

**SENATE . . . . . No. 2636**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Ryan C. Fattman***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the cosmetology licensure compact.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Ryan C. Fattman</i>	<i>Worcester and Hampden</i>	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/27/2025</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>5/27/2025</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>5/27/2025</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>5/27/2025</i>
<i>Shirley B. Arriaga</i>	<i>8th Hampden</i>	<i>5/28/2025</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>5/28/2025</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>5/28/2025</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>5/28/2025</i>
<i>John J. Marsi</i>	<i>6th Worcester</i>	<i>6/4/2025</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>6/4/2025</i>
<i>Kelly A. Dooner</i>	<i>Third Bristol and Plymouth</i>	<i>6/4/2025</i>

**SENATE . . . . . No. 2636**

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 2636) (subject to Joint Rule 12) of Ryan C. Fattman, Bruce E. Tarr, Kelly W. Pease, Manny Cruz and other members of the General Court for legislation to establish compact agreements between certain states allowing cosmetology licensees to move freely between member states. Consumer Protection and Professional Licensure.

**The Commonwealth of Massachusetts**

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

An Act establishing the cosmetology licensure compact.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

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

3 “CHAPTER 112A. Cosmetology Licensure Compact

4 Section 1. The purpose of this Compact is to facilitate the interstate practice and  
5 regulation of Cosmetology with the goal of improving public access to, and the safety of,  
6 Cosmetology Services and reducing unnecessary burdens related to Cosmetology licensure.

7 Through this Compact, the Member States seek to establish a regulatory framework which  
8 provides for a new multistate licensing program. Through this new licensing program, the  
9 Member States seek to provide increased value and mobility to licensed Cosmetologists in the  
10 Member States, while ensuring the provision of safe, effective, and reliable services to the

11 public. This Compact is designed to achieve the following objectives, and the Member States  
12 hereby ratify the same intentions by subscribing hereto:

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

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

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

19           D. Support relocating military members and their spouses

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

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

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

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

28           “Adverse Action” means any administrative, civil, equitable, or criminal action permitted  
29 by a Member State’s laws which is imposed by a State Licensing Authority or other regulatory  
30 body against a Cosmetologist, including actions against an individual’s license or Authorization

31 to Practice such as revocation, suspension, probation, monitoring of the Licensee, limitation of  
32 the Licensee’s practice, or any other Encumbrance on a license affecting an individual’s ability  
33 to participate in the Cosmetology industry, including the issuance of a cease and desist order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

113 enacted by the Commission to administer the Compact; and (j) accept Licensees from other  
114 Member States as established herein.

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

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

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

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

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

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

157           2. Upon receipt of an application to reissue a Multistate License, the new Home State  
158 shall verify that the Multistate License is active, unencumbered and eligible for reissuance under  
159 the terms of the Compact and the Rules of the Commission. The Multistate License issued by the  
160 prior Home State will be deactivated and all Member States notified in accordance with the  
161 applicable Rules adopted by the Commission.

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

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

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

176           Section 6. A. Nothing in this Compact, nor any Rule or regulation of the Commission,  
177 shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact  
178 and enforce laws, regulations, or other rules related to the Practice of Cosmetology in that State,

179 where those laws, regulations, or other rules are not inconsistent with the provisions of this  
180 Compact.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

238           G. Joint Investigations

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

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

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

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

254           B. Membership, Voting, and Meetings

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

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

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

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

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

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

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

269           C. The Commission shall have the following powers:

270           1. Establish the fiscal year of the Commission;

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

272           3. Adopt Rules and bylaws;

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

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

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

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

282           8. Purchase and maintain insurance and bonds;

283           9. Borrow, accept, or contract for services of personnel, including, but not limited to,  
284 employees of a Member State;

285           10. Conduct an annual financial review;

286           11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such  
287 individuals appropriate authority to carry out the purposes of the Compact, and establish the  
288 Commission's personnel policies and programs relating to conflicts of interest, qualifications of  
289 personnel, and other related personnel matters;

290           12. As set forth in the Commission Rules, charge a fee to a Licensee for the grant of a  
291 Multistate License and thereafter, as may be established by Commission Rule, charge the  
292 Licensee a Multistate License renewal fee for each renewal period. Nothing herein shall be  
293 construed to prevent a Home State from charging a Licensee a fee for a Multistate License or  
294 renewals of a Multistate License, or a fee for the jurisprudence requirement if the Member State  
295 imposes such a requirement for the grant of a Multistate License;

296           13. Assess and collect fees;

297           14. Accept any and all appropriate gifts, donations, grants of money, other sources of  
298 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the  
299 same; provided that at all times the Commission shall avoid any appearance of impropriety or  
300 conflict of interest;

301           15. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or  
302 mixed, or any undivided interest therein;

303           16. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
304 any property real, personal, or mixed;

305           17. Establish a budget and make expenditures;

306           18. Borrow money;

307           19. Appoint committees, including standing committees, composed of members, State  
308 regulators, State legislators or their representatives, and consumer representatives, and such other  
309 interested persons as may be designated in this Compact and the bylaws;

310           20. Provide and receive information from, and cooperate with, law enforcement agencies;

311           21. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the  
312 Commission as provided in the Commission's bylaws;

313           22. Establish and elect an Executive Committee, including a chair and a vice chair;

314           23. Adopt and provide to the Member States an annual report.

315           24. Determine whether a State's adopted language is materially different from the model  
316 Compact language such that the State would not qualify for participation in the Compact; and

317           25. Perform such other functions as may be necessary or appropriate to achieve the  
318 purposes of this Compact.

319           D. The Executive Committee

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

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

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

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

331           d. Preparing and recommending the budget;

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

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

335           g. Establishing additional committees as necessary;

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

340 i. Other duties as provided in the Rules or bylaws of the Commission.

341 2. The Executive Committee shall be composed of up to seven voting members:

342 a. The chair and vice chair of the Commission and any other members of the Commission  
343 who serve on the Executive Committee shall be voting members of the Executive Committee;  
344 and

345 b. Other than the chair, vice-chair, secretary and treasurer, the Commission shall elect  
346 three voting members from the current membership of the Commission.

347 c. The Commission may elect ex-officio, nonvoting members from a recognized national  
348 Cosmetology professional association as approved by the Commission. The Commission's  
349 bylaws shall identify qualifying organizations and the manner of appointment if the number of  
350 organizations seeking to appoint an ex officio member exceeds the number of members specified  
351 in this section.

352 3. The Commission may remove any member of the Executive Committee as provided in  
353 the Commission's bylaws.

354 4. The Executive Committee shall meet at least annually.

355 a. Annual Executive Committee meetings, as well as any Executive Committee meeting  
356 at which it does not take or intend to take formal action on a matter for which a Commission vote

357 would otherwise be required, shall be open to the public, except that the Executive Committee  
358 may meet in a closed, non-public session of a public meeting when dealing with any of the  
359 matters covered under section 9.F.4.

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

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

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

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

367           c. Protect public health and safety.

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

369           F. Meetings of the Commission

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

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

377 counsel shall certify that one of the reasons justifying an emergency public meeting has been  
378 met.

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

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

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

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

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

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

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

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

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

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

397 i. Investigative records compiled for law enforcement purposes;

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

401 k. Legal advice;

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

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

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

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

414 G. Financing of the Commission

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

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

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

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

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

#### 434           H. Qualified Immunity, Defense, and Indemnification

435           1. The members, officers, executive director, employees and representatives of the  
436 Commission shall be immune from suit and liability, both personally and in their official  
437 capacity, for any claim for damage to or loss of property or personal injury or other civil liability  
438 caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the

439 person against whom the claim is made had a reasonable basis for believing occurred within the  
440 scope of Commission employment, duties or responsibilities; provided that nothing in this  
441 paragraph shall be construed to protect any such person from suit or liability for any damage,  
442 loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.  
443 The procurement of insurance of any type by the Commission shall not in any way compromise  
444 or limit the immunity granted hereunder.

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

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

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

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

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

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

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

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

477 1. Identifying information;

478 2. Licensure data;

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

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

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

485 6. The existence of Investigative Information;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

535 H. The notice of proposed rulemaking shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

583 Section 12. A. Oversight

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

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

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

596 B. Default, Technical Assistance, and Termination

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

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

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

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

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

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

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

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

630           C. Dispute Resolution

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

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

636           D. Enforcement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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