conduct as it would if such conduct had occurred within the home state. Member states may participate in joint investigations.

Oversight, Dispute Resolution, and Enforcement.

The executive and judicial branches of the participating states must enforce the Compact. If the Commission determines a state is in default, it must provide written notice to that state that describes the default and the proposed means of curing the default. If a state fails to cure the default, and after all other means of securing compliance have been exhausted, a defaulting state may be terminated from the Compact through a vote of the majority of Commission members.

Joining and Withdrawing.

The Compact comes into effect on the date when the seventh state joins. States that enact the

Compact before the Compact comes into effect are subject to review after the effective date of the Compact. A state may withdraw from the Compact by repealing its enacting statute, but the withdrawal is not effective until 180 days after the statute's repeal.

Severability.

State laws in conflict with the Compact are superseded to the extent of the Compact. The Compact does not prevent the enforcement of any other law of a participating state that is not inconsistent with the Compact. Permissible agreements between the Commission and the participating states are binding. If the Compact conflicts with the constitution of a participating state, the Compact is ineffective to the extent of that conflict. If the constitutional provision in question is a material departure from the Compact, the state may be terminated from the Compact.

Active Military Members and Their Spouses.

An active military member or their spouse must designate a home state where the individual has a current license to practice cosmetology in good standing.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.