

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0406.01 Brita Darling x2241

**HOUSE BILL 24-1111**

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**HOUSE SPONSORSHIP**

**Martinez,**

**SENATE SPONSORSHIP**

**Pelton B.,**

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**House Committees**

Business Affairs & Labor  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101    **CONCERNING THE ADOPTION OF THE COSMETOLOGY LICENSURE**  
102            **COMPACT, AND, IN CONNECTION THEREWITH, MAKING AN**  
103            **APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill adopts the cosmetology licensure compact (compact) to facilitate the interstate practice and regulation of cosmetology. With the adoption of the compact, a cosmetologist who holds an active, unencumbered license to practice in the cosmetologist's home state may apply to the cosmetologist's home state for a multistate license under the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

compact. If granted a multistate license under the compact, a cosmetologist is authorized to practice cosmetology in the applicant's home state, as well as in each state that is a member of the compact, as though the cosmetologist held a single-state license in that state. The cosmetologist must comply with the rules of the licensing authority and the scope of practice laws of the state in which the cosmetologist provides services. If the cosmetologist moves to a new home state, the cosmetologist must apply to the new home state for reissuance of a multistate license.

Under the compact, active military members and their spouses may designate a home state where the individual is currently licensed in good standing to practice cosmetology and may retain their home state designation for purposes of the multistate license during any period when that individual or the individual's spouse is on active duty assignment.

The compact requires a state that is a member of the compact (member state) to report adverse actions taken by a member state's licensing authority or other regulatory body, including actions taken against a cosmetologist's individual license or authorization to practice, including revocation, suspension, or any other encumbrance on a license affecting the ability to practice. The compact authorizes the cosmetology licensure compact commission (commission) to develop and maintain a coordinated database and reporting system to include information relating to a cosmetologist's multistate license and any adverse actions reported against a cosmetologist. The compact specifies the authority of the home state with respect to the multistate license issued by the home state, as well as the authority of a remote state.

The compact creates the administrative structure for the compact, including granting the powers necessary to establish and operate the commission, which includes one delegate from each member state that is the administrator of the state licensing authority in the member state or the administrator's designee. Among other powers, the commission may adopt rules and bylaws, establish an executive committee, hire employees, and establish an office. The compact includes provisions relating to the conduct of the commission's meetings and its rule-making authority.

To pay the costs associated with the compact, the compact authorizes the commission to levy and collect an annual assessment from each member state and to impose fees on licensees of a member state for granting and renewing a multistate license.

The compact includes provisions governing disputes among member states and between the commission and a member state, enforcement provisions, and withdrawal of member states from the compact.

The compact is effective for member states once the seventh state has adopted the compact.



- 1 COSMETOLOGISTS WHO MEET UNIFORM REQUIREMENTS FOR  
2 MULTISTATE LICENSURE;
- 3 B. ENHANCE THE ABILITIES OF MEMBER STATES TO PROTECT PUBLIC  
4 HEALTH AND SAFETY AND PREVENT FRAUD AND UNLICENSED  
5 ACTIVITY WITHIN THE PROFESSION;
- 6 C. ENSURE AND ENCOURAGE COOPERATION BETWEEN MEMBER  
7 STATES IN THE LICENSURE AND REGULATION OF THE PRACTICE OF  
8 COSMETOLOGY;
- 9 D. SUPPORT RELOCATING MILITARY MEMBERS AND THEIR SPOUSES;
- 10 E. FACILITATE THE EXCHANGE OF INFORMATION BETWEEN MEMBER  
11 STATES RELATED TO THE LICENSURE, INVESTIGATION, AND  
12 DISCIPLINE OF THE PRACTICE OF COSMETOLOGY;
- 13 F. PROVIDE FOR THE LICENSURE AND MOBILITY OF THE WORKFORCE  
14 IN THE PROFESSION, WHILE ADDRESSING THE SHORTAGE OF  
15 WORKERS AND LESSENING THE ASSOCIATED BURDENS ON THE  
16 MEMBER STATES.

17 **ARTICLE 2 - DEFINITIONS**

18 AS USED IN THIS COMPACT, AND EXCEPT AS OTHERWISE PROVIDED, THE  
19 FOLLOWING DEFINITIONS SHALL GOVERN THE TERMS HEREIN:

- 20 A. "ACTIVE MILITARY MEMBER" MEANS ANY PERSON WITH  
21 FULL-TIME DUTY STATUS IN THE ARMED FORCES OF THE UNITED  
22 STATES, INCLUDING MEMBERS OF THE NATIONAL GUARD AND  
23 RESERVE.
- 24 B. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL,  
25 EQUITABLE, OR CRIMINAL ACTION PERMITTED BY A MEMBER  
26 STATE'S LAWS WHICH IS IMPOSED BY A STATE LICENSING  
27 AUTHORITY OR OTHER REGULATORY BODY AGAINST A

1 COSMETOLOGIST, INCLUDING ACTIONS AGAINST AN INDIVIDUAL'S  
2 LICENSE OR AUTHORIZATION TO PRACTICE SUCH AS REVOCATION,  
3 SUSPENSION, PROBATION, MONITORING OF THE LICENSEE,  
4 LIMITATION OF THE LICENSEE'S PRACTICE, OR ANY OTHER  
5 ENCUMBRANCE ON A LICENSE AFFECTING AN INDIVIDUAL'S ABILITY  
6 TO PARTICIPATE IN THE COSMETOLOGY INDUSTRY, INCLUDING THE  
7 ISSUANCE OF A CEASE AND DESIST ORDER.

8 C. "ALTERNATIVE PROGRAM" MEANS A NON-DISCIPLINARY  
9 MONITORING OR PROSECUTORIAL DIVERSION PROGRAM APPROVED  
10 BY A MEMBER STATE'S STATE LICENSING AUTHORITY.

11 D. "AUTHORIZATION TO PRACTICE" MEANS A LEGAL AUTHORIZATION  
12 ASSOCIATED WITH A MULTISTATE LICENSE PERMITTING THE  
13 PRACTICE OF COSMETOLOGY IN THAT REMOTE STATE, WHICH IS  
14 SUBJECT TO THE ENFORCEMENT JURISDICTION OF THE STATE  
15 LICENSING AUTHORITY IN THAT REMOTE STATE.

16 E. "BACKGROUND CHECK" MEANS THE SUBMISSION OF INFORMATION  
17 FOR AN APPLICANT FOR THE PURPOSE OF OBTAINING THAT  
18 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION, AS  
19 FURTHER DEFINED IN 28 CFR 20.3 (d), FROM THE FEDERAL  
20 BUREAU OF INVESTIGATION AND THE AGENCY RESPONSIBLE FOR  
21 RETAINING STATE CRIMINAL OR DISCIPLINARY HISTORY IN THE  
22 APPLICANT'S HOME STATE.

23 F. "CHARTER MEMBER STATE" MEANS MEMBER STATES THAT HAVE  
24 ENACTED LEGISLATION TO ADOPT THIS COMPACT WHERE SUCH  
25 LEGISLATION PREDATES THE EFFECTIVE DATE OF THIS COMPACT AS  
26 DEFINED IN ARTICLE 13.

27 G. "COMMISSION" MEANS THE GOVERNMENT AGENCY IN WHICH

1 MEMBERSHIP CONSISTS OF ALL STATES THAT HAVE ENACTED THIS  
2 COMPACT, WHICH IS KNOWN AS THE COSMETOLOGY LICENSURE  
3 COMPACT COMMISSION, AS DEFINED IN ARTICLE 9, AND WHICH  
4 SHALL OPERATE AS AN INSTRUMENTALITY OF THE MEMBER  
5 STATES.

6 H. "COSMETOLOGIST" MEANS AN INDIVIDUAL LICENSED IN THEIR  
7 HOME STATE TO PRACTICE COSMETOLOGY.

8 I. "COSMETOLOGY", "COSMETOLOGY SERVICES", AND THE  
9 "PRACTICE OF COSMETOLOGY" MEAN THE CARE AND SERVICES  
10 PROVIDED BY A COSMETOLOGIST AS SET FORTH IN THE MEMBER  
11 STATE'S STATUTES AND REGULATIONS IN THE STATE WHERE THE  
12 SERVICES ARE BEING PROVIDED.

13 J. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS:  
14 1. INVESTIGATIVE INFORMATION THAT A STATE LICENSING  
15 AUTHORITY, AFTER AN INQUIRY OR INVESTIGATION THAT  
16 COMPLIES WITH A MEMBER STATE'S DUE PROCESS  
17 REQUIREMENTS, HAS REASON TO BELIEVE IS NOT  
18 GROUNDLESS AND, IF PROVED TRUE, WOULD INDICATE A  
19 VIOLATION OF THAT STATE'S LAWS REGARDING FRAUD OR  
20 THE PRACTICE OF COSMETOLOGY; OR  
21 2. INVESTIGATIVE INFORMATION THAT INDICATES THAT A  
22 LICENSEE HAS ENGAGED IN FRAUD OR REPRESENTS AN  
23 IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY,  
24 REGARDLESS OF WHETHER THE LICENSEE HAS BEEN  
25 NOTIFIED AND HAD AN OPPORTUNITY TO RESPOND.

26 K. "DATA SYSTEM" MEANS A REPOSITORY OF INFORMATION ABOUT  
27 LICENSEES, INCLUDING, BUT NOT LIMITED TO, LICENSE STATUS,

- 1 INVESTIGATIVE INFORMATION, AND ADVERSE ACTIONS.
- 2 L. "DISQUALIFYING EVENT" MEANS ANY EVENT THAT DISQUALIFIES  
3 AN INDIVIDUAL FROM HOLDING A MULTISTATE LICENSE UNDER  
4 THIS COMPACT, WHICH THE COMMISSION MAY BY RULE OR ORDER  
5 SPECIFY.
- 6 M. "ENCUMBERED LICENSE" MEANS A LICENSE IN WHICH AN ADVERSE  
7 ACTION RESTRICTS THE PRACTICE OF COSMETOLOGY BY A  
8 LICENSEE, OR WHERE SAID ADVERSE ACTION HAS BEEN REPORTED  
9 TO THE COMMISSION.
- 10 N. "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR  
11 ANY LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF  
12 COSMETOLOGY BY A STATE LICENSING AUTHORITY.
- 13 O. "EXECUTIVE COMMITTEE" MEANS A GROUP OF DELEGATES  
14 ELECTED OR APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE  
15 POWERS GRANTED TO THEM BY, THE COMMISSION.
- 16 P. "HOME STATE" MEANS THE MEMBER STATE WHICH IS A LICENSEE'S  
17 PRIMARY STATE OF RESIDENCE, AND WHERE THAT LICENSEE HOLDS  
18 AN ACTIVE AND UNENCUMBERED LICENSE TO PRACTICE  
19 COSMETOLOGY.
- 20 Q. "INVESTIGATIVE INFORMATION" MEANS INFORMATION, RECORDS,  
21 OR DOCUMENTS RECEIVED OR GENERATED BY A STATE LICENSING  
22 AUTHORITY PURSUANT TO AN INVESTIGATION OR OTHER INQUIRY.
- 23 R. "JURISPRUDENCE REQUIREMENT" MEANS THE ASSESSMENT OF AN  
24 INDIVIDUAL'S KNOWLEDGE OF THE LAWS AND RULES GOVERNING  
25 THE PRACTICE OF COSMETOLOGY IN A STATE.
- 26 S. "LICENSEE" MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS A  
27 LICENSE FROM A MEMBER STATE TO PRACTICE AS A

1 COSMETOLOGIST.

2 T. "MEMBER STATE" MEANS ANY STATE THAT HAS ADOPTED THIS  
3 COMPACT.

4 U. "MULTISTATE LICENSE" MEANS A LICENSE ISSUED BY AND SUBJECT  
5 TO THE ENFORCEMENT JURISDICTION OF THE STATE LICENSING  
6 AUTHORITY IN A LICENSEE'S HOME STATE, WHICH AUTHORIZES  
7 THE PRACTICE OF COSMETOLOGY IN MEMBER STATES AND  
8 INCLUDES AUTHORIZATIONS TO PRACTICE COSMETOLOGY IN ALL  
9 REMOTE STATES PURSUANT TO THIS COMPACT.

10 V. "REMOTE STATE" MEANS ANY MEMBER STATE, OTHER THAN THE  
11 LICENSEE'S HOME STATE.

12 W. "RULE" MEANS ANY RULE OR REGULATION PROMULGATED BY THE  
13 COMMISSION UNDER THIS COMPACT WHICH HAS THE FORCE OF  
14 LAW.

15 X. "SINGLE-STATE LICENSE" MEANS A COSMETOLOGY LICENSE  
16 ISSUED BY A MEMBER STATE THAT AUTHORIZES PRACTICE OF  
17 COSMETOLOGY ONLY WITHIN THE ISSUING STATE AND DOES NOT  
18 INCLUDE ANY AUTHORIZATION OUTSIDE OF THE ISSUING STATE.

19 Y. "STATE" MEANS A STATE, TERRITORY, OR POSSESSION OF THE  
20 UNITED STATES AND THE DISTRICT OF COLUMBIA.

21 Z. "STATE LICENSING AUTHORITY" MEANS A MEMBER STATE'S  
22 REGULATORY BODY RESPONSIBLE FOR ISSUING COSMETOLOGY  
23 LICENSES OR OTHERWISE OVERSEEING THE PRACTICE OF  
24 COSMETOLOGY IN THAT STATE.

25 **ARTICLE 3 - MEMBER STATE REQUIREMENTS**

26 A. TO BE ELIGIBLE TO JOIN THIS COMPACT AND TO MAINTAIN  
27 ELIGIBILITY AS A MEMBER STATE, A STATE MUST:

- 1           1.     LICENSE AND REGULATE COSMETOLOGY;
- 2           2.     HAVE A MECHANISM OR ENTITY IN PLACE TO RECEIVE AND
- 3                 INVESTIGATE COMPLAINTS ABOUT LICENSEES PRACTICING
- 4                 IN THAT STATE;
- 5           3.     REQUIRE THAT LICENSEES WITHIN THE STATE PASS A
- 6                 COSMETOLOGY COMPETENCY EXAMINATION PRIOR TO
- 7                 BEING LICENSED TO PROVIDE COSMETOLOGY SERVICES TO
- 8                 THE PUBLIC IN THAT STATE;
- 9           4.     REQUIRE THAT LICENSEES SATISFY EDUCATIONAL OR
- 10                TRAINING REQUIREMENTS IN COSMETOLOGY PRIOR TO
- 11                BEING LICENSED TO PROVIDE COSMETOLOGY SERVICES TO
- 12                THE PUBLIC IN THAT STATE;
- 13           5.     IMPLEMENT PROCEDURES FOR CONSIDERING ONE OR MORE
- 14                OF THE FOLLOWING CATEGORIES OF INFORMATION FROM
- 15                APPLICANTS FOR LICENSURE: CRIMINAL HISTORY,
- 16                DISCIPLINARY HISTORY, OR BACKGROUND CHECK. SUCH
- 17                PROCEDURES MAY INCLUDE THE SUBMISSION OF
- 18                INFORMATION BY APPLICANTS FOR THE PURPOSE OF
- 19                OBTAINING AN APPLICANT'S BACKGROUND CHECK AS
- 20                DEFINED HEREIN;
- 21           6.     PARTICIPATE IN THE DATA SYSTEM, INCLUDING THROUGH
- 22                THE USE OF UNIQUE IDENTIFYING NUMBERS;
- 23           7.     SHARE INFORMATION RELATED TO ADVERSE ACTIONS WITH
- 24                THE COMMISSION AND OTHER MEMBER STATES, BOTH
- 25                THROUGH THE DATA SYSTEM AND OTHERWISE;
- 26           8.     NOTIFY THE COMMISSION AND OTHER MEMBER STATES, IN
- 27                COMPLIANCE WITH THE TERMS OF THE COMPACT AND

1           RULES OF THE COMMISSION, OF THE EXISTENCE OF  
2           INVESTIGATIVE INFORMATION OR CURRENT SIGNIFICANT  
3           INVESTIGATIVE INFORMATION IN THE STATE'S POSSESSION  
4           REGARDING A LICENSEE PRACTICING IN THAT STATE;

5           9.    COMPLY WITH SUCH RULES AS MAY BE ENACTED BY THE  
6           COMMISSION TO ADMINISTER THE COMPACT; AND

7           10.   ACCEPT LICENSEES FROM OTHER MEMBER STATES AS  
8           ESTABLISHED HEREIN.

9    B.   MEMBER STATES MAY CHARGE A FEE FOR GRANTING A LICENSE TO  
10   PRACTICE COSMETOLOGY.

11   C.   INDIVIDUALS NOT RESIDING IN A MEMBER STATE MAY APPLY FOR  
12   A MEMBER STATE'S SINGLE-STATE LICENSE AS PROVIDED UNDER  
13   THE LAWS OF EACH MEMBER STATE. HOWEVER, THE  
14   SINGLE-STATE LICENSE GRANTED TO THESE INDIVIDUALS SHALL  
15   NOT BE RECOGNIZED AS GRANTING A MULTISTATE LICENSE TO  
16   PROVIDE SERVICES IN ANY OTHER MEMBER STATE.

17   D.   NOTHING IN THIS COMPACT AFFECTS THE REQUIREMENTS  
18   ESTABLISHED BY A MEMBER STATE FOR THE ISSUANCE OF A  
19   SINGLE-STATE LICENSE.

20   E.   A MULTISTATE LICENSE ISSUED TO A LICENSEE BY A HOME STATE  
21   TO A RESIDENT OF THAT STATE SHALL BE RECOGNIZED BY EACH  
22   MEMBER STATE AS AUTHORIZING A LICENSEE TO PRACTICE  
23   COSMETOLOGY IN EACH MEMBER STATE.

24   F.   AT NO POINT SHALL THE COMMISSION HAVE THE POWER TO DEFINE  
25   THE EDUCATIONAL OR PROFESSIONAL REQUIREMENTS FOR A  
26   LICENSE TO PRACTICE COSMETOLOGY. THE MEMBER STATES  
27   SHALL RETAIN SOLE JURISDICTION OVER THE PROVISION OF THESE

1 REQUIREMENTS.

2 **ARTICLE 4 - MULTISTATE LICENSE**

3 A. TO BE ELIGIBLE TO APPLY TO THEIR HOME STATE'S STATE  
4 LICENSING AUTHORITY FOR AN INITIAL MULTISTATE LICENSE  
5 UNDER THIS COMPACT, A LICENSEE MUST HOLD AN ACTIVE AND  
6 UNENCUMBERED SINGLE-STATE LICENSE TO PRACTICE  
7 COSMETOLOGY IN THEIR HOME STATE.

8 B. UPON THE RECEIPT OF AN APPLICATION FOR A MULTISTATE  
9 LICENSE, ACCORDING TO THE RULES OF THE COMMISSION, A  
10 MEMBER STATE'S STATE LICENSING AUTHORITY SHALL ASCERTAIN  
11 WHETHER THE APPLICANT MEETS THE REQUIREMENTS FOR A  
12 MULTISTATE LICENSE UNDER THIS COMPACT.

13 C. IF AN APPLICANT MEETS THE REQUIREMENTS FOR A MULTISTATE  
14 LICENSE UNDER THIS COMPACT AND ANY APPLICABLE RULES OF  
15 THE COMMISSION, THE STATE LICENSING AUTHORITY IN RECEIPT  
16 OF THE APPLICATION SHALL, WITHIN A REASONABLE TIME, GRANT  
17 A MULTISTATE LICENSE TO THAT APPLICANT, AND INFORM ALL  
18 MEMBER STATES OF THE GRANT OF SAID MULTISTATE LICENSE.

19 D. A MULTISTATE LICENSE TO PRACTICE COSMETOLOGY ISSUED BY  
20 A MEMBER STATE'S STATE LICENSING AUTHORITY SHALL BE  
21 RECOGNIZED BY EACH MEMBER STATE AS AUTHORIZING THE  
22 PRACTICE THEREOF AS THOUGH THAT LICENSEE HELD A  
23 SINGLE-STATE LICENSE TO DO SO IN EACH MEMBER STATE,  
24 SUBJECT TO THE RESTRICTIONS HEREIN.

25 E. A MULTISTATE LICENSE GRANTED PURSUANT TO THIS COMPACT  
26 MAY BE EFFECTIVE FOR A DEFINITE PERIOD OF TIME, CONCURRENT  
27 WITH THE LICENSURE RENEWAL PERIOD IN THE HOME STATE.

1 F. TO MAINTAIN A MULTISTATE LICENSE UNDER THIS COMPACT, A  
2 LICENSEE MUST:

3 1. AGREE TO ABIDE BY THE RULES OF THE STATE LICENSING  
4 AUTHORITY, AND THE STATE SCOPE OF PRACTICE LAWS  
5 GOVERNING THE PRACTICE OF COSMETOLOGY, OF ANY  
6 MEMBER STATE IN WHICH THE LICENSEE PROVIDES  
7 SERVICES;

8 2. PAY ALL REQUIRED FEES RELATED TO THE APPLICATION AND  
9 PROCESS, AND ANY OTHER FEES WHICH THE COMMISSION  
10 MAY BY RULE REQUIRE; AND

11 3. COMPLY WITH ANY AND ALL OTHER REQUIREMENTS  
12 REGARDING MULTISTATE LICENSES WHICH THE  
13 COMMISSION MAY BY RULE PROVIDE.

14 G. A LICENSEE PRACTICING IN A MEMBER STATE IS SUBJECT TO ALL  
15 SCOPE OF PRACTICE LAWS GOVERNING COSMETOLOGY SERVICES IN  
16 THAT STATE.

17 H. THE PRACTICE OF COSMETOLOGY UNDER A MULTISTATE LICENSE  
18 GRANTED PURSUANT TO THIS COMPACT WILL SUBJECT THE  
19 LICENSEE TO THE JURISDICTION OF THE STATE LICENSING  
20 AUTHORITY, THE COURTS, AND THE LAWS OF THE MEMBER STATE  
21 IN WHICH THE COSMETOLOGY SERVICES ARE PROVIDED.

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

24 A. A LICENSEE MAY HOLD A MULTISTATE LICENSE, ISSUED BY THEIR  
25 HOME STATE, IN ONLY ONE MEMBER STATE AT ANY GIVEN TIME.

26 B. IF A LICENSEE CHANGES THEIR HOME STATE BY MOVING BETWEEN  
27 TWO MEMBER STATES:

- 1           1.     THE LICENSEE SHALL IMMEDIATELY APPLY FOR THE  
2                     REISSUANCE OF THEIR MULTISTATE LICENSE IN THEIR NEW  
3                     HOME STATE. THE LICENSEE SHALL PAY ALL APPLICABLE  
4                     FEES AND NOTIFY THE PRIOR HOME STATE IN ACCORDANCE  
5                     WITH THE RULES OF THE COMMISSION.
- 6           2.     UPON RECEIPT OF AN APPLICATION TO REISSUE A  
7                     MULTISTATE LICENSE, THE NEW HOME STATE SHALL  
8                     VERIFY THAT THE MULTISTATE LICENSE IS ACTIVE,  
9                     UNENCUMBERED, AND ELIGIBLE FOR REISSUANCE UNDER  
10                    THE TERMS OF THE COMPACT AND THE RULES OF THE  
11                    COMMISSION. THE MULTISTATE LICENSE ISSUED BY THE  
12                    PRIOR HOME STATE WILL BE DEACTIVATED AND ALL  
13                    MEMBER STATES NOTIFIED IN ACCORDANCE WITH THE  
14                    APPLICABLE RULES ADOPTED BY THE COMMISSION.
- 15          3.     IF REQUIRED FOR INITIAL LICENSURE, THE NEW HOME STATE  
16                     MAY REQUIRE A BACKGROUND CHECK AS SPECIFIED IN THE  
17                     LAWS OF THAT STATE, OR THE COMPLIANCE WITH ANY  
18                     JURISPRUDENCE REQUIREMENTS OF THE NEW HOME STATE.
- 19          4.     NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
20                     COMPACT, IF A LICENSEE DOES NOT MEET THE  
21                     REQUIREMENTS SET FORTH IN THIS COMPACT FOR THE  
22                     REISSUANCE OF A MULTISTATE LICENSE BY THE NEW HOME  
23                     STATE, THEN THE LICENSEE IS SUBJECT TO THE NEW HOME  
24                     STATE REQUIREMENTS FOR THE ISSUANCE OF A  
25                     SINGLE-STATE LICENSE IN THAT STATE.
- 26    C.     IF A LICENSEE CHANGES THEIR PRIMARY STATE OF RESIDENCE BY  
27                     MOVING FROM A MEMBER STATE TO A NON-MEMBER STATE, OR

1 FROM A NON-MEMBER STATE TO A MEMBER STATE, THEN THE  
2 LICENSEE IS SUBJECT TO THE STATE REQUIREMENTS FOR THE  
3 ISSUANCE OF A SINGLE-STATE LICENSE IN THE NEW HOME STATE.

4 D. NOTHING IN THIS COMPACT INTERFERES WITH A LICENSEE'S  
5 ABILITY TO HOLD A SINGLE-STATE LICENSE IN MULTIPLE STATES;  
6 HOWEVER, FOR THE PURPOSES OF THIS COMPACT, A LICENSEE  
7 SHALL HAVE ONLY ONE HOME STATE, AND ONLY ONE MULTISTATE  
8 LICENSE.

9 E. NOTHING IN THIS COMPACT INTERFERES WITH THE REQUIREMENTS  
10 ESTABLISHED BY A MEMBER STATE FOR THE ISSUANCE OF A  
11 SINGLE-STATE LICENSE.

12 **ARTICLE 6 - AUTHORITY OF THE COMPACT**

13 **COMMISSION AND MEMBER**

14 **STATE LICENSING AUTHORITIES**

15 A. NOTHING IN THIS COMPACT, NOR ANY RULE OR REGULATION OF  
16 THE COMMISSION, SHALL BE CONSTRUED TO LIMIT, RESTRICT, OR IN  
17 ANY WAY REDUCE THE ABILITY OF A MEMBER STATE TO ENACT  
18 AND ENFORCE LAWS, REGULATIONS, OR OTHER RULES RELATED TO  
19 THE PRACTICE OF COSMETOLOGY IN THAT STATE, WHERE LAWS,  
20 REGULATIONS, OR OTHER RULES ARE NOT INCONSISTENT WITH THE  
21 PROVISIONS OF THIS COMPACT.

22 B. INsofar AS PRACTICAL, A MEMBER STATE'S STATE LICENSING  
23 AUTHORITY SHALL COOPERATE WITH THE COMMISSION AND WITH  
24 EACH ENTITY EXERCISING INDEPENDENT REGULATORY AUTHORITY  
25 OVER THE PRACTICE OF COSMETOLOGY ACCORDING TO THE  
26 PROVISIONS OF THIS COMPACT.

27 C. DISCIPLINE SHALL BE THE SOLE RESPONSIBILITY OF THE STATE IN

1 WHICH COSMETOLOGY SERVICES ARE PROVIDED. ACCORDINGLY,  
2 EACH MEMBER STATE'S STATE LICENSING AUTHORITY SHALL BE  
3 RESPONSIBLE FOR RECEIVING COMPLAINTS ABOUT INDIVIDUALS  
4 PRACTICING COSMETOLOGY IN THAT STATE, AND FOR  
5 COMMUNICATING ALL RELEVANT INVESTIGATIVE INFORMATION  
6 ABOUT ANY SUCH ADVERSE ACTION TO THE OTHER MEMBER  
7 STATES THROUGH THE DATA SYSTEM IN ADDITION TO ANY OTHER  
8 METHODS THE COMMISSION MAY BY RULE REQUIRE.

9 **ARTICLE 7 - ADVERSE ACTIONS**

- 10 A. A LICENSEE'S HOME STATE SHALL HAVE EXCLUSIVE POWER TO  
11 IMPOSE AN ADVERSE ACTION AGAINST A LICENSEE'S MULTISTATE  
12 LICENSE ISSUED BY THE HOME STATE.
- 13 B. A HOME STATE MAY TAKE ADVERSE ACTION ON A MULTISTATE  
14 LICENSE BASED ON THE INVESTIGATIVE INFORMATION, CURRENT  
15 SIGNIFICANT INVESTIGATIVE INFORMATION, OR ADVERSE ACTION  
16 OF A REMOTE STATE.
- 17 C. IN ADDITION TO THE POWERS CONFERRED BY STATE LAW, EACH  
18 REMOTE STATE'S STATE LICENSING AUTHORITY SHALL HAVE THE  
19 POWER TO:
- 20 1. TAKE ADVERSE ACTION AGAINST A LICENSEE'S  
21 AUTHORIZATION TO PRACTICE COSMETOLOGY THROUGH  
22 THE MULTISTATE LICENSE IN THAT MEMBER STATE,  
23 PROVIDED THAT:
- 24 a. ONLY THE LICENSEE'S HOME STATE SHALL HAVE  
25 THE POWER TO TAKE ADVERSE ACTION AGAINST THE  
26 MULTISTATE LICENSE ISSUED BY THE HOME STATE;  
27 AND

1                   b.     FOR THE PURPOSES OF TAKING ADVERSE ACTION,  
2                             THE HOME STATE'S STATE LICENSING AUTHORITY  
3                             SHALL GIVE THE SAME PRIORITY AND EFFECT TO  
4                             REPORTED CONDUCT RECEIVED FROM A REMOTE  
5                             STATE AS IT WOULD IF SUCH CONDUCT HAD  
6                             OCCURRED WITHIN THE HOME STATE. IN SO DOING,  
7                             THE HOME STATE SHALL APPLY ITS OWN STATE  
8                             LAWS TO DETERMINE THE APPROPRIATE ACTION.

9                   2.     ISSUE CEASE AND DESIST ORDERS OR IMPOSE AN  
10                            ENCUMBRANCE ON A LICENSEE'S AUTHORIZATION TO  
11                            PRACTICE WITHIN THAT MEMBER STATE.

12                   3.     COMPLETE ANY PENDING INVESTIGATIONS OF A LICENSEE  
13                            WHO CHANGES THEIR PRIMARY STATE OF RESIDENCE  
14                            DURING THE COURSE OF SUCH AN INVESTIGATION. THE  
15                            STATE LICENSING AUTHORITY SHALL ALSO BE EMPOWERED  
16                            TO REPORT THE RESULTS OF SUCH AN INVESTIGATION TO  
17                            THE COMMISSION THROUGH THE DATA SYSTEM AS  
18                            DESCRIBED HEREIN.

19                   4.     ISSUE SUBPOENAS FOR BOTH HEARINGS AND  
20                            INVESTIGATIONS THAT REQUIRE THE ATTENDANCE AND  
21                            TESTIMONY OF WITNESSES, AS WELL AS THE PRODUCTION OF  
22                            EVIDENCE. SUBPOENAS ISSUED BY A STATE LICENSING  
23                            AUTHORITY IN A MEMBER STATE FOR THE ATTENDANCE  
24                            AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF  
25                            EVIDENCE FROM ANOTHER MEMBER STATE SHALL BE  
26                            ENFORCED IN THE LATTER STATE BY ANY COURT OF  
27                            COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE

1 AND PROCEDURE OF THAT COURT APPLICABLE TO  
2 SUBPOENAS ISSUED IN PROCEEDINGS BEFORE IT. THE  
3 ISSUING STATE LICENSING AUTHORITY SHALL PAY ANY  
4 WITNESS FEES, TRAVEL EXPENSES, MILEAGE, AND OTHER  
5 FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE IN  
6 WHICH THE WITNESSES OR EVIDENCE ARE LOCATED.

7 5. IF OTHERWISE PERMITTED BY STATE LAW, RECOVER FROM  
8 THE AFFECTED LICENSEE THE COSTS OF INVESTIGATIONS  
9 AND DISPOSITION OF CASES RESULTING FROM ANY ADVERSE  
10 ACTION TAKEN AGAINST THAT LICENSEE.

11 6. TAKE ADVERSE ACTION AGAINST THE LICENSEE'S  
12 AUTHORIZATION TO PRACTICE IN THAT STATE BASED ON  
13 THE FACTUAL FINDINGS OF ANOTHER REMOTE STATE.

14 D. A LICENSEE'S HOME STATE SHALL COMPLETE ANY PENDING  
15 INVESTIGATION(S) OF A COSMETOLOGIST WHO CHANGES THEIR  
16 PRIMARY STATE OF RESIDENCE DURING THE COURSE OF THE  
17 INVESTIGATION(S). THE HOME STATE SHALL ALSO HAVE THE  
18 AUTHORITY TO TAKE APPROPRIATE ACTION(S) AND SHALL  
19 PROMPTLY REPORT THE CONCLUSIONS OF THE INVESTIGATIONS TO  
20 THE DATA SYSTEM.

21 E. IF AN ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST A  
22 LICENSEE'S MULTISTATE LICENSE, THE LICENSEE'S  
23 AUTHORIZATION TO PRACTICE IN ALL OTHER MEMBER STATES  
24 SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN  
25 REMOVED FROM THE HOME STATE LICENSE. ALL HOME STATE  
26 DISCIPLINARY ORDERS THAT IMPOSE AN ADVERSE ACTION AGAINST  
27 A LICENSEE'S MULTISTATE LICENSE SHALL INCLUDE A STATEMENT

1            THAT THE COSMETOLOGIST'S AUTHORIZATION TO PRACTICE IS  
2            DEACTIVATED IN ALL MEMBER STATES DURING THE PENDENCY OF  
3            THE ORDER.

4    F.    NOTHING IN THIS COMPACT OVERRIDES A MEMBER STATE'S  
5            AUTHORITY TO ACCEPT A LICENSEE'S PARTICIPATION IN AN  
6            ALTERNATIVE PROGRAM IN LIEU OF ADVERSE ACTION. A  
7            LICENSEE'S MULTISTATE LICENSE SHALL BE SUSPENDED FOR THE  
8            DURATION OF THE LICENSEE'S PARTICIPATION IN ANY  
9            ALTERNATIVE PROGRAM.

10   G.    JOINT INVESTIGATIONS

11        1.    IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER  
12            STATE BY ITS RESPECTIVE SCOPE OF PRACTICE LAWS OR  
13            OTHER APPLICABLE STATE LAW, A MEMBER STATE MAY  
14            PARTICIPATE WITH OTHER MEMBER STATES IN JOINT  
15            INVESTIGATIONS OF LICENSEES.

16        2.    MEMBER STATES SHALL SHARE ANY INVESTIGATIVE,  
17            LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE  
18            OF ANY JOINT OR INDIVIDUAL INVESTIGATION INITIATED  
19            UNDER THE COMPACT.

20            **ARTICLE 8 - ACTIVE MILITARY MEMBERS**  
21            **AND THEIR SPOUSES**

22            ACTIVE MILITARY MEMBERS OR THEIR SPOUSES SHALL DESIGNATE A  
23            HOME STATE WHERE THE INDIVIDUAL HAS A CURRENT LICENSE TO  
24            PRACTICE COSMETOLOGY IN GOOD STANDING. THE INDIVIDUAL MAY  
25            RETAIN THEIR HOME STATE DESIGNATION DURING ANY PERIOD OF SERVICE  
26            WHEN THAT INDIVIDUAL OR THEIR SPOUSE IS ON ACTIVE DUTY  
27            ASSIGNMENT.

1           **ARTICLE 9 - ESTABLISHMENT AND OPERATION OF THE**  
2           **COSMETOLOGY LICENSURE COMPACT COMMISSION**

3           A.     THE COMPACT MEMBER STATES HEREBY CREATE AND ESTABLISH  
4                    A JOINT GOVERNMENT AGENCY, THE MEMBERSHIP OF WHICH  
5                    CONSISTS OF ALL MEMBER STATES THAT HAVE ENACTED THE  
6                    COMPACT, KNOWN AS THE COSMETOLOGY LICENSURE COMPACT  
7                    COMMISSION. THE COMMISSION IS AN INSTRUMENTALITY OF THE  
8                    COMPACT MEMBER STATES ACTING JOINTLY AND NOT AN  
9                    INSTRUMENTALITY OF ANY ONE STATE. THE COMMISSION SHALL  
10                  COME INTO EXISTENCE ON OR AFTER THE EFFECTIVE DATE OF THE  
11                  COMPACT AS SET FORTH IN ARTICLE 13.

12          B.     MEMBERSHIP, VOTING, AND MEETINGS

- 13           1.     EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE  
14                    (1) DELEGATE SELECTED BY THAT MEMBER STATE'S STATE  
15                    LICENSING AUTHORITY.
- 16           2.     THE DELEGATE SHALL BE AN ADMINISTRATOR OF THE STATE  
17                    LICENSING AUTHORITY OF THE MEMBER STATE OR THEIR  
18                    DESIGNEE.
- 19           3.     THE COMMISSION SHALL BY RULE OR BYLAW ESTABLISH A  
20                    TERM OF OFFICE FOR DELEGATES AND MAY BY RULE OR  
21                    BYLAW ESTABLISH TERM LIMITS.
- 22           4.     THE COMMISSION MAY RECOMMEND REMOVAL OR  
23                    SUSPENSION OF ANY DELEGATE FROM OFFICE.
- 24           5.     A MEMBER STATE'S STATE LICENSING AUTHORITY SHALL  
25                    FILL ANY VACANCY OF ITS DELEGATE OCCURRING ON THE  
26                    COMMISSION WITHIN 60 DAYS OF THE VACANCY.
- 27           6.     EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE ON ALL

1                   MATTERS THAT ARE VOTED ON BY THE COMMISSION.  
2           7.       THE COMMISSION SHALL MEET AT LEAST ONCE DURING  
3                   EACH CALENDAR YEAR. ADDITIONAL MEETINGS MAY BE  
4                   HELD AS SET FORTH IN THE BYLAWS. THE COMMISSION MAY  
5                   MEET BY TELECOMMUNICATION, VIDEO CONFERENCE, OR  
6                   OTHER SIMILAR ELECTRONIC MEANS.

7    C.       THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

- 8           1.       ESTABLISH THE FISCAL YEAR OF THE COMMISSION;
- 9           2.       ESTABLISH CODE OF CONDUCT AND CONFLICT OF INTEREST  
10               POLICIES;
- 11          3.       ADOPT RULES AND BYLAWS;
- 12          4.       MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH  
13               THE BYLAWS;
- 14          5.       MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH  
15               THE PROVISIONS OF THIS COMPACT, THE COMMISSION'S  
16               RULES, AND THE BYLAWS;
- 17          6.       INITIATE AND CONCLUDE LEGAL PROCEEDINGS OR ACTIONS  
18               IN THE NAME OF THE COMMISSION, PROVIDED THAT THE  
19               STANDING OF ANY STATE LICENSING AUTHORITY TO SUE OR  
20               BE SUED UNDER APPLICABLE LAW IS NOT AFFECTED;
- 21          7.       MAINTAIN AND CERTIFY RECORDS AND INFORMATION  
22               PROVIDED TO A MEMBER STATE AS THE AUTHENTICATED  
23               BUSINESS RECORDS OF THE COMMISSION AND DESIGNATE  
24               AN AGENT TO DO SO ON THE COMMISSION'S BEHALF;
- 25          8.       PURCHASE AND MAINTAIN INSURANCE AND BONDS;
- 26          9.       BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF  
27               PERSONNEL, INCLUDING, BUT NOT LIMITED TO, EMPLOYEES

- 1 OF A MEMBER STATE;
- 2 10. CONDUCT AN ANNUAL FINANCIAL REVIEW;
- 3 11. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX  
4 COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS  
5 APPROPRIATE AUTHORITY TO CARRY OUT THE PURPOSES OF  
6 THE COMPACT, AND ESTABLISH THE COMMISSION'S  
7 PERSONNEL POLICIES AND PROGRAMS RELATING TO  
8 CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL,  
9 AND OTHER RELATED PERSONNEL MATTERS;
- 10 12. AS SET FORTH IN THE COMMISSION RULES, CHARGE A FEE  
11 TO A LICENSEE FOR THE GRANT OF A MULTISTATE LICENSE  
12 AND THEREAFTER, AS MAY BE ESTABLISHED BY  
13 COMMISSION RULE, CHARGE THE LICENSEE A MULTISTATE  
14 LICENSE RENEWAL FEE FOR EACH RENEWAL PERIOD.  
15 NOTHING HEREIN SHALL BE CONSTRUED TO PREVENT A  
16 HOME STATE FROM CHARGING A LICENSEE A FEE FOR A  
17 MULTISTATE LICENSE OR RENEWALS OF A MULTISTATE  
18 LICENSE, OR A FEE FOR THE JURISPRUDENCE REQUIREMENT  
19 IF THE MEMBER STATE IMPOSES SUCH A REQUIREMENT FOR  
20 THE GRANT OF A MULTISTATE LICENSE.
- 21 13. ASSESS AND COLLECT FEES;
- 22 14. ACCEPT ANY AND ALL APPROPRIATE GIFTS, DONATIONS,  
23 GRANTS OF MONEY, OTHER SOURCES OF REVENUE,  
24 EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES AND  
25 RECEIVE, UTILIZE, AND DISPOSE OF THE SAME; PROVIDED  
26 THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY  
27 APPEARANCE OF IMPROPRIETY OR CONFLICT OF INTEREST;

- 1           15. LEASE, PURCHASE, RETAIN, OWN, HOLD, IMPROVE, OR USE  
2           ANY PROPERTY, REAL, PERSONAL, OR MIXED, OR ANY  
3           UNDIVIDED INTEREST THEREIN;  
4           16. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,  
5           ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL,  
6           PERSONAL, OR MIXED;  
7           17. ESTABLISH A BUDGET AND MAKE EXPENDITURES;  
8           18. BORROW MONEY;  
9           19. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES,  
10          COMPOSED OF MEMBERS, STATE REGULATORS, STATE  
11          LEGISLATORS OR THEIR REPRESENTATIVES, CONSUMER  
12          REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS  
13          AS MAY BE DESIGNATED IN THIS COMPACT AND THE  
14          BYLAWS;  
15          20. PROVIDE AND RECEIVE INFORMATION FROM, AND  
16          COOPERATE WITH, LAW ENFORCEMENT AGENCIES;  
17          21. ELECT A CHAIR, VICE CHAIR, SECRETARY, TREASURER,  
18          AND SUCH OTHER OFFICERS OF THE COMMISSION AS  
19          PROVIDED IN THE COMMISSION'S BYLAWS;  
20          22. ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE,  
21          INCLUDING A CHAIR AND A VICE CHAIR;  
22          23. ADOPT AND PROVIDE TO THE MEMBER STATES AN ANNUAL  
23          REPORT;  
24          24. DETERMINE WHETHER A STATE'S ADOPTED LANGUAGE IS  
25          MATERIALLY DIFFERENT FROM THE MODEL COMPACT  
26          LANGUAGE SUCH THAT THE STATE WOULD NOT QUALIFY  
27          FOR PARTICIPATION IN THE COMPACT; AND

1           25.    PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY  
2                           OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS  
3                           COMPACT.

4    D.    THE EXECUTIVE COMMITTEE

5           1.    THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO  
6                           ACT ON BEHALF OF THE COMMISSION ACCORDING TO THE  
7                           TERMS OF THIS COMPACT. THE POWERS, DUTIES, AND  
8                           RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE SHALL  
9                           INCLUDE:

10           a.    OVERSEEING THE DAY-TO-DAY ACTIVITIES OF THE  
11                           ADMINISTRATION OF THE COMPACT INCLUDING  
12                           COMPLIANCE WITH THE PROVISIONS OF THE  
13                           COMPACT, THE COMMISSION'S RULES AND BYLAWS,  
14                           AND OTHER SUCH DUTIES AS DEEMED NECESSARY;

15           b.    RECOMMENDING TO THE COMMISSION CHANGES TO  
16                           THE RULES OR BYLAWS, CHANGES TO THIS COMPACT  
17                           LEGISLATION, FEES CHARGED TO COMPACT MEMBER  
18                           STATES, FEES CHARGED TO LICENSEES, AND OTHER  
19                           FEES;

20           c.    ENSURING COMPACT ADMINISTRATION SERVICES  
21                           ARE APPROPRIATELY PROVIDED, INCLUDING BY  
22                           CONTRACT;

23           d.    PREPARING AND RECOMMENDING THE BUDGET;

24           e.    MAINTAINING FINANCIAL RECORDS ON BEHALF OF  
25                           THE COMMISSION;

26           f.    MONITORING COMPACT COMPLIANCE OF MEMBER  
27                           STATES AND PROVIDING COMPLIANCE REPORTS TO

- 1 THE COMMISSION;
- 2 g. ESTABLISHING ADDITIONAL COMMITTEES AS
- 3 NECESSARY;
- 4 h. EXERCISING THE POWERS AND DUTIES OF THE
- 5 COMMISSION DURING THE INTERIM BETWEEN
- 6 COMMISSION MEETINGS, EXCEPT FOR ADOPTING OR
- 7 AMENDING RULES, ADOPTING OR AMENDING
- 8 BYLAWS, AND EXERCISING ANY OTHER POWERS AND
- 9 DUTIES EXPRESSLY RESERVED TO THE COMMISSION
- 10 BY RULE OR BYLAW; AND
- 11 i. OTHER DUTIES AS PROVIDED IN THE RULES OR
- 12 BYLAWS OF THE COMMISSION.
- 13 2. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF UP TO
- 14 SEVEN VOTING MEMBERS:
- 15 a. THE CHAIR AND VICE CHAIR OF THE COMMISSION
- 16 AND ANY OTHER MEMBERS OF THE COMMISSION
- 17 WHO SERVE ON THE EXECUTIVE COMMITTEE SHALL
- 18 BE VOTING MEMBERS OF THE EXECUTIVE
- 19 COMMITTEE; AND
- 20 b. OTHER THAN THE CHAIR, VICE CHAIR, SECRETARY,
- 21 AND TREASURER, THE COMMISSION SHALL ELECT
- 22 THREE VOTING MEMBERS FROM THE CURRENT
- 23 MEMBERSHIP OF THE COMMISSION.
- 24 c. THE COMMISSION MAY ELECT EX OFFICIO,
- 25 NONVOTING MEMBERS FROM A RECOGNIZED
- 26 NATIONAL COSMETOLOGY PROFESSIONAL
- 27 ASSOCIATION AS APPROVED BY THE COMMISSION.

1 THE COMMISSION'S BYLAWS SHALL IDENTIFY  
2 QUALIFYING ORGANIZATIONS AND THE MANNER OF  
3 APPOINTMENT IF THE NUMBER OF ORGANIZATIONS  
4 SEEKING TO APPOINT AN EX OFFICIO MEMBER  
5 EXCEEDS THE NUMBER OF MEMBERS SPECIFIED IN  
6 THIS ARTICLE.

7 3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE  
8 EXECUTIVE COMMITTEE AS PROVIDED IN THE COMMISSION'S  
9 BYLAWS.

10 4. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST  
11 ANNUALLY.

12 a. ANNUAL EXECUTIVE COMMITTEE MEETINGS, AS  
13 WELL AS ANY EXECUTIVE COMMITTEE MEETING AT  
14 WHICH IT DOES NOT TAKE OR INTEND TO TAKE  
15 FORMAL ACTION ON A MATTER FOR WHICH A  
16 COMMISSION VOTE WOULD OTHERWISE BE  
17 REQUIRED, SHALL BE OPEN TO THE PUBLIC, EXCEPT  
18 THAT THE EXECUTIVE COMMITTEE MAY MEET IN A  
19 CLOSED, NON-PUBLIC SESSION OF A PUBLIC MEETING  
20 WHEN DEALING WITH ANY OF THE MATTERS  
21 COVERED UNDER ARTICLE 9.F.4.

22 b. THE EXECUTIVE COMMITTEE SHALL GIVE FIVE  
23 BUSINESS DAYS' ADVANCE NOTICE OF ITS PUBLIC  
24 MEETINGS, POSTED ON ITS WEBSITE AND AS  
25 DETERMINED BY THE EXECUTIVE COMMITTEE, TO  
26 PROVIDE NOTICE TO PERSONS WITH AN INTEREST IN  
27 THE PUBLIC MATTERS THE EXECUTIVE COMMITTEE

- 1 INTENDS TO ADDRESS AT THOSE MEETINGS.
- 2 5. THE EXECUTIVE COMMITTEE MAY HOLD AN EMERGENCY
- 3 MEETING WHEN ACTING FOR THE COMMISSION TO:
- 4 a. MEET AN IMMINENT THREAT TO PUBLIC HEALTH,
- 5 SAFETY, OR WELFARE;
- 6 b. PREVENT A LOSS OF COMMISSION OR MEMBER
- 7 STATE FUNDS; OR
- 8 c. PROTECT PUBLIC HEALTH AND SAFETY.
- 9 E. THE COMMISSION SHALL ADOPT AND PROVIDE TO THE MEMBER
- 10 STATES AN ANNUAL REPORT.
- 11 F. MEETINGS OF THE COMMISSION
- 12 1. ALL MEETINGS OF THE COMMISSION THAT ARE NOT CLOSED
- 13 PURSUANT TO ARTICLE 9.F.4 SHALL BE OPEN TO THE
- 14 PUBLIC. NOTICE OF PUBLIC MEETINGS SHALL BE POSTED ON
- 15 THE COMMISSION'S WEBSITE AT LEAST THIRTY (30) DAYS
- 16 PRIOR TO THE PUBLIC MEETING.
- 17 2. NOTWITHSTANDING ARTICLE 9.F.1, THE COMMISSION MAY
- 18 CONVENE AN EMERGENCY PUBLIC MEETING BY PROVIDING
- 19 AT LEAST TWENTY-FOUR (24) HOURS' PRIOR NOTICE ON THE
- 20 COMMISSION'S WEBSITE, AND ANY OTHER MEANS AS
- 21 PROVIDED IN THE COMMISSION'S RULES, FOR ANY OF THE
- 22 REASONS IT MAY DISPENSE WITH NOTICE OF PROPOSED
- 23 RULEMAKING UNDER ARTICLE 11.L. THE COMMISSION'S
- 24 LEGAL COUNSEL SHALL CERTIFY THAT ONE OF THE REASONS
- 25 JUSTIFYING AN EMERGENCY PUBLIC MEETING HAS BEEN
- 26 MET.
- 27 3. NOTICE OF ALL COMMISSION MEETINGS SHALL PROVIDE THE

1 TIME, DATE, AND LOCATION OF THE MEETING, AND IF THE  
2 MEETING IS TO BE HELD OR ACCESSIBLE VIA  
3 TELECOMMUNICATION, VIDEO CONFERENCE, OR OTHER  
4 ELECTRONIC MEANS, THE NOTICE SHALL INCLUDE THE  
5 MECHANISM FOR ACCESS TO THE MEETING.

6 4. THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC  
7 MEETING FOR THE COMMISSION TO DISCUSS:

8 a. NON-COMPLIANCE OF A MEMBER STATE WITH ITS  
9 OBLIGATIONS UNDER THE COMPACT;

10 b. THE EMPLOYMENT, COMPENSATION, DISCIPLINE, OR  
11 OTHER MATTERS, PRACTICES, OR PROCEDURES  
12 RELATED TO SPECIFIC EMPLOYEES OR OTHER  
13 MATTERS RELATED TO THE COMMISSION'S INTERNAL  
14 PERSONNEL PRACTICES OR PROCEDURES;

15 c. CURRENT OR THREATENED DISCIPLINE OF A  
16 LICENSEE BY THE COMMISSION OR BY A MEMBER  
17 STATE'S LICENSING AUTHORITY;

18 d. CURRENT, THREATENED, OR REASONABLY  
19 ANTICIPATED LITIGATION;

20 e. NEGOTIATION OF CONTRACTS FOR THE PURCHASE,  
21 LEASE, OR SALE OF GOODS, SERVICES, OR REAL  
22 ESTATE;

23 f. ACCUSING ANY PERSON OF A CRIME OR FORMALLY  
24 CENSURING ANY PERSON;

25 g. TRADE SECRETS OR COMMERCIAL OR FINANCIAL  
26 INFORMATION THAT IS PRIVILEGED OR  
27 CONFIDENTIAL;

- 1 h. INFORMATION OF A PERSONAL NATURE WHERE  
2 DISCLOSURE WOULD CONSTITUTE A CLEARLY  
3 UNWARRANTED INVASION OF PERSONAL PRIVACY;
- 4 i. INVESTIGATIVE RECORDS COMPILED FOR LAW  
5 ENFORCEMENT PURPOSES;
- 6 j. INFORMATION RELATED TO ANY INVESTIGATIVE  
7 REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE  
8 OF THE COMMISSION OR OTHER COMMITTEE  
9 CHARGED WITH RESPONSIBILITY OF INVESTIGATION  
10 OR DETERMINATION OF COMPLIANCE ISSUES  
11 PURSUANT TO THE COMPACT;
- 12 k. LEGAL ADVICE;
- 13 l. MATTERS SPECIFICALLY EXEMPTED FROM  
14 DISCLOSURE TO THE PUBLIC BY FEDERAL OR  
15 MEMBER STATE LAW; OR
- 16 m. OTHER MATTERS AS PROMULGATED BY THE  
17 COMMISSION BY RULE.
- 18 5. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED, THE  
19 PRESIDING OFFICER SHALL STATE THAT THE MEETING WILL  
20 BE CLOSED AND REFERENCE EACH RELEVANT EXEMPTING  
21 PROVISION, AND SUCH REFERENCE SHALL BE RECORDED IN  
22 THE MINUTES.
- 23 6. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND  
24 CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING  
25 AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF  
26 ACTIONS TAKEN AND THE REASONS THEREFORE, INCLUDING  
27 A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS

1                   CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE  
2                   IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND  
3                   DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER  
4                   SEAL, SUBJECT TO RELEASE ONLY BY A MAJORITY VOTE OF  
5                   THE COMMISSION OR ORDER OF A COURT OF COMPETENT  
6                   JURISDICTION.

7       G.       FINANCING OF THE COMMISSION

- 8           1.       THE COMMISSION SHALL PAY, OR PROVIDE FOR THE  
9           PAYMENT OF, THE REASONABLE EXPENSES OF ITS  
10          ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES.
- 11          2.       THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE  
12          SOURCES OF REVENUE, DONATIONS, AND GRANTS OF  
13          MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES.
- 14          3.       THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL  
15          ASSESSMENT FROM EACH MEMBER STATE AND IMPOSE FEES  
16          ON LICENSEES OF MEMBER STATES TO WHOM IT GRANTS A  
17          MULTISTATE LICENSE TO COVER THE COST OF THE  
18          OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS  
19          STAFF, WHICH MUST BE IN A TOTAL AMOUNT SUFFICIENT TO  
20          COVER ITS ANNUAL BUDGET AS APPROVED EACH YEAR FOR  
21          WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE  
22          AGGREGATE ANNUAL ASSESSMENT AMOUNT FOR MEMBER  
23          STATES SHALL BE ALLOCATED BASED UPON A FORMULA  
24          THAT THE COMMISSION SHALL PROMULGATE BY RULE.
- 25          4.       THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY  
26          KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET  
27          THE SAME; NOR SHALL THE COMMISSION PLEDGE THE

1 CREDIT OF ANY MEMBER STATES, EXCEPT BY AND WITH THE  
2 AUTHORITY OF THE MEMBER STATE.

3 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL  
4 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND  
5 DISBURSEMENTS OF THE COMMISSION SHALL BE SUBJECT TO  
6 THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES  
7 ESTABLISHED UNDER ITS BYLAWS. ALL RECEIPTS AND  
8 DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION  
9 SHALL BE SUBJECT TO AN ANNUAL FINANCIAL REVIEW BY A  
10 CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE  
11 REPORT OF THE FINANCIAL REVIEW SHALL BE INCLUDED IN  
12 AND BECOME PART OF THE ANNUAL REPORT OF THE  
13 COMMISSION.

14 H. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

15 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR,  
16 EMPLOYEES, AND REPRESENTATIVES OF THE COMMISSION  
17 ARE IMMUNE FROM SUIT AND LIABILITY, BOTH PERSONALLY  
18 AND IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR  
19 DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR  
20 OTHER CIVIL LIABILITY CAUSED BY OR ARISING OUT OF ANY  
21 ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT  
22 OCCURRED, OR THAT THE PERSON AGAINST WHOM THE  
23 CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING  
24 OCCURRED WITHIN THE SCOPE OF COMMISSION  
25 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED  
26 THAT NOTHING IN THIS PARAGRAPH H.1. SHALL BE  
27 CONSTRUED TO PROTECT ANY SUCH PERSON FROM SUIT OR

1 LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY  
2 CAUSED BY THE INTENTIONAL OR WILLFUL OR WANTON  
3 MISCONDUCT OF THAT PERSON. THE PROCUREMENT OF  
4 INSURANCE OF ANY TYPE BY THE COMMISSION DOES NOT IN  
5 ANY WAY COMPROMISE OR LIMIT THE IMMUNITY GRANTED  
6 HEREUNDER.

7 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER,  
8 EXECUTIVE DIRECTOR, EMPLOYEE, AND REPRESENTATIVE OF  
9 THE COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE  
10 LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,  
11 ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF  
12 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,  
13 OR AS DETERMINED BY THE COMMISSION THAT THE PERSON  
14 AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE  
15 BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF  
16 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;  
17 PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO  
18 PROHIBIT THAT PERSON FROM RETAINING THEIR OWN  
19 COUNSEL AT THEIR OWN EXPENSE; AND PROVIDED FURTHER,  
20 THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION  
21 DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR  
22 WILLFUL OR WANTON MISCONDUCT.

23 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS  
24 ANY MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE,  
25 AND REPRESENTATIVE OF THE COMMISSION FOR THE  
26 AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED  
27 AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR

1 ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED  
2 WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES,  
3 OR RESPONSIBILITIES, OR THAT SUCH PERSON HAD A  
4 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE  
5 SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR  
6 RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR  
7 ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM  
8 THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF  
9 THAT PERSON.

10 4. NOTHING HEREIN SHALL BE CONSTRUED AS A LIMITATION  
11 ON THE LIABILITY OF ANY LICENSEE FOR PROFESSIONAL  
12 MALPRACTICE OR MISCONDUCT, WHICH SHALL BE  
13 GOVERNED SOLELY BY ANY OTHER APPLICABLE STATE  
14 LAWS.

15 5. NOTHING IN THIS COMPACT SHALL BE INTERPRETED TO  
16 WAIVE OR OTHERWISE ABROGATE A MEMBER STATE'S  
17 STATE ACTION IMMUNITY OR STATE ACTION AFFIRMATIVE  
18 DEFENSE WITH RESPECT TO ANTITRUST CLAIMS UNDER THE  
19 SHERMAN ACT, CLAYTON ACT, OR ANY OTHER STATE OR  
20 FEDERAL ANTITRUST OR ANTICOMPETITIVE LAW OR  
21 REGULATION.

22 6. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A  
23 WAIVER OF SOVEREIGN IMMUNITY BY THE MEMBER STATES  
24 OR BY THE COMMISSION.

25 **ARTICLE 10 - DATA SYSTEM**

26 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT,  
27 MAINTENANCE, OPERATION, AND UTILIZATION OF A COORDINATED

1 DATABASE AND REPORTING SYSTEM.

2 B. THE COMMISSION SHALL ASSIGN EACH APPLICANT FOR A  
3 MULTISTATE LICENSE A UNIQUE IDENTIFIER, AS DETERMINED BY  
4 THE RULES OF THE COMMISSION.

5 C. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE  
6 CONTRARY, A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET  
7 TO THE DATA SYSTEM ON ALL INDIVIDUALS TO WHOM THIS  
8 COMPACT IS APPLICABLE AS REQUIRED BY THE RULES OF THE  
9 COMMISSION, INCLUDING:

- 10 1. IDENTIFYING INFORMATION;
- 11 2. LICENSURE DATA;
- 12 3. ADVERSE ACTIONS AGAINST A LICENSE AND INFORMATION  
13 RELATED THERETO;
- 14 4. NON-CONFIDENTIAL INFORMATION RELATED TO  
15 ALTERNATIVE PROGRAM PARTICIPATION, THE BEGINNING  
16 AND ENDING DATES OF SUCH PARTICIPATION, AND OTHER  
17 INFORMATION RELATED TO SUCH PARTICIPATION;
- 18 5. ANY DENIAL OF APPLICATION FOR LICENSURE, AND THE  
19 REASON(S) FOR SUCH DENIAL (EXCLUDING THE REPORTING  
20 OF ANY CRIMINAL HISTORY RECORD INFORMATION WHERE  
21 PROHIBITED BY LAW);
- 22 6. THE EXISTENCE OF INVESTIGATIVE INFORMATION;
- 23 7. THE EXISTENCE OF CURRENT SIGNIFICANT INVESTIGATIVE  
24 INFORMATION; AND
- 25 8. OTHER INFORMATION THAT MAY FACILITATE THE  
26 ADMINISTRATION OF THIS COMPACT OR THE PROTECTION OF  
27 THE PUBLIC, AS DETERMINED BY THE RULES OF THE

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COMMISSION.

- D. THE RECORDS AND INFORMATION PROVIDED TO A MEMBER STATE PURSUANT TO THIS COMPACT OR THROUGH THE DATA SYSTEM, WHEN CERTIFIED BY THE COMMISSION OR AN AGENT THEREOF, CONSTITUTE THE AUTHENTICATED BUSINESS RECORDS OF THE COMMISSION, AND SHALL BE ENTITLED TO ANY ASSOCIATED HEARSAY EXCEPTION IN ANY RELEVANT JUDICIAL, QUASI-JUDICIAL, OR ADMINISTRATIVE PROCEEDINGS IN A MEMBER STATE.
- E. THE EXISTENCE OF CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION AND THE EXISTENCE OF INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE IN ANY MEMBER STATE WILL ONLY BE AVAILABLE TO OTHER MEMBER STATES.
- F. IT IS THE RESPONSIBILITY OF THE MEMBER STATES TO MONITOR THE DATABASE TO DETERMINE WHETHER ADVERSE ACTION HAS BEEN TAKEN AGAINST SUCH A LICENSEE OR LICENSE APPLICANT. ADVERSE ACTION INFORMATION PERTAINING TO A LICENSEE OR LICENSE APPLICANT IN ANY MEMBER STATE WILL BE AVAILABLE TO ANY OTHER MEMBER STATE.
- G. MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA SYSTEM MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC WITHOUT THE EXPRESS PERMISSION OF THE CONTRIBUTING STATE.
- H. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS SUBSEQUENTLY EXPUNGED PURSUANT TO FEDERAL LAW OR THE LAWS OF THE MEMBER STATE CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE DATA SYSTEM.

**ARTICLE 11 - RULEMAKING**

- 1     A.     THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN  
2           ORDER TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT AND  
3           ADMINISTER THE PURPOSES AND PROVISIONS OF THE COMPACT. A  
4           RULE IS INVALID AND HAS NO FORCE OR EFFECT ONLY IF A COURT  
5           OF COMPETENT JURISDICTION HOLDS THAT THE RULE IS INVALID  
6           BECAUSE THE COMMISSION EXERCISED ITS RULEMAKING  
7           AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE AND  
8           PURPOSES OF THE COMPACT, OR THE POWERS GRANTED  
9           HEREUNDER, OR BASED UPON ANOTHER APPLICABLE STANDARD OF  
10          REVIEW.
- 11    B.     THE RULES OF THE COMMISSION HAVE THE FORCE OF LAW IN EACH  
12          MEMBER STATE, PROVIDED, HOWEVER, THAT WHERE THE RULES OF  
13          THE COMMISSION CONFLICT WITH THE LAWS OF THE MEMBER  
14          STATE THAT ESTABLISH THE MEMBER STATE'S SCOPE OF PRACTICE  
15          LAWS GOVERNING THE PRACTICE OF COSMETOLOGY AS HELD BY A  
16          COURT OF COMPETENT JURISDICTION, THE RULES OF THE  
17          COMMISSION ARE INEFFECTIVE IN THAT STATE TO THE EXTENT OF  
18          THE CONFLICT.
- 19    C.     THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS  
20          PURSUANT TO THE CRITERIA SET FORTH IN THIS ARTICLE AND THE  
21          RULES ADOPTED BECOME BINDING AS OF THE DATE SPECIFIED BY  
22          THE COMMISSION FOR EACH RULE.
- 23    D.     IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES  
24          REJECTS A RULE OR PORTION OF A RULE, BY ENACTMENT OF A  
25          STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT  
26          THE COMPACT WITHIN FOUR (4) YEARS OF THE DATE OF ADOPTION  
27          OF THE RULE, THEN SUCH RULE HAS NO FURTHER FORCE AND

1 EFFECT IN ANY MEMBER STATE OR TO ANY STATE APPLYING TO  
2 PARTICIPATE IN THE COMPACT.

3 E. RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF  
4 THE COMMISSION.

5 F. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL  
6 HOLD A PUBLIC HEARING AND ALLOW PERSONS TO PROVIDE ORAL  
7 AND WRITTEN COMMENTS, DATA, FACTS, OPINIONS, AND  
8 ARGUMENTS.

9 G. PRIOR TO ADOPTION OF A PROPOSED RULE BY THE COMMISSION,  
10 AND AT LEAST THIRTY (30) DAYS IN ADVANCE OF THE MEETING AT  
11 WHICH THE COMMISSION WILL HOLD A PUBLIC HEARING ON THE  
12 PROPOSED RULE, THE COMMISSION SHALL PROVIDE A NOTICE OF  
13 PROPOSED RULEMAKING:

- 14 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY  
15 ACCESSIBLE PLATFORM;
- 16 2. TO PERSONS WHO HAVE REQUESTED NOTICE OF THE  
17 COMMISSION'S NOTICES OF PROPOSED RULEMAKING; AND
- 18 3. IN SUCH OTHER WAY(S) AS THE COMMISSION MAY BY RULE  
19 SPECIFY.

20 H. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

- 21 1. THE TIME, DATE, AND LOCATION OF THE PUBLIC HEARING AT  
22 WHICH THE COMMISSION WILL HEAR PUBLIC COMMENTS ON  
23 THE PROPOSED RULE AND, IF DIFFERENT, THE TIME, DATE,  
24 AND LOCATION OF THE MEETING WHERE THE COMMISSION  
25 WILL CONSIDER AND VOTE ON THE PROPOSED RULE;
- 26 2. IF THE HEARING IS HELD VIA TELECOMMUNICATION, VIDEO  
27 CONFERENCE, OR OTHER ELECTRONIC MEANS, THE

1 MECHANISM FOR ACCESS TO THE HEARING IN THE NOTICE OF  
2 PROPOSED RULEMAKING;

3 3. THE TEXT OF THE PROPOSED RULE AND THE REASON  
4 THEREFOR;

5 4. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM  
6 ANY INTERESTED PERSON; AND

7 5. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT  
8 WRITTEN COMMENTS.

9 I. ALL HEARINGS WILL BE RECORDED. A COPY OF THE RECORDING  
10 AND ALL WRITTEN COMMENTS AND DOCUMENTS RECEIVED BY THE  
11 COMMISSION IN RESPONSE TO THE PROPOSED RULE SHALL BE  
12 AVAILABLE TO THE PUBLIC.

13 J. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS REQUIRING A  
14 SEPARATE HEARING ON EACH RULE. RULES MAY BE GROUPED FOR  
15 THE CONVENIENCE OF THE COMMISSION AT HEARINGS REQUIRED BY  
16 THIS ARTICLE.

17 K. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL MEMBERS,  
18 TAKE FINAL ACTION ON THE PROPOSED RULE BASED ON THE  
19 RULEMAKING RECORD AND THE FULL TEXT OF THE RULE.

20 1. THE COMMISSION MAY ADOPT CHANGES TO THE PROPOSED  
21 RULE PROVIDED THE CHANGES DO NOT ENLARGE THE  
22 ORIGINAL PURPOSE OF THE PROPOSED RULE.

23 2. THE COMMISSION SHALL PROVIDE AN EXPLANATION OF THE  
24 REASONS FOR SUBSTANTIVE CHANGES MADE TO THE  
25 PROPOSED RULE AS WELL AS REASONS FOR SUBSTANTIVE  
26 CHANGES NOT MADE THAT WERE RECOMMENDED BY  
27 COMMENTERS.

1           3.     THE COMMISSION SHALL DETERMINE A REASONABLE  
2           EFFECTIVE DATE FOR THE RULE. EXCEPT FOR AN  
3           EMERGENCY AS PROVIDED IN ARTICLE 11.L, THE EFFECTIVE  
4           DATE OF THE RULE SHALL BE NO SOONER THAN FORTY-FIVE  
5           (45) DAYS AFTER THE COMMISSION ISSUING THE NOTICE  
6           THAT IT ADOPTED OR AMENDED THE RULE.

7     L.     UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE  
8           COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE  
9           WITH FIVE (5) DAYS' NOTICE, WITH OPPORTUNITY TO COMMENT,  
10          PROVIDED THAT THE USUAL RULEMAKING PROCEDURES PROVIDED  
11          IN THE COMPACT AND IN THIS ARTICLE SHALL BE RETROACTIVELY  
12          APPLIED TO THE RULE AS SOON AS REASONABLY POSSIBLE, IN NO  
13          EVENT LATER THAN NINETY (90) DAYS AFTER THE EFFECTIVE DATE  
14          OF THE RULE. FOR THE PURPOSES OF THIS PROVISION, AN  
15          EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY  
16          TO:

- 17          1.     MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY,  
18                  OR WELFARE;
- 19          2.     PREVENT A LOSS OF COMMISSION OR MEMBER STATE  
20                  FUNDS;
- 21          3.     MEET A DEADLINE FOR THE PROMULGATION OF A RULE  
22                  THAT IS ESTABLISHED BY FEDERAL LAW OR RULE; OR
- 23          4.     PROTECT PUBLIC HEALTH AND SAFETY.

24     M.     THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE  
25           COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED  
26           RULE FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS,  
27           ERRORS IN FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL

1 ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON  
2 THE WEBSITE OF THE COMMISSION. THE REVISION IS SUBJECT TO  
3 CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY (30) DAYS  
4 AFTER POSTING. THE REVISION MAY BE CHALLENGED ONLY ON  
5 GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO  
6 A RULE. A CHALLENGE SHALL BE MADE IN WRITING AND  
7 DELIVERED TO THE COMMISSION PRIOR TO THE END OF THE NOTICE  
8 PERIOD. IF NO CHALLENGE IS MADE, THE REVISION WILL TAKE  
9 EFFECT WITHOUT FURTHER ACTION. IF THE REVISION IS  
10 CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE  
11 APPROVAL OF THE COMMISSION.

12 N. NO MEMBER STATE'S RULEMAKING REQUIREMENTS APPLY UNDER  
13 THIS COMPACT.

14 **ARTICLE 12 - OVERSIGHT, DISPUTE RESOLUTION,**  
15 **AND ENFORCEMENT**

16 A. OVERSIGHT

17 1. THE EXECUTIVE AND JUDICIAL BRANCHES OF STATE  
18 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE  
19 THIS COMPACT AND TAKE ALL ACTIONS NECESSARY AND  
20 APPROPRIATE TO IMPLEMENT THE COMPACT.

21 2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR  
22 AGAINST THE COMMISSION SHALL BE BROUGHT SOLELY AND  
23 EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION  
24 WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS  
25 LOCATED. THE COMMISSION MAY WAIVE VENUE AND  
26 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR  
27 CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE

1 RESOLUTION PROCEEDINGS. NOTHING HEREIN AFFECTS OR  
2 LIMITS THE SELECTION OR PROPRIETY OF VENUE IN ANY  
3 ACTION AGAINST A LICENSEE FOR PROFESSIONAL  
4 MALPRACTICE, MISCONDUCT, OR ANY SUCH SIMILAR  
5 MATTER.

6 3. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE  
7 OF PROCESS IN ANY PROCEEDING REGARDING THE  
8 ENFORCEMENT OR INTERPRETATION OF THE COMPACT AND  
9 SHALL HAVE STANDING TO INTERVENE IN SUCH A  
10 PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE THE  
11 COMMISSION SERVICE OF PROCESS RENDERS A JUDGMENT  
12 OR ORDER VOID AS TO THE COMMISSION, THIS COMPACT, OR  
13 PROMULGATED RULES.

14 B. DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION

15 1. IF THE COMMISSION DETERMINES THAT A MEMBER STATE  
16 HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS  
17 OR RESPONSIBILITIES UNDER THIS COMPACT OR THE  
18 PROMULGATED RULES, THE COMMISSION SHALL PROVIDE  
19 WRITTEN NOTICE TO THE DEFAULTING STATE. THE NOTICE  
20 OF DEFAULT SHALL DESCRIBE THE DEFAULT, THE PROPOSED  
21 MEANS OF CURING THE DEFAULT, AND ANY OTHER ACTION  
22 THAT THE COMMISSION MAY TAKE, AND SHALL OFFER  
23 TRAINING AND SPECIFIC TECHNICAL ASSISTANCE REGARDING  
24 THE DEFAULT.

25 2. THE COMMISSION SHALL PROVIDE A COPY OF THE NOTICE OF  
26 DEFAULT TO THE OTHER MEMBER STATES.

27 3. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE

1           DEFAULTING STATE MAY BE TERMINATED FROM THE  
2           COMPACT UPON AN AFFIRMATIVE VOTE OF A MAJORITY OF  
3           THE DELEGATES OF THE MEMBER STATES, AND ALL RIGHTS,  
4           PRIVILEGES, AND BENEFITS CONFERRED ON THAT STATE BY  
5           THIS COMPACT MAY BE TERMINATED ON THE EFFECTIVE  
6           DATE OF TERMINATION. A CURE OF THE DEFAULT DOES NOT  
7           RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR  
8           LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

9           4.    TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE  
10           IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING  
11           COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE OF INTENT TO  
12           SUSPEND OR TERMINATE SHALL BE GIVEN BY THE  
13           COMMISSION TO THE GOVERNOR, THE MAJORITY AND  
14           MINORITY LEADERS OF THE DEFAULTING STATE'S  
15           LEGISLATURE, THE DEFAULTING STATE'S STATE LICENSING  
16           AUTHORITY, AND EACH OF THE MEMBER STATES' STATE  
17           LICENSING AUTHORITY.

18           5.    A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR  
19           ALL ASSESSMENTS, OBLIGATIONS, AND LIABILITIES  
20           INCURRED THROUGH THE EFFECTIVE DATE OF TERMINATION,  
21           INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE  
22           EFFECTIVE DATE OF TERMINATION.

23           6.    UPON THE TERMINATION OF A STATE'S MEMBERSHIP FROM  
24           THIS COMPACT, THAT STATE SHALL IMMEDIATELY PROVIDE  
25           NOTICE TO ALL LICENSEES WHO HOLD A MULTISTATE  
26           LICENSE WITHIN THAT STATE OF SUCH TERMINATION. THE  
27           TERMINATED STATE SHALL CONTINUE TO RECOGNIZE ALL

1 LICENSES GRANTED PURSUANT TO THIS COMPACT FOR A  
2 MINIMUM OF ONE HUNDRED EIGHTY (180) DAYS AFTER THE  
3 DATE OF SAID NOTICE OF TERMINATION.

4 7. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO  
5 A STATE THAT IS FOUND TO BE IN DEFAULT OR THAT HAS  
6 BEEN TERMINATED FROM THE COMPACT, UNLESS AGREED  
7 UPON IN WRITING BETWEEN THE COMMISSION AND THE  
8 DEFAULTING STATE.

9 8. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE  
10 COMMISSION BY PETITIONING THE UNITED STATES DISTRICT  
11 COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL  
12 DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL  
13 OFFICES. THE PREVAILING PARTY SHALL BE AWARDED ALL  
14 COSTS OF SUCH LITIGATION, INCLUDING REASONABLE  
15 ATTORNEY'S FEES.

16 C. DISPUTE RESOLUTION

17 1. UPON REQUEST BY A MEMBER STATE, THE COMMISSION  
18 SHALL ATTEMPT TO RESOLVE DISPUTES RELATED TO THE  
19 COMPACT THAT ARISE AMONG MEMBER STATES AND  
20 BETWEEN MEMBER AND NON-MEMBER STATES.

21 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING  
22 FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION  
23 FOR DISPUTES AS APPROPRIATE.

24 D. ENFORCEMENT

25 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS  
26 DISCRETION, SHALL ENFORCE THE PROVISIONS OF THIS  
27 COMPACT AND THE COMMISSION'S RULES.

1           2.     BY MAJORITY VOTE AS PROVIDED BY COMMISSION RULE,  
2                     THE COMMISSION MAY INITIATE LEGAL ACTION AGAINST A  
3                     MEMBER STATE IN DEFAULT IN THE UNITED STATES  
4                     DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE  
5                     FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS  
6                     PRINCIPAL OFFICES TO ENFORCE COMPLIANCE WITH THE  
7                     PROVISIONS OF THE COMPACT AND ITS PROMULGATED  
8                     RULES. THE RELIEF SOUGHT MAY INCLUDE BOTH  
9                     INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL  
10                    ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY  
11                    SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION,  
12                    INCLUDING REASONABLE ATTORNEY'S FEES. THE REMEDIES  
13                    HEREIN ARE NOT THE EXCLUSIVE REMEDIES OF THE  
14                    COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER  
15                    REMEDIES AVAILABLE UNDER FEDERAL OR THE DEFAULTING  
16                    MEMBER STATE'S LAW.

17           3.     A MEMBER STATE MAY INITIATE LEGAL ACTION AGAINST  
18                     THE COMMISSION IN THE UNITED STATES DISTRICT COURT  
19                     FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT  
20                     WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES TO  
21                     ENFORCE COMPLIANCE WITH THE PROVISIONS OF THE  
22                     COMPACT AND ITS PROMULGATED RULES. THE RELIEF  
23                     SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND  
24                     DAMAGES. IN THE EVENT JUDICIAL ENFORCEMENT IS  
25                     NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED  
26                     ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE  
27                     ATTORNEY'S FEES.

1           4.     NO INDIVIDUAL OR ENTITY OTHER THAN A MEMBER STATE  
2                     MAY ENFORCE THIS COMPACT AGAINST THE COMMISSION.

3           **ARTICLE 13 - EFFECTIVE DATE, WITHDRAWAL,**  
4                     **AND AMENDMENT**

5     A.     THE COMPACT COMES INTO EFFECT ON THE DATE ON WHICH THE  
6             COMPACT STATUTE IS ENACTED INTO LAW IN THE SEVENTH  
7             MEMBER STATE.

8           1.     ON OR AFTER THE EFFECTIVE DATE OF THE COMPACT, THE  
9                     COMMISSION SHALL CONVENE AND REVIEW THE  
10                    ENACTMENT OF EACH OF THE CHARTER MEMBER STATES TO  
11                    DETERMINE IF THE STATUTE ENACTED BY EACH SUCH  
12                    CHARTER MEMBER STATE IS MATERIALLY DIFFERENT THAN  
13                    THE MODEL COMPACT STATUTE.

14           a.     A CHARTER MEMBER STATE WHOSE ENACTMENT IS  
15                     FOUND TO BE MATERIALLY DIFFERENT FROM THE  
16                     MODEL COMPACT STATUTE IS ENTITLED TO THE  
17                     DEFAULT PROCESS SET FORTH IN ARTICLE 12.

18           b.     IF ANY MEMBER STATE IS LATER FOUND TO BE IN  
19                     DEFAULT, OR IS TERMINATED OR WITHDRAWS FROM  
20                     THE COMPACT, THE COMMISSION REMAINS IN  
21                     EXISTENCE AND THE COMPACT REMAINS IN EFFECT  
22                     EVEN IF THE NUMBER OF MEMBER STATES SHOULD  
23                     BE LESS THAN SEVEN (7).

24           2.     MEMBER STATES ENACTING THE COMPACT SUBSEQUENT TO  
25                     THE CHARTER MEMBER STATES ARE SUBJECT TO THE  
26                     PROCESS SET FORTH IN ARTICLE 9.C.24 TO DETERMINE IF  
27                     THEIR ENACTMENTS ARE MATERIALLY DIFFERENT FROM THE

1 MODEL COMPACT STATUTE AND WHETHER THEY QUALIFY  
2 FOR PARTICIPATION IN THE COMPACT.

3 3. ALL ACTIONS TAKEN FOR THE BENEFIT OF THE COMMISSION  
4 OR IN FURTHERANCE OF THE PURPOSES OF THE  
5 ADMINISTRATION OF THE COMPACT PRIOR TO THE  
6 EFFECTIVE DATE OF THE COMPACT OR THE COMMISSION  
7 COMING INTO EXISTENCE SHALL BE CONSIDERED TO BE  
8 ACTIONS OF THE COMMISSION UNLESS SPECIFICALLY  
9 REPUDIATED BY THE COMMISSION.

10 4. ANY STATE THAT JOINS THE COMPACT IS SUBJECT TO THE  
11 COMMISSION'S RULES AND BYLAWS AS THEY EXIST ON THE  
12 DATE ON WHICH THE COMPACT BECOMES LAW IN THAT  
13 STATE. ANY RULE THAT HAS BEEN PREVIOUSLY ADOPTED  
14 BY THE COMMISSION HAS THE FULL FORCE AND EFFECT OF  
15 LAW ON THE DAY THE COMPACT BECOMES LAW IN THAT  
16 STATE.

17 B. ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY  
18 ENACTING A STATUTE REPEALING THAT STATE'S ENACTMENT OF  
19 THE COMPACT.

20 1. A MEMBER STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT  
21 UNTIL ONE HUNDRED EIGHTY (180) DAYS AFTER  
22 ENACTMENT OF THE REPEALING STATUTE.

23 2. WITHDRAWAL DOES NOT AFFECT THE CONTINUING  
24 REQUIREMENT OF THE WITHDRAWING STATE'S STATE  
25 LICENSING AUTHORITY TO COMPLY WITH THE  
26 INVESTIGATIVE AND ADVERSE ACTION REPORTING  
27 REQUIREMENTS OF THIS COMPACT PRIOR TO THE EFFECTIVE

1 DATE OF WITHDRAWAL.  
2 3. UPON THE ENACTMENT OF A STATUTE WITHDRAWING FROM  
3 THIS COMPACT, A STATE SHALL IMMEDIATELY PROVIDE  
4 NOTICE OF SUCH WITHDRAWAL TO ALL LICENSEES WITHIN  
5 THAT STATE. NOTWITHSTANDING ANY SUBSEQUENT  
6 STATUTORY ENACTMENT TO THE CONTRARY, SUCH  
7 WITHDRAWING STATE SHALL CONTINUE TO RECOGNIZE ALL  
8 LICENSES GRANTED PURSUANT TO THIS COMPACT FOR A  
9 MINIMUM OF ONE HUNDRED EIGHTY (180) DAYS AFTER THE  
10 DATE OF SUCH NOTICE OF WITHDRAWAL.

11 C. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO  
12 INVALIDATE OR PREVENT ANY LICENSURE AGREEMENT OR OTHER  
13 COOPERATIVE ARRANGEMENT BETWEEN A MEMBER STATE AND A  
14 NON-MEMBER STATE THAT DOES NOT CONFLICT WITH THE  
15 PROVISIONS OF THIS COMPACT.

16 D. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. NO  
17 AMENDMENT TO THIS COMPACT BECOMES EFFECTIVE AND BINDING  
18 UPON ANY MEMBER STATE UNTIL IT IS ENACTED INTO THE LAWS OF  
19 ALL MEMBER STATES.

20 **ARTICLE 14 - CONSTRUCTION AND SEVERABILITY**

21 A. THIS COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY  
22 SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE  
23 PURPOSES AND THE IMPLEMENTATION AND ADMINISTRATION OF  
24 THE COMPACT. PROVISIONS OF THE COMPACT EXPRESSLY  
25 AUTHORIZING OR REQUIRING THE PROMULGATION OF RULES SHALL  
26 NOT BE CONSTRUED TO LIMIT THE COMMISSION'S RULEMAKING  
27 AUTHORITY SOLELY FOR THOSE PURPOSES.

1 B. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF  
2 ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT  
3 IS HELD BY A COURT OF COMPETENT JURISDICTION TO BE  
4 CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, OF A  
5 STATE SEEKING PARTICIPATION IN THE COMPACT, OR OF THE  
6 UNITED STATES, OR THE APPLICABILITY THEREOF TO ANY  
7 GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE IS HELD TO BE  
8 UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THE  
9 VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE  
10 APPLICABILITY THEREOF TO ANY OTHER GOVERNMENT, AGENCY,  
11 PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.

12 C. NOTWITHSTANDING ARTICLE 14.B, THE COMMISSION MAY DENY A  
13 STATE'S PARTICIPATION IN THE COMPACT OR, IN ACCORDANCE  
14 WITH THE REQUIREMENTS OF ARTICLE 12, TERMINATE A MEMBER  
15 STATE'S PARTICIPATION IN THE COMPACT, IF IT DETERMINES THAT  
16 A CONSTITUTIONAL REQUIREMENT OF A MEMBER STATE IS A  
17 MATERIAL DEPARTURE FROM THE COMPACT. OTHERWISE, IF THIS  
18 COMPACT IS HELD TO BE CONTRARY TO THE CONSTITUTION OF ANY  
19 MEMBER STATE, THE COMPACT REMAINS IN FULL FORCE AND  
20 EFFECT AS TO THE REMAINING MEMBER STATES AND IN FULL FORCE  
21 AND EFFECT AS TO THE MEMBER STATE AFFECTED AS TO ALL  
22 SEVERABLE MATTERS.

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

25 A. NOTHING HEREIN PREVENTS OR INHIBITS THE ENFORCEMENT OF  
26 ANY OTHER LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT  
27 WITH THE COMPACT.

1 B. ANY LAWS, STATUTES, REGULATIONS, OR OTHER LEGAL  
2 REQUIREMENTS IN A MEMBER STATE IN CONFLICT WITH THE  
3 COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

4 C. ALL PERMISSIBLE AGREEMENTS BETWEEN THE COMMISSION AND  
5 THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR  
6 TERMS.

7 **24-60-4502. Construction of terms.** (1) AS USED IN THIS PART  
8 45, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 (a) "LICENSEE" MEANS, WITH RESPECT TO COLORADO, A  
10 COSMETOLOGIST HOLDING AN UNRESTRICTED LICENSE ISSUED BY THE  
11 DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE  
12 DEPARTMENT OF REGULATORY AGENCIES PURSUANT TO ARTICLE 105 OF  
13 TITLE 12.

14 (b) "STATE LICENSING AUTHORITY" MEANS, WITH RESPECT TO  
15 COLORADO, THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND  
16 OCCUPATIONS CREATED IN THE DEPARTMENT OF REGULATORY AGENCIES  
17 PURSUANT TO SECTION 12-20-103.

18 **24-60-4503. Notice to revisor of statutes - effective date of**  
19 **compact.** THIS ARTICLE 45 WILL TAKE EFFECT ON THE DATE THE COMPACT  
20 IS ENACTED INTO LAW IN THE SEVENTH COMPACT STATE. THE DIRECTOR OF  
21 THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF  
22 REGULATORY AGENCIES SHALL NOTIFY THE REVISOR OF STATUTES IN  
23 WRITING WHEN THE CONDITION SPECIFIED IN THIS SECTION HAS OCCURRED  
24 BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. THIS  
25 PART 45 TAKES EFFECT UPON THE DATE IDENTIFIED IN THE NOTICE THAT  
26 THE COMPACT IS ENACTED INTO LAW IN THE SEVENTH COMPACT STATE OR  
27 UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES IF THE

1 NOTICE DOES NOT SPECIFY A DIFFERENT DATE.

2 **SECTION 2.** In Colorado Revised Statutes, **add** 12-105-125.5 as  
3 follows:

4 **12-105-125.5. Interstate compact for cosmetologists - powers**  
5 **and duties - rules - definitions.** (1) AS USED IN THIS SECTION:

6 (a) "ADVERSE ACTION" HAS THE MEANING SET FORTH IN ARTICLE  
7 2 OF SECTION 24-60-4501.

8 (b) "BACKGROUND CHECK" HAS THE MEANING SET FORTH IN  
9 ARTICLE 2 OF SECTION 24-60-4501.

10 (c) "COMMISSION" MEANS THE COSMETOLOGY LICENSURE  
11 COMPACT COMMISSION ESTABLISHED IN ARTICLE 9 OF SECTION  
12 24-60-4501.

13 (d) "COMPACT" MEANS THE COSMETOLOGY LICENSURE COMPACT  
14 AUTHORIZED IN PART 45 OF ARTICLE 60 OF TITLE 24.

15 (e) "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" HAS  
16 THE MEANING SET FORTH IN ARTICLE 2 OF SECTION 24-60-4501.

17 (f) "DATA SYSTEM" HAS THE MEANING SET FORTH IN ARTICLE 2 OF  
18 SECTION 24-60-4501.

19 (g) "INVESTIGATIVE INFORMATION" HAS THE MEANING SET FORTH  
20 IN ARTICLE 2 OF SECTION 24-60-4501.

21 (h) "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE  
22 COMPACT.

23 (i) "MULTISTATE LICENSE" HAS THE MEANING SET FORTH IN  
24 ARTICLE 2 OF SECTION 24-60-4501.

25 (2) IN ADDITION TO ANY POWERS AND DUTIES SPECIFIED IN THE  
26 COMPACT FOR MEMBER STATES, THE DIRECTOR HAS THE FOLLOWING  
27 POWERS AND DUTIES WITH REGARD TO THE COMPACT:

1 (a) TO FACILITATE COLORADO'S PARTICIPATION IN THE COMPACT;

2 (b) TO COMPLY WITH THE RULES OF THE COMMISSION;

3 (c) TO PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF  
4 TITLE 24 AS NECESSARY FOR THE IMPLEMENTATION, ADMINISTRATION,  
5 AND ENFORCEMENT OF THE COMPACT;

6 (d) TO SERVE, OR TO DESIGNATE ANOTHER INDIVIDUAL TO SERVE,  
7 AS A DELEGATE ON AND ATTEND MEETINGS OF THE COMMISSION IN  
8 ACCORDANCE WITH THE TERMS OF THE COMPACT;

9 (e) TO NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS  
10 OF THE COMPACT AND COMMISSION RULES, OF ANY ADVERSE ACTION OR  
11 THE AVAILABILITY OF INVESTIGATIVE INFORMATION, INCLUDING CURRENT  
12 SIGNIFICANT INVESTIGATIVE INFORMATION, REGARDING A LICENSEE;

13 (f) TO IMPLEMENT PROCEDURES FOR CONSIDERING ONE OR MORE  
14 OF THE FOLLOWING CATEGORIES OF INFORMATION FROM APPLICANTS FOR  
15 LICENSURE: CRIMINAL HISTORY, DISCIPLINARY HISTORY, OR BACKGROUND  
16 CHECK;

17 (g) TO GRANT A MULTISTATE LICENSE TO A LICENSEE IN  
18 ACCORDANCE WITH THE TERMS OF THE COMPACT AND TO CHARGE A FEE  
19 TO INDIVIDUALS APPLYING FOR THE MULTISTATE LICENSE;

20 (h) TO PARTICIPATE FULLY IN THE DATA SYSTEM CONSISTENT WITH  
21 THE COMPACT REQUIREMENTS AND THE RULES OF THE COMMISSION; AND

22 (i) TO APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE  
23 COMMISSION TO COVER THE COST OF OPERATIONS AND ACTIVITIES OF THE  
24 COMMISSION AND ITS STAFF.

25 **SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal  
26 year, \$104,620 is appropriated to the department of regulatory agencies  
27 for use by the division of professions and occupations. This appropriation

1 is from the division of professions and occupations cash fund created in  
2 section 12-20-105 (3), C.R.S. To implement this act, the division may use  
3 this appropriation as follows:

4 (a) \$61,670 for personal services, which amount is based on an  
5 assumption that the division will require an additional 1.0 FTE;

6 (b) \$7,950 for operating expenses; and

7 (c) \$35,000 for the purchase of information technology services.

8 (2) For the 2024-25 state fiscal year, \$35,000 is appropriated to  
9 the office of the governor for use by the office of information technology.

10 This appropriation is from reappropriated funds received from the  
11 department of regulatory agencies under subsection (1)(c) of this section.

12 To implement this act, the office may use this appropriation to provide  
13 information technology services for the department of regulatory  
14 agencies.

15 **SECTION 4. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly; except  
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
19 of the state constitution against this act or an item, section, or part of this  
20 act within such period, then the act, item, section, or part will not take  
21 effect unless approved by the people at the general election to be held in  
22 November 2024 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.