

SENATE No. 2519

Senate, May 20, 2025 -- Text of amendment (245) (offered by Senator Fattman) to the Ways and Means amendment (Senate, No. 3) to the House Bill making appropriations for the fiscal year 2026 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the Commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

1 by inserting after section __ the following section:-

2 "SECTION X. The General Laws, as appearing in the 2022 Official Edition, are hereby
3 amended by inserting after chapter 112 the following new chapter:-

4 "CHAPTER 112A. Cosmetology Licensure Compact

5 Section 1. The purpose of this Compact is to facilitate the interstate practice and
6 regulation of Cosmetology with the goal of improving public access to, and the safety of,
7 Cosmetology Services and reducing unnecessary burdens related to Cosmetology licensure.
8 Through this Compact, the Member States seek to establish a regulatory framework which
9 provides for a new multistate licensing program. Through this new licensing program, the
10 Member States seek to provide increased value and mobility to licensed Cosmetologists in the
11 Member States, while ensuring the provision of safe, effective, and reliable services to the
12 public. This Compact is designed to achieve the following objectives, and the Member States
13 hereby ratify the same intentions by subscribing hereto:

14 A. Provide opportunities for interstate practice by Cosmetologists who meet uniform
15 requirements for multistate licensure

16 B. Enhance the abilities of Member States to protect public health and safety, and prevent
17 fraud and unlicensed activity within the profession

18 C. Ensure and encourage cooperation between Member States in the licensure and
19 regulation of the Practice of Cosmetology

20 D. Support relocating military members and their spouses

21 E. Facilitate the exchange of information between Member States related to the licensure,
22 investigation, and discipline of the Practice of Cosmetology

23 F. Provide for the licensure and mobility of the workforce in the profession, while
24 addressing the shortage of workers and lessening the associated burdens on the Member States.

25 Section 2. The following words, as used in this chapter, shall have the following
26 meanings unless the context clearly requires otherwise:

27 “Active Military Member” means any person with full-time duty status in the armed
28 forces of the United States, including members of the National Guard and Reserve.

29 “Adverse Action” means any administrative, civil, equitable, or criminal action permitted
30 by a Member State’s laws which is imposed by a State Licensing Authority or other regulatory
31 body against a Cosmetologist, including actions against an individual’s license or Authorization
32 to Practice such as revocation, suspension, probation, monitoring of the Licensee, limitation of
33 the Licensee’s practice, or any other Encumbrance on a license affecting an individual’s ability
34 to participate in the Cosmetology industry, including the issuance of a cease and desist order.

35 “Authorization to Practice” means a legal authorization associated with a Multistate
36 License permitting the Practice of Cosmetology in that Remote State, which shall be subject to
37 the enforcement jurisdiction of the State Licensing Authority in that Remote State.

38 “Alternative Program” means a non-disciplinary monitoring or prosecutorial diversion
39 program approved by a Member State’s State Licensing Authority.

40 “Background Check” means the submission of information for an applicant for the
41 purpose of obtaining that applicant’s criminal history record information, as further defined in 28
42 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and the agency responsible for
43 retaining State criminal or disciplinary history in the applicant’s Home State.

44 “Charter Member State” means Member States who have enacted legislation to adopt this
45 Compact where such legislation predates the effective date of this Compact as defined in section
46 13.

47 “Commission” means the government agency whose membership consists of all States
48 that have enacted this Compact, which is known as the Cosmetology Licensure Compact
49 Commission, as defined in section 9, and which shall operate as an instrumentality of the
50 Member States.

51 “Cosmetologist” means an individual licensed in their Home State to practice
52 Cosmetology.

53 “Cosmetology”, “Cosmetology Services”, and the “Practice of Cosmetology” mean the
54 care and services provided by a Cosmetologist as set forth in the Member State’s statutes and
55 regulations in the State where the services are being provided.

56 “Current Significant Investigative Information” means (i) Investigative Information that a
57 State Licensing Authority, after an inquiry or investigation that complies with a Member State’s
58 due process requirements, has reason to believe is not groundless and, if proved true, would
59 indicate a violation of that State’s laws regarding fraud or the Practice of Cosmetology; or (ii)
60 Investigative Information that indicates that a Licensee has engaged in fraud or represents an
61 immediate threat to public health and safety, regardless of whether the Licensee has been
62 notified and had an opportunity to respond.

63 “Data System” means a repository of information about Licensees, including, but not
64 limited to, license status, Investigative Information, and Adverse Actions.

65 “Disqualifying Event” means any event which shall disqualify an individual from holding
66 a Multistate License under this Compact, which the Commission may by Rule or order specify.

67 “Encumbered License” means a license in which an Adverse Action restricts the Practice
68 of Cosmetology by a Licensee, or where said Adverse Action has been reported to the
69 Commission.

70 “Encumbrance” means a revocation or suspension of, or any limitation on, the full and
71 unrestricted Practice of Cosmetology by a State Licensing Authority.

72 “Executive Committee” means a group of delegates elected or appointed to act on behalf
73 of, and within the powers granted to them by, the Commission.

74 “Home State” means the Member State which is a Licensee’s primary State of residence,
75 and where that Licensee holds an active and unencumbered license to practice Cosmetology.

76 “Investigative Information” means information, records, or documents received or
77 generated by a State Licensing Authority pursuant to an investigation or other inquiry.

78 “Jurisprudence Requirement” means the assessment of an individual’s knowledge of the
79 laws and rules governing the Practice of Cosmetology in a State.

80 “Licensee” means an individual who currently holds a license from a Member State to
81 practice as a Cosmetologist.

82 “Member State” means any State that has adopted this Compact.

83 “Multistate License” means a license issued by and subject to the enforcement
84 jurisdiction of the State Licensing Authority in a Licensee’s Home State, which authorizes the
85 Practice of Cosmetology in Member States and includes Authorizations to Practice Cosmetology
86 in all Remote States pursuant to this Compact.

87 “Remote State” means any Member State, other than the Licensee’s Home State.

88 “Rule” means any rule or regulation promulgated by the Commission under this Compact
89 which has the force of law.

90 “Single-State License” means a Cosmetology license issued by a Member State that
91 authorizes practice of Cosmetology only within the issuing State and does not include any
92 authorization outside of the issuing State.

93 “State” means a State, territory, or possession of the United States and the District of
94 Columbia.

95 “State Licensing Authority” means a Member State’s regulatory body responsible for
96 issuing Cosmetology licenses or otherwise overseeing the Practice of Cosmetology in that State.

97 Section 3. To be eligible to join this Compact, and to maintain eligibility as a Member
98 State, a State must:

99 (a) License and regulate Cosmetology, (b) have a mechanism or entity in place to receive
100 and investigate complaints about Licensees practicing in that State, (c) require that Licensees
101 within the State pass a Cosmetology competency examination prior to being licensed to provide
102 Cosmetology Services to the public in that State, (d) require that Licensees satisfy educational or
103 training requirements in Cosmetology prior to being licensed to provide Cosmetology Services to
104 the public in that State; (e) implement procedures for considering one or more of the following
105 categories of information from applicants for licensure: criminal history; disciplinary history; or
106 Background Check; such procedures may include the submission of information by applicants
107 for the purpose of obtaining an applicant’s Background Check as defined herein, (f) participate
108 in the Data System, including through the use of unique identifying numbers, (g) share
109 information related to Adverse Actions with the Commission and other Member States, both
110 through the Data System and otherwise, (h) notify the Commission and other Member States, in
111 compliance with the terms of the Compact and Rules of the Commission, of the existence of
112 Investigative Information or Current Significant Investigative Information in the State’s
113 possession regarding a Licensee practicing in that State, (i) comply with such Rules as may be
114 enacted by the Commission to administer the Compact; and (j) accept Licensees from other
115 Member States as established herein.

116 Member States may charge a fee for granting a license to practice Cosmetology.
117 Individuals not residing in a Member State shall continue to be able to apply for a Member
118 State's Single-State License as provided under the laws of each Member State. However, the
119 Single-State License granted to these individuals shall not be recognized as granting a Multistate
120 License to provide services in any other Member State. Nothing in this Compact shall affect the
121 requirements established by a Member State for the issuance of a Single-State License. A
122 Multistate License issued to a Licensee by a Home State to a resident of that State shall be
123 recognized by each Member State as authorizing a Licensee to practice Cosmetology in each
124 Member State. At no point shall the Commission have the power to define the educational or
125 professional requirements for a license to practice Cosmetology. The Member States shall retain
126 sole jurisdiction over the provision of these requirements.

127 Section 4. To be eligible to apply to their Home State's State Licensing Authority for an
128 initial Multistate License under this Compact, a Licensee must hold an active and unencumbered
129 Single-State License to practice Cosmetology in their Home State. Upon the receipt of an
130 application for a Multistate License, according to the Rules of the Commission, a Member
131 State's State Licensing Authority shall ascertain whether the applicant meets the requirements
132 for a Multistate License under this Compact. If an applicant meets the requirements for a
133 Multistate License under this Compact and any applicable Rules of the Commission, the State
134 Licensing Authority in receipt of the application shall, within a reasonable time, grant a
135 Multistate License to that applicant, and inform all Member States of the grant of said Multistate
136 License. A Multistate License to practice Cosmetology issued by a Member State's State
137 Licensing Authority shall be recognized by each Member State as authorizing the practice
138 thereof as though that Licensee held a Single-State License to do so in each Member State,

139 subject to the restrictions herein. A Multistate License granted pursuant to this Compact may be
140 effective for a definite period of time, concurrent with the licensure renewal period in the Home
141 State. To maintain a Multistate License under this Compact, a Licensee must (a) agree to abide
142 by the rules of the State Licensing Authority, and the State scope of practice laws governing the
143 Practice of Cosmetology, of any Member State in which the Licensee provides services, (b) pay
144 all required fees related to the application and process, and any other fees which the Commission
145 may by Rule require, and (c) comply with any and all other requirements regarding Multistate
146 Licenses which the Commission may by Rule provide.

147 A Licensee practicing in a Member State is subject to all scope of practice laws
148 governing Cosmetology Services in that State. The Practice of Cosmetology under a Multistate
149 License granted pursuant to this Compact will subject the Licensee to the jurisdiction of the State
150 Licensing Authority, the courts, and the laws of the Member State in which the Cosmetology
151 Services are provided.

152 Section 5. A Licensee may hold a Multistate License, issued by their Home State, in only
153 one Member State at any given time. If a Licensee changes their Home State by moving between
154 two Member States:

155 1. The Licensee shall immediately apply for the reissuance of their Multistate License in
156 their new Home State. The Licensee shall pay all applicable fees and notify the prior Home State
157 in accordance with the Rules of the Commission.

158 2. Upon receipt of an application to reissue a Multistate License, the new Home State
159 shall verify that the Multistate License is active, unencumbered and eligible for reissuance under
160 the terms of the Compact and the Rules of the Commission. The Multistate License issued by the

161 prior Home State will be deactivated and all Member States notified in accordance with the
162 applicable Rules adopted by the Commission.

163 3. If required for initial licensure, the new Home State may require a Background Check
164 as specified in the laws of that State, or the compliance with any Jurisprudence Requirements of
165 the new Home State.

166 4. Notwithstanding any other provision of this Compact, if a Licensee does not meet the
167 requirements set forth in this Compact for the reissuance of a Multistate License by the new
168 Home State, then the Licensee shall be subject to the new Home State requirements for the
169 issuance of a Single-State License in that State.

170 If a Licensee changes their primary state of residence by moving from a Member State to
171 a non-Member State, or from a non-Member State to a Member State, then the Licensee shall be
172 subject to the State requirements for the issuance of a Single-State License in the new Home
173 State. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single-State
174 License in multiple States; however, for the purposes of this Compact, a Licensee shall have only
175 one Home State, and only one Multistate License. Nothing in this Compact shall interfere with
176 the requirements established by a Member State for the issuance of a Single-State License.

177 Section 6. A. Nothing in this Compact, nor any Rule or regulation of the Commission,
178 shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact
179 and enforce laws, regulations, or other rules related to the Practice of Cosmetology in that State,
180 where those laws, regulations, or other rules are not inconsistent with the provisions of this
181 Compact.

182 B. Insofar as practical, a Member State’s State Licensing Authority shall cooperate with
183 the Commission and with each entity exercising independent regulatory authority over the
184 Practice of Cosmetology according to the provisions of this Compact.

185 C. Discipline shall be the sole responsibility of the State in which Cosmetology Services
186 are provided. Accordingly, each Member State’s State Licensing Authority shall be responsible
187 for receiving complaints about individuals practicing Cosmetology in that State, and for
188 communicating all relevant Investigative Information about any such Adverse Action to the other
189 Member States through the Data System in addition to any other methods the Commission may
190 by Rule require.

191 Section 7. A. A Licensee’s Home State shall have exclusive power to impose an Adverse
192 Action against a Licensee’s Multistate License issued by the Home State.

193 B. A Home State may take Adverse Action on a Multistate License based on the
194 Investigative Information, Current Significant Investigative Information, or Adverse Action of a
195 Remote State.

196 C. In addition to the powers conferred by State law, each Remote State’s State Licensing
197 Authority shall have the power to:

198 1. Take Adverse Action against a Licensee’s Authorization to Practice Cosmetology
199 through the Multistate License in that Member State, provided that:

200 a. Only the Licensee’s Home State shall have the power to take Adverse Action against
201 the Multistate License issued by the Home State; and

202 b. For the purposes of taking Adverse Action, the Home State’s State Licensing
203 Authority shall give the same priority and effect to reported conduct received from a Remote
204 State as it would if such conduct had occurred within the Home State. In so doing, the Home
205 State shall apply its own State laws to determine the appropriate action.

206 2. Issue cease and desist orders or impose an Encumbrance on a Licensee’s Authorization
207 to Practice within that Member State.

208 3. Complete any pending investigations of a Licensee who changes their primary state of
209 residence during the course of such an investigation. The State Licensing Authority shall also be
210 empowered to report the results of such an investigation to the Commission through the Data
211 System as described herein.

212 4. Issue subpoenas for both hearings and investigations that require the attendance and
213 testimony of witnesses, as well as the production of evidence. Subpoenas issued by a State
214 Licensing Authority in a Member State for the attendance and testimony of witnesses or the
215 production of evidence from another Member State shall be enforced in the latter State by any
216 court of competent jurisdiction, according to the practice and procedure of that court applicable
217 to subpoenas issued in proceedings before it. The issuing State Licensing Authority shall pay any
218 witness fees, travel expenses, mileage, and other fees required by the service statutes of the State
219 in which the witnesses or evidence are located.

220 5. If otherwise permitted by State law, recover from the affected Licensee the costs of
221 investigations and disposition of cases resulting from any Adverse Action taken against that
222 Licensee.

223 6. Take Adverse Action against the Licensee’s Authorization to Practice in that State
224 based on the factual findings of another Remote State.

225 D. A Licensee’s Home State shall complete any pending investigation(s) of a
226 Cosmetologist who changes their primary state of residence during the course of the
227 investigation(s). The Home State shall also have the authority to take appropriate action(s) and
228 shall promptly report the conclusions of the investigations to the Data System.

229 E. If an Adverse Action is taken by the Home State against a Licensee’s Multistate
230 License, the Licensee’s Authorization to Practice in all other Member States shall be deactivated
231 until all Encumbrances have been removed from the Home State license. All Home State
232 disciplinary orders that impose an Adverse Action against a Licensee’s Multistate License shall
233 include a statement that the Cosmetologist’s Authorization to Practice is deactivated in all
234 Member States during the pendency of the order.

235 F. Nothing in this Compact shall override a Member State’s authority to accept a
236 Licensee’s participation in an Alternative Program in lieu of Adverse Action. A Licensee’s
237 Multistate License shall be suspended for the duration of the Licensee’s participation in any
238 Alternative Program.

239 G. Joint Investigations

240 1. In addition to the authority granted to a Member State by its respective scope of
241 practice laws or other applicable State law, a Member State may participate with other Member
242 States in joint investigations of Licensees.

243 2. Member States shall share any investigative, litigation, or compliance materials in
244 furtherance of any joint or individual investigation initiated under the Compact.

245 Section 8. Active Military Members, or their spouses, shall designate a Home State where
246 the individual has a current license to practice Cosmetology in good standing. The individual
247 may retain their Home State designation during any period of service when that individual or
248 their spouse is on active duty assignment.

249 Section 9. A. The Compact Member States hereby create and establish a joint
250 government agency whose membership consists of all Member States that have enacted the
251 Compact known as the Cosmetology Licensure Compact Commission. The Commission is an
252 instrumentality of the Compact Member States acting jointly and not an instrumentality of any
253 one State. The Commission shall come into existence on or after the effective date of the
254 Compact as set forth in section 13.

255 B. Membership, Voting, and Meetings

256 1. Each Member State shall have and be limited to one (1) delegate selected by that
257 Member State's State Licensing Authority.

258 2. The delegate shall be an administrator of the State Licensing Authority of the Member
259 State or their designee.

260 3. The Commission shall by Rule or bylaw establish a term of office for delegates and
261 may by Rule or bylaw establish term limits.

262 4. The Commission may recommend removal or suspension of any delegate from office.

263 5. A Member State's State Licensing Authority shall fill any vacancy of its delegate
264 occurring on the Commission within 60 days of the vacancy.

265 6. Each delegate shall be entitled to one vote on all matters that are voted on by the
266 Commission.

267 7. The Commission shall meet at least once during each calendar year. Additional
268 meetings may be held as set forth in the bylaws. The Commission may meet by
269 telecommunication, video conference or other similar electronic means.

270 C. The Commission shall have the following powers:

271 1. Establish the fiscal year of the Commission;

272 2. Establish code of conduct and conflict of interest policies;

273 3. Adopt Rules and bylaws;

274 4. Maintain its financial records in accordance with the bylaws;

275 5. Meet and take such actions as are consistent with the provisions of this Compact, the
276 Commission's Rules, and the bylaws;

277 6. Initiate and conclude legal proceedings or actions in the name of the Commission,
278 provided that the standing of any State Licensing Authority to sue or be sued under applicable
279 law shall not be affected;

280 7. Maintain and certify records and information provided to a Member State as the
281 authenticated business records of the Commission, and designate an agent to do so on the
282 Commission's behalf;

- 283 8. Purchase and maintain insurance and bonds;
- 284 9. Borrow, accept, or contract for services of personnel, including, but not limited to,
285 employees of a Member State;
- 286 10. Conduct an annual financial review;
- 287 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
288 individuals appropriate authority to carry out the purposes of the Compact, and establish the
289 Commission’s personnel policies and programs relating to conflicts of interest, qualifications of
290 personnel, and other related personnel matters;
- 291 12. As set forth in the Commission Rules, charge a fee to a Licensee for the grant of a
292 Multistate License and thereafter, as may be established by Commission Rule, charge the
293 Licensee a Multistate License renewal fee for each renewal period. Nothing herein shall be
294 construed to prevent a Home State from charging a Licensee a fee for a Multistate License or
295 renewals of a Multistate License, or a fee for the jurisprudence requirement if the Member State
296 imposes such a requirement for the grant of a Multistate License;
- 297 13. Assess and collect fees;
- 298 14. Accept any and all appropriate gifts, donations, grants of money, other sources of
299 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the
300 same; provided that at all times the Commission shall avoid any appearance of impropriety or
301 conflict of interest;
- 302 15. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or
303 mixed, or any undivided interest therein;

- 304 16. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
305 any property real, personal, or mixed;
- 306 17. Establish a budget and make expenditures;
- 307 18. Borrow money;
- 308 19. Appoint committees, including standing committees, composed of members, State
309 regulators, State legislators or their representatives, and consumer representatives, and such other
310 interested persons as may be designated in this Compact and the bylaws;
- 311 20. Provide and receive information from, and cooperate with, law enforcement agencies;
- 312 21. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the
313 Commission as provided in the Commission’s bylaws;
- 314 22. Establish and elect an Executive Committee, including a chair and a vice chair;
- 315 23. Adopt and provide to the Member States an annual report.
- 316 24. Determine whether a State’s adopted language is materially different from the model
317 Compact language such that the State would not qualify for participation in the Compact; and
- 318 25. Perform such other functions as may be necessary or appropriate to achieve the
319 purposes of this Compact.

320 D. The Executive Committee

321 1. The Executive Committee shall have the power to act on behalf of the Commission
322 according to the terms of this Compact. The powers, duties, and responsibilities of the Executive
323 Committee shall include:

324 a. Overseeing the day-to-day activities of the administration of the Compact including
325 compliance with the provisions of the Compact, the Commission’s Rules and bylaws, and other
326 such duties as deemed necessary;

327 b. Recommending to the Commission changes to the Rules or bylaws, changes to this
328 Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and
329 other fees;

330 c. Ensuring Compact administration services are appropriately provided, including by
331 contract;

332 d. Preparing and recommending the budget;

333 e. Maintaining financial records on behalf of the Commission;

334 f. Monitoring Compact compliance of Member States and providing compliance reports
335 to the Commission;

336 g. Establishing additional committees as necessary;

337 h. Exercising the powers and duties of the Commission during the interim between
338 Commission meetings, except for adopting or amending Rules, adopting or amending bylaws,
339 and exercising any other powers and duties expressly reserved to the Commission by Rule or
340 bylaw; and

- 341 i. Other duties as provided in the Rules or bylaws of the Commission.
- 342 2. The Executive Committee shall be composed of up to seven voting members:
- 343 a. The chair and vice chair of the Commission and any other members of the Commission
344 who serve on the Executive Committee shall be voting members of the Executive Committee;
345 and
- 346 b. Other than the chair, vice-chair, secretary and treasurer, the Commission shall elect
347 three voting members from the current membership of the Commission.
- 348 c. The Commission may elect ex-officio, nonvoting members from a recognized national
349 Cosmetology professional association as approved by the Commission. The Commission's
350 bylaws shall identify qualifying organizations and the manner of appointment if the number of
351 organizations seeking to appoint an ex officio member exceeds the number of members specified
352 in this section.
- 353 3. The Commission may remove any member of the Executive Committee as provided in
354 the Commission's bylaws.
- 355 4. The Executive Committee shall meet at least annually.
- 356 a. Annual Executive Committee meetings, as well as any Executive Committee meeting
357 at which it does not take or intend to take formal action on a matter for which a Commission vote
358 would otherwise be required, shall be open to the public, except that the Executive Committee
359 may meet in a closed, non-public session of a public meeting when dealing with any of the
360 matters covered under section 9.F.4.

361 b. The Executive Committee shall give five business days advance notice of its public
362 meetings, posted on its website and as determined to provide notice to persons with an interest in
363 the public matters the Executive Committee intends to address at those meetings.

364 5. The Executive Committee may hold an emergency meeting when acting for the
365 Commission to:

366 a. Meet an imminent threat to public health, safety, or welfare;

367 b. Prevent a loss of Commission or Member State funds; or

368 c. Protect public health and safety.

369 E. The Commission shall adopt and provide to the Member States an annual report.

370 F. Meetings of the Commission

371 1. All meetings of the Commission that are not closed pursuant to section 9.F.4 shall be
372 open to the public. Notice of public meetings shall be posted on the Commission's website at
373 least thirty (30) days prior to the public meeting.

374 2. Notwithstanding section 9.F.1, the Commission may convene an emergency public
375 meeting by providing at least twenty-four (24) hours prior notice on the Commission's website,
376 and any other means as provided in the Commission's Rules, for any of the reasons it may
377 dispense with notice of proposed rulemaking under section 11.L. The Commission's legal
378 counsel shall certify that one of the reasons justifying an emergency public meeting has been
379 met.

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

383 4. The Commission may convene in a closed, non-public meeting for the Commission to
384 discuss:

385 a. Non-compliance of a Member State with its obligations under the Compact;

386 b. The employment, compensation, discipline or other matters, practices or procedures
387 related to specific employees or other matters related to the Commission’s internal personnel
388 practices and procedures;

389 c. Current or threatened discipline of a Licensee by the Commission or by a Member
390 State’s Licensing Authority;

391 d. Current, threatened, or reasonably anticipated litigation;

392 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
393 estate;

394 f. Accusing any person of a crime or formally censuring any person;

395 g. Trade secrets or commercial or financial information that is privileged or confidential;

396 h. Information of a personal nature where disclosure would constitute a clearly
397 unwarranted invasion of personal privacy;

398 i. Investigative records compiled for law enforcement purposes;

399 j. Information related to any investigative reports prepared by or on behalf of or for use of
400 the Commission or other committee charged with responsibility of investigation or determination
401 of compliance issues pursuant to the Compact;

402 k. Legal advice;

403 l. Matters specifically exempted from disclosure to the public by federal or Member State
404 law; or

405 m. Other matters as promulgated by the Commission by Rule.

406 5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
407 meeting will be closed and reference each relevant exempting provision, and such reference shall
408 be recorded in the minutes.

409 6. The Commission shall keep minutes that fully and clearly describe all matters
410 discussed in a meeting and shall provide a full and accurate summary of actions taken, and the
411 reasons therefore, including a description of the views expressed. All documents considered in
412 connection with an action shall be identified in such minutes. All minutes and documents of a
413 closed meeting shall remain under seal, subject to release only by a majority vote of the
414 Commission or order of a court of competent jurisdiction.

415 G. Financing of the Commission

416 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of
417 its establishment, organization, and ongoing activities.

418 2. The Commission may accept any and all appropriate sources of revenue, donations,
419 and grants of money, equipment, supplies, materials, and services.

420 3. The Commission may levy on and collect an annual assessment from each Member
421 State and impose fees on Licensees of Member States to whom it grants a Multistate License to
422 cover the cost of the operations and activities of the Commission and its staff, which must be in a
423 total amount sufficient to cover its annual budget as approved each year for which revenue is not
424 provided by other sources. The aggregate annual assessment amount for Member States shall be
425 allocated based upon a formula that the Commission shall promulgate by Rule.

426 4. The Commission shall not incur obligations of any kind prior to securing the funds
427 adequate to meet the same; nor shall the Commission pledge the credit of any Member States,
428 except by and with the authority of the Member State.

429 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
430 receipts and disbursements of the Commission shall be subject to the financial review and
431 accounting procedures established under its bylaws. All receipts and disbursements of funds
432 handled by the Commission shall be subject to an annual financial review by a certified or
433 licensed public accountant, and the report of the financial review shall be included in and
434 become part of the annual report of the Commission.

435 H. Qualified Immunity, Defense, and Indemnification

436 1. The members, officers, executive director, employees and representatives of the
437 Commission shall be immune from suit and liability, both personally and in their official
438 capacity, for any claim for damage to or loss of property or personal injury or other civil liability
439 caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the
440 person against whom the claim is made had a reasonable basis for believing occurred within the
441 scope of Commission employment, duties or responsibilities; provided that nothing in this

442 paragraph shall be construed to protect any such person from suit or liability for any damage,
443 loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.
444 The procurement of insurance of any type by the Commission shall not in any way compromise
445 or limit the immunity granted hereunder.

446 2. The Commission shall defend any member, officer, executive director, employee, and
447 representative of the Commission in any civil action seeking to impose liability arising out of
448 any actual or alleged act, error, or omission that occurred within the scope of Commission
449 employment, duties, or responsibilities, or as determined by the Commission that the person
450 against whom the claim is made had a reasonable basis for believing occurred within the scope
451 of Commission employment, duties, or responsibilities; provided that nothing herein shall be
452 construed to prohibit that person from retaining their own counsel at their own expense; and
453 provided further, that the actual or alleged act, error, or omission did not result from that
454 person's intentional or willful or wanton misconduct.

455 3. The Commission shall indemnify and hold harmless any member, officer, executive
456 director, employee, and representative of the Commission for the amount of any settlement or
457 judgment obtained against that person arising out of any actual or alleged act, error, or omission
458 that occurred within the scope of Commission employment, duties, or responsibilities, or that
459 such person had a reasonable basis for believing occurred within the scope of Commission
460 employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission
461 did not result from the intentional or willful or wanton misconduct of that person.

462 4. Nothing herein shall be construed as a limitation on the liability of any Licensee for
463 professional malpractice or misconduct, which shall be governed solely by any other applicable
464 State laws.

465 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member
466 State's State action immunity or State action affirmative defense with respect to antitrust claims
467 under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive
468 law or regulation.

469 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by
470 the Member States or by the Commission.

471 Section 10. A. The Commission shall provide for the development, maintenance,
472 operation, and utilization of a coordinated database and reporting system.

473 B. The Commission shall assign each applicant for a Multistate License a unique
474 identifier, as determined by the Rules of the Commission.

475 C. Notwithstanding any other provision of State law to the contrary, a Member State shall
476 submit a uniform data set to the Data System on all individuals to whom this Compact is
477 applicable as required by the Rules of the Commission, including:

478 1. Identifying information;

479 2. Licensure data;

480 3. Adverse Actions against a license and information related thereto;

481 4. Non-confidential information related to Alternative Program participation, the
482 beginning and ending dates of such participation, and other information related to such
483 participation;

484 5. Any denial of application for licensure, and the reason(s) for such denial (excluding the
485 reporting of any criminal history record information where prohibited by law);

486 6. The existence of Investigative Information;

487 7. The existence of Current Significant Investigative Information; and

488 8. Other information that may facilitate the administration of this Compact or the
489 protection of the public, as determined by the Rules of the Commission.

490 D. The records and information provided to a Member State pursuant to this Compact or
491 through the Data System, when certified by the Commission or an agent thereof, shall constitute
492 the authenticated business records of the Commission, and shall be entitled to any associated
493 hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a
494 Member State.

495 E. The existence of Current Significant Investigative Information and the existence of
496 Investigative Information pertaining to a Licensee in any Member State will only be available to
497 other Member States.

498 F. It is the responsibility of the Member States to monitor the database to determine
499 whether Adverse Action has been taken against such a Licensee or License applicant. Adverse
500 Action information pertaining to a Licensee or License applicant in any Member State will be
501 available to any other Member State.

502 G. Member States contributing information to the Data System may designate
503 information that may not be shared with the public without the express permission of the
504 contributing State.

505 H. Any information submitted to the Data System that is subsequently expunged pursuant
506 to federal law or the laws of the Member State contributing the information shall be removed
507 from the Data System.

508 Section 11. A. The Commission shall promulgate reasonable Rules in order to effectively
509 and efficiently implement and administer the purposes and provisions of the Compact. A Rule
510 shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the
511 Rule is invalid because the Commission exercised its rulemaking authority in a manner that is
512 beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon
513 another applicable standard of review.

514 B. The Rules of the Commission shall have the force of law in each Member State,
515 provided however that where the Rules of the Commission conflict with the laws of the Member
516 State that establish the Member State's scope of practice laws governing the Practice of
517 Cosmetology as held by a court of competent jurisdiction, the Rules of the Commission shall be
518 ineffective in that State to the extent of the conflict.

519 C. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth
520 in this section and the Rules adopted thereunder. Rules shall become binding as of the date
521 specified by the Commission for each Rule.

522 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a
523 Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact

524 within four (4) years of the date of adoption of the Rule, then such Rule shall have no further
525 force and effect in any Member State or to any State applying to participate in the Compact.

526 E. Rules shall be adopted at a regular or special meeting of the Commission.

527 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and
528 allow persons to provide oral and written comments, data, facts, opinions, and arguments.

529 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days
530 in advance of the meeting at which the Commission will hold a public hearing on the proposed
531 Rule, the Commission shall provide a notice of proposed rulemaking:

532 1. On the website of the Commission or other publicly accessible platform;

533 2. To persons who have requested notice of the Commission's notices of proposed
534 rulemaking; and

535 3. In such other way(s) as the Commission may by Rule specify.

536 H. The notice of proposed rulemaking shall include:

537 1. The time, date, and location of the public hearing at which the Commission will hear
538 public comments on the proposed Rule and, if different, the time, date, and location of the
539 meeting where the Commission will consider and vote on the proposed Rule;

540 2. If the hearing is held via telecommunication, video conference, or other electronic
541 means,

542 the Commission shall include the mechanism for access to the hearing in the notice of
543 proposed rulemaking;

- 544 3. The text of the proposed Rule and the reason therefor;
- 545 4. A request for comments on the proposed Rule from any interested person; and
- 546 5. The manner in which interested persons may submit written comments.

547 I. All hearings will be recorded. A copy of the recording and all written comments and
548 documents received by the Commission in response to the proposed Rule shall be available to
549 the public.

550 J. Nothing in this section shall be construed as requiring a separate hearing on each Rule.
551 Rules may be grouped for the convenience of the Commission at hearings required by this
552 section.

553 K. The Commission shall, by majority vote of all members, take final action on the
554 proposed Rule based on the rulemaking record and the full text of the Rule:

555 1. The Commission may adopt changes to the proposed Rule provided the changes do not
556 enlarge the original purpose of the proposed Rule.

557 2. The Commission shall provide an explanation of the reasons for substantive changes
558 made to the proposed Rule as well as reasons for substantive changes not made that were
559 recommended by commenters.

560 3. The Commission shall determine a reasonable effective date for the Rule. Except for
561 an emergency as provided in section 11.L, the effective date of the Rule shall be no sooner than
562 forty-five (45) days after the Commission issuing the notice that it adopted or amended the Rule.

563 L. Upon determination that an emergency exists, the Commission may consider and
564 adopt an emergency Rule with five (5) days' notice, with opportunity to comment, provided that
565 the usual rulemaking procedures provided in the Compact and in this section shall be
566 retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90)
567 days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is
568 one that must be adopted immediately to:

- 569 1. Meet an imminent threat to public health, safety, or welfare;
- 570 2. Prevent a loss of Commission or Member State funds;
- 571 3. Meet a deadline for the promulgation of a Rule that is established by federal law or
572 rule; or
- 573 4. Protect public health and safety.

574 M. The Commission or an authorized committee of the Commission may direct revisions
575 to a previously adopted Rule for purposes of correcting typographical errors, errors in format,
576 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the
577 website of the Commission. The revision shall be subject to challenge by any person for a period
578 of thirty (30) days after posting. The revision may be challenged only on grounds that the
579 revision results in a material change to a Rule. A challenge shall be made in writing and
580 delivered to the Commission prior to the end of the notice period. If no challenge is made, the
581 revision will take effect without further action. If the revision is challenged, the revision may not
582 take effect without the approval of the Commission.

583 N. No Member State's rulemaking requirements shall apply under this Compact.

584 Section 12. A. Oversight

585 1. The executive and judicial branches of State government in each Member State shall
586 enforce this Compact and take all actions necessary and appropriate to implement the Compact.

587 2. Venue is proper and judicial proceedings by or against the Commission shall be
588 brought solely and exclusively in a court of competent jurisdiction where the principal office of
589 the Commission is located. The Commission may waive venue and jurisdictional defenses to the
590 extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing
591 herein shall affect or limit the selection or propriety of venue in any action against a Licensee for
592 professional malpractice, misconduct or any such similar matter.

593 3. The Commission shall be entitled to receive service of process in any proceeding
594 regarding the enforcement or interpretation of the Compact and shall have standing to intervene
595 in such a proceeding for all purposes. Failure to provide the Commission service of process shall
596 render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

597 B. Default, Technical Assistance, and Termination

598 1. If the Commission determines that a Member State has defaulted in the performance of
599 its obligations or responsibilities under this Compact or the promulgated Rules, the Commission
600 shall provide written notice to the defaulting State. The notice of default shall describe the
601 default, the proposed means of curing the default, and any other action that the Commission may
602 take, and shall offer training and specific technical assistance regarding the default.

603 2. The Commission shall provide a copy of the notice of default to the other Member
604 States.

605 3. If a State in default fails to cure the default, the defaulting State may be terminated
606 from
607 the Compact upon an affirmative vote of a majority of the delegates of the Member
608 States, and all rights, privileges and benefits conferred on that State by this Compact may be
609 terminated on the effective date of termination. A cure of the default does not relieve the
610 offending State of obligations or liabilities incurred during the period of default.

611 4. Termination of membership in the Compact shall be imposed only after all other
612 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
613 shall be given by the Commission to the governor, the majority and minority leaders of the
614 defaulting State's legislature, the defaulting State's State Licensing Authority and each of the
615 Member States' State Licensing Authority.

616 5. A State that has been terminated is responsible for all assessments, obligations, and
617 liabilities incurred through the effective date of termination, including obligations that extend
618 beyond the effective date of termination.

619 6. Upon the termination of a State's membership from this Compact, that State shall
620 immediately provide notice to all Licensees who hold a Multistate License within that State of
621 such termination. The terminated State shall continue to recognize all licenses granted pursuant
622 to this Compact for a minimum of one hundred eighty (180) days after the date of said notice of
623 termination.

624 7. The Commission shall not bear any costs related to a State that is found to be in default
625 or that has been terminated from the Compact, unless agreed upon in writing between the
626 Commission and the defaulting State.

627 8. The defaulting State may appeal the action of the Commission by petitioning the
628 United States District Court for the District of Columbia or the federal district where the
629 Commission has its principal offices. The prevailing party shall be awarded all costs of such
630 litigation, including reasonable attorney’s fees.

631 C. Dispute Resolution

632 1. Upon request by a Member State, the Commission shall attempt to resolve disputes 51
633 related to the Compact that arise among Member States and between Member and non-Member
634 States.

635 2. The Commission shall promulgate a Rule providing for both mediation and binding
636 dispute resolution for disputes as appropriate.

637 D. Enforcement

638 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
639 provisions of this Compact and the Commission’s Rules.

640 2. By majority vote as provided by Commission Rule, the Commission may initiate legal
641 action against a Member State in default in the United States District Court for the

642 District of Columbia or the federal district where the Commission has its principal offices
643 to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief
644 sought may include both injunctive relief and damages. In the event judicial enforcement is
645 necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable
646 attorney’s fees. The remedies herein shall not be the exclusive remedies of the Commission. The

647 Commission may pursue any other remedies available under federal or the defaulting Member
648 State's law.

649 3. A Member State may initiate legal action against the Commission in the United States
650 District Court for the District of Columbia or the federal district where the Commission has its
651 principal offices to enforce compliance with the provisions of the Compact and its promulgated
652 Rules. The relief sought may include both injunctive relief and damages. In the event judicial
653 enforcement is necessary, the prevailing party shall be awarded all costs of such litigation,
654 including reasonable attorney's fees.

655 4. No individual or entity other than a Member State may enforce this Compact against
656 the Commission.

657 Section 13. A. The Compact shall come into effect on the date on which the Compact
658 statute is enacted into law in the seventh Member State.

659 1. On or after the effective date of the Compact, the Commission shall convene and
660 review the enactment of each of the Charter Member States to determine if the statute enacted by
661 each such Charter Member State is materially different than the model Compact statute.

662 a. A Charter Member State whose enactment is found to be materially different from the
663 model Compact statute shall be entitled to the default process set forth in section 12.

664 b. If any Member State is later found to be in default, or is terminated or withdraws from
665 the Compact, the Commission shall remain in existence and the Compact shall remain in effect
666 even if the number of Member States should be less than seven (7).

667 2. Member States enacting the Compact subsequent to the Charter Member States shall
668 be subject to the process set forth in section 9.C.24 to determine if their enactments are
669 materially different from the model Compact statute and whether they qualify for participation in
670 the Compact.

671 3. All actions taken for the benefit of the Commission or in furtherance of the purposes of
672 the administration of the Compact prior to the effective date of the Compact or the Commission
673 coming into existence shall be considered to be actions of the Commission unless specifically
674 repudiated by the Commission.

675 4. Any State that joins the Compact shall be subject to the Commission's Rules and
676 bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that
677 has been previously adopted by the Commission shall have the full force and effect of law on the
678 day the Compact becomes law in that State.

679 B. Any Member State may withdraw from this Compact by enacting a statute repealing
680 that State's enactment of the Compact.

681 1. A Member State's withdrawal shall not take effect until one hundred eighty (180) days
682 after enactment of the repealing statute.

683 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's
684 State Licensing Authority to comply with the investigative and Adverse Action reporting
685 requirements of this Compact prior to the effective date of withdrawal.

686 3. Upon the enactment of a statute withdrawing from this Compact, a State shall
687 immediately provide notice of such withdrawal to all Licensees within that State.

688 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State
689 shall continue to recognize all licenses granted pursuant to this Compact for a minimum of one
690 hundred eighty (180) days after the date of such notice of withdrawal.

691 C. Nothing contained in this Compact shall be construed to invalidate or prevent any
692 licensure agreement or other cooperative arrangement between a Member State and a non-
693 Member State that does not conflict with the provisions of this Compact.

694 D. This Compact may be amended by the Member States. No amendment to this
695 Compact shall become effective and binding upon any Member State until it is enacted into the
696 laws of all Member States.

697 Section 14. A. This Compact and the Commission's rulemaking authority shall be
698 liberally construed so as to effectuate the purposes, and the implementation and administration of
699 the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of
700 Rules shall not be construed to limit the Commission's rulemaking authority solely for those
701 purposes.

702 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence
703 or provision of this Compact is held by a court of competent jurisdiction to be contrary to the
704 constitution of any Member State, a State seeking participation in the Compact, or of the United
705 States, or the applicability thereof to any government, agency, person or circumstance is held to
706 be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this
707 Compact and the applicability thereof to any other government, agency, person or circumstance
708 shall not be affected thereby.

709 C. Notwithstanding section 14.B, the Commission may deny a State’s participation in the
710 Compact or, in accordance with the requirements of section 12, terminate a Member State’s
711 participation in the Compact, if it determines that a constitutional requirement of a Member State
712 is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary
713 to the constitution of any Member State, the Compact shall remain in full force and effect as to
714 the remaining Member States and in full force and effect as to the Member State affected as to all
715 severable matters.

716 Section 15. A. Nothing herein shall prevent or inhibit the enforcement of any other law of
717 a Member State that is not inconsistent with the Compact.

718 B. Any laws, statutes, regulations, or other legal requirements in a Member State in
719 conflict with the Compact are superseded to the extent of the conflict.

720 C. All permissible agreements between the Commission and the Member States are
721 binding in accordance with their terms.”