

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0406.01 Brita Darling x2241

HOUSE BILL 24-1111

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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.**

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.

SENATE
2nd Reading Unamended
April 26, 2024

HOUSE
3rd Reading Unamended
April 8, 2024

HOUSE
Amended 2nd Reading
April 5, 2024

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 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 45 to article
3 60 of title 24 as follows:

4 PART 45

5 COSMETOLOGY LICENSURE COMPACT

6 **24-60-4501. Compact approved and ratified.** THE GENERAL
7 ASSEMBLY APPROVES AND RATIFIES, AND THE GOVERNOR SHALL ENTER
8 INTO, A COMPACT ON BEHALF OF THE STATE OF COLORADO AND ANY OF
9 THE UNITED STATES OR OTHER JURISDICTIONS LEGALLY JOINING IN THE
10 COMPACT IN THE FORM SUBSTANTIALLY AS FOLLOWS:

11 **ARTICLE 1 - PURPOSE**

12 THE PURPOSE OF THIS COMPACT IS TO FACILITATE THE INTERSTATE
13 PRACTICE AND REGULATION OF COSMETOLOGY WITH THE GOAL OF
14 IMPROVING PUBLIC ACCESS TO, AND THE SAFETY OF, COSMETOLOGY
15 SERVICES AND REDUCING UNNECESSARY BURDENS RELATED TO
16 COSMETOLOGY LICENSURE. THROUGH THIS COMPACT, THE MEMBER
17 STATES SEEK TO ESTABLISH A REGULATORY FRAMEWORK WHICH PROVIDES
18 FOR A NEW MULTISTATE LICENSING PROGRAM. THROUGH THIS NEW
19 LICENSING PROGRAM, THE MEMBER STATES SEEK TO PROVIDE INCREASED
20 VALUE AND MOBILITY TO LICENSED COSMETOLOGISTS IN THE MEMBER
21 STATES, WHILE ENSURING THE PROVISION OF SAFE, EFFECTIVE, AND
22 RELIABLE SERVICES TO THE PUBLIC.

23 THIS COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING
24 OBJECTIVES, AND THE MEMBER STATES HEREBY RATIFY THE SAME
25 INTENTIONS BY SUBSCRIBING HERETO:

26 A. PROVIDE OPPORTUNITIES FOR INTERSTATE PRACTICE BY

- 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.