

As Reported by the Senate Government Oversight Committee

135th General Assembly

Regular Session

2023-2024

Sub. S. B. No. 89

Senator Roegner

A BILL

To amend section 4713.37 and to enact sections 1
4713.33 and 4713.331 of the Revised Code to 2
enter into the Cosmetology Licensure Compact. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4713.37 be amended and sections 4
4713.33 and 4713.331 of the Revised Code be enacted to read as 5
follows: 6

Sec. 4713.33. The "Cosmetology Licensure Compact" is 7
hereby ratified, enacted into law, and entered into by the state 8
of Ohio as a party to the compact with any other state that has 9
legally joined in the compact as follows: 10

COSMETOLOGY LICENSURE COMPACT 11

ARTICLE 1- PURPOSE 12

The purpose of this Compact is to facilitate the 13
interstate practice and regulation of Cosmetology with the goal 14
of improving public access to, and the safety of, Cosmetology 15
Services and reducing unnecessary burdens related to Cosmetology 16
licensure. Through this Compact, the Member States seek to 17
establish a regulatory framework which provides for a new 18

multistate licensing program. Through this new licensing 19
program, the Member States seek to provide increased value and 20
mobility to licensed Cosmetologists in the Member States, while 21
ensuring the provision of safe, effective, and reliable services 22
to the public. 23

This Compact is designed to achieve the following 24
objectives, and the Member States hereby ratify the same 25
intentions by subscribing hereto: 26

A. Provide opportunities for interstate practice by 27
Cosmetologists who meet uniform requirements for multistate 28
licensure; 29

B. Enhance the abilities of Member States to protect 30
public health and safety, and prevent fraud and unlicensed 31
activity within the profession; 32

C. Ensure and encourage cooperation between Member States 33
in the licensure and regulation of the Practice of Cosmetology; 34

D. Support relocating military members and their spouses; 35

E. Facilitate the exchange of information between Member 36
States related to the licensure, investigation, and discipline 37
of the Practice of Cosmetology; 38

F. Provide for the licensure and mobility of the workforce 39
in the profession, while addressing the shortage of workers and 40
lessening the associated burdens on the Member States. 41

ARTICLE 2- DEFINITIONS 42

As used in this Compact, and except as otherwise provided, 43
the following definitions shall govern the terms herein: 44

A. "Active Military Member" means any person with full-time duty 45

status in the armed forces of the United States, including 46
members of the National Guard and Reserve. 47

B. "Adverse Action" means any administrative, civil, equitable, 48
or criminal action permitted by a Member State's laws which is 49
imposed by a State Licensing Authority or other regulatory body 50
against a Cosmetologist, including actions against an 51
individual's license or Authorization to Practice such as 52
revocation, suspension, probation, monitoring of the Licensee, 53
limitation of the Licensee's practice, or any other Encumbrance 54
on a license affecting an individual's ability to participate in 55
the Cosmetology industry, including the issuance of a cease and 56
desist order. 57

C. "Authorization to Practice" means a legal authorization 58
associated with a Multistate License permitting the Practice of 59
Cosmetology in that Remote State, which shall be subject to the 60
enforcement jurisdiction of the State Licensing Authority in 61
that Remote State. 62

D. "Alternative Program" means a non-disciplinary monitoring or 63
prosecutorial diversion program approved by a Member State's 64
State Licensing Authority. 65

E. "Background Check" means the submission of information for an 66
applicant for the purpose of obtaining that applicant's criminal 67
history record information, as further defined in 28 C.F.R. § 68
20.3(d), from the Federal Bureau of Investigation and the agency 69
responsible for retaining State criminal or disciplinary history 70
in the applicant's Home State. 71

F. "Charter Member State" means Member States who have enacted 72
legislation to adopt this Compact where such legislation 73
predates the effective date of this Compact as defined in 74

<u>Article 13.</u>	75
<u>G. "Commission" means the government agency whose membership</u>	76
<u>consists of all States that have enacted this Compact, which is</u>	77
<u>known as the Cosmetology Licensure Compact Commission, as</u>	78
<u>defined in Article 9, and which shall operate as an</u>	79
<u>instrumentality of the Member States.</u>	80
<u>H. "Cosmetologist" means an individual licensed in their Home</u>	81
<u>State to practice Cosmetology.</u>	82
<u>I. "Cosmetology", "Cosmetology Services", and the "Practice of</u>	83
<u>Cosmetology" mean the care and services provided by a</u>	84
<u>Cosmetologist as set forth in the Member State's statutes and</u>	85
<u>regulations in the State where the services are being provided.</u>	86
<u>J. "Current Significant Investigative Information" means:</u>	87
<u>1. Investigative Information that a State Licensing</u>	88
<u>Authority, after an inquiry or investigation that complies with</u>	89
<u>a Member State's due process requirements, has reason to believe</u>	90
<u>is not groundless and, if proved true, would indicate a</u>	91
<u>violation of that State's laws regarding fraud or the Practice</u>	92
<u>of Cosmetology; or</u>	93
<u>2. Investigative Information that indicates that a</u>	94
<u>Licensee has engaged in fraud or represents an immediate threat</u>	95
<u>to public health and safety, regardless of whether the Licensee</u>	96
<u>has been notified and had an opportunity to respond.</u>	97
<u>K. "Data System" means a repository of information about</u>	98
<u>Licensees, including but not limited to license status,</u>	99
<u>Investigative Information, and Adverse Actions.</u>	100
<u>L. "Disqualifying Event" means any event which shall disqualify</u>	101
<u>an individual from holding a Multistate License under this</u>	102

<u>Compact, which the Commission may by Rule or order specify.</u>	103
<u>M. "Encumbered License" means a license in which an Adverse</u>	104
<u>Action restricts the Practice of Cosmetology by a Licensee, or</u>	105
<u>where said Adverse Action has been reported to the Commission.</u>	106
<u>N. "Encumbrance" means a revocation or suspension of, or any</u>	107
<u>limitation on, the full and unrestricted Practice of Cosmetology</u>	108
<u>by a State Licensing Authority.</u>	109
<u>O. "Executive Committee" means a group of delegates elected or</u>	110
<u>appointed to act on behalf of, and within the powers granted to</u>	111
<u>them by, the Commission.</u>	112
<u>P. "Home State" means the Member State which is a Licensee's</u>	113
<u>primary State of residence, and where that Licensee holds an</u>	114
<u>active and unencumbered license to practice Cosmetology.</u>	115
<u>Q. "Investigative Information" means information, records, or</u>	116
<u>documents received or generated by a State Licensing Authority</u>	117
<u>pursuant to an investigation or other inquiry.</u>	118
<u>R. "Jurisprudence Requirement" means the assessment of an</u>	119
<u>individual's knowledge of the laws and rules governing the</u>	120
<u>Practice of Cosmetology in a State.</u>	121
<u>S. "Licensee" means an individual who currently holds a license</u>	122
<u>from a Member State to practice as a Cosmetologist.</u>	123
<u>T. "Member State" means any State that has adopted this Compact.</u>	124
<u>U. "Multistate License" means a license issued by and subject to</u>	125
<u>the enforcement jurisdiction of the State Licensing Authority in</u>	126
<u>a Licensee's Home State, which authorizes the Practice of</u>	127
<u>Cosmetology in Member States and includes Authorizations to</u>	128
<u>Practice Cosmetology in all Remote States pursuant to this</u>	129
<u>Compact.</u>	130

<u>V. "Remote State" means any Member State, other than the</u>	131
<u>Licensee's Home State.</u>	132
<u>W. "Rule" means any rule or regulation promulgated by the</u>	133
<u>Commission under this Compact which has the force of law.</u>	134
<u>X. "Single-State License" means a Cosmetology license issued by</u>	135
<u>a Member State that authorizes practice of Cosmetology only</u>	136
<u>within the issuing State and does not include any authorization</u>	137
<u>outside of the issuing State.</u>	138
<u>Y. "State" means a State, territory, or possession of the United</u>	139
<u>States and the District of Columbia.</u>	140
<u>Z. "State Licensing Authority" means a Member State's regulatory</u>	141
<u>body responsible for issuing Cosmetology licenses or otherwise</u>	142
<u>overseeing the Practice of Cosmetology in that State.</u>	143
<u>ARTICLE 3- MEMBER STATE REQUIREMENTS</u>	144
<u>A. To be eligible to join this Compact, and to maintain</u>	145
<u>eligibility as a Member State, a State must:</u>	146
<u>1. License and regulate Cosmetology;</u>	147
<u>2. Have a mechanism or entity in place to receive and</u>	148
<u>investigate complaints about Licensees practicing in that State;</u>	149
<u>3. Require that Licensees within the State pass a</u>	150
<u>Cosmetology competency examination prior to being licensed to</u>	151
<u>provide Cosmetology Services to the public in that State;</u>	152
<u>4. Require that Licensees satisfy educational or training</u>	153
<u>requirements in Cosmetology prior to being licensed to provide</u>	154
<u>Cosmetology Services to the public in that State;</u>	155
<u>5. Implement procedures for considering one or more of the</u>	156
<u>following categories of information from applicants for</u>	157

<u>licensure: criminal history; disciplinary history; or Background</u>	158
<u>Check. Such procedures may include the submission of information</u>	159
<u>by applicants for the purpose of obtaining an applicant's</u>	160
<u>Background Check as defined herein;</u>	161
<u>6. Participate in the Data System, including through the</u>	162
<u>use of unique identifying numbers;</u>	163
<u>7. Share information related to Adverse Actions with the</u>	164
<u>Commission and other Member States, both through the Data System</u>	165
<u>and otherwise;</u>	166
<u>8. Notify the Commission and other Member States, in</u>	167
<u>compliance with the terms of the Compact and Rules of the</u>	168
<u>Commission, of the existence of Investigative Information or</u>	169
<u>Current Significant Investigative Information in the State's</u>	170
<u>possession regarding a Licensee practicing in that State;</u>	171
<u>9. Comply with such Rules as may be enacted by the</u>	172
<u>Commission to administer the Compact; and</u>	173
<u>10. Accept Licensees from other Member States as</u>	174
<u>established herein.</u>	175
<u>B. Member States may charge a fee for granting a license to</u>	176
<u>practice Cosmetology.</u>	177
<u>C. Individuals not residing in a Member State shall continue to</u>	178
<u>be able to apply for a Member State's Single-State License as</u>	179
<u>provided under the laws of each Member State. However, the</u>	180
<u>Single-State License granted to these individuals shall not be</u>	181
<u>recognized as granting a Multistate License to provide services</u>	182
<u>in any other Member State.</u>	183
<u>D. Nothing in this Compact shall affect the requirements</u>	184
<u>established by a Member State for the issuance of a Single-State</u>	185

<u>License.</u>	186
<u>E. A Multistate License issued to a Licensee by a Home State to</u>	187
<u>a resident of that State shall be recognized by each Member</u>	188
<u>State as authorizing a Licensee to practice Cosmetology in each</u>	189
<u>Member State.</u>	190
<u>F. At no point shall the Commission have the power to define the</u>	191
<u>educational or professional requirements for a license to</u>	192
<u>practice Cosmetology. The Member States shall retain sole</u>	193
<u>jurisdiction over the provision of these requirements.</u>	194
ARTICLE 4- MULTISTATE LICENSE	195
<u>A. To be eligible to apply to their Home State's State Licensing</u>	196
<u>Authority for an initial Multistate License under this Compact,</u>	197
<u>a Licensee must hold an active and unencumbered Single-State</u>	198
<u>License to practice Cosmetology in their Home State.</u>	199
<u>B. Upon the receipt of an application for a Multistate License,</u>	200
<u>according to the Rules of the Commission, a Member State's State</u>	201
<u>Licensing Authority shall ascertain whether the applicant meets</u>	202
<u>the requirements for a Multistate License under this Compact.</u>	203
<u>C. If an applicant meets the requirements for a Multistate</u>	204
<u>License under this Compact and any applicable Rules of the</u>	205
<u>Commission, the State Licensing Authority in receipt of the</u>	206
<u>application shall, within a reasonable time, grant a Multistate</u>	207
<u>License to that applicant, and inform all Member States of the</u>	208
<u>grant of said Multistate License.</u>	209
<u>D. A Multistate License to practice Cosmetology issued by a</u>	210
<u>Member State's State Licensing Authority shall be recognized by</u>	211
<u>each Member State as authorizing the practice thereof as though</u>	212
<u>that Licensee held a Single-State License to do so in each</u>	213
<u>Member State, subject to the restrictions herein.</u>	214

E. A Multistate License granted pursuant to this Compact may be 215
effective for a definite period of time, concurrent with the 216
licensure renewal period in the Home State. 217

F. To maintain a Multistate License under this Compact, a 218
Licensee must: 219

1. Agree to abide by the rules of the State Licensing 220
Authority, and the State scope of practice laws governing the 221
Practice of Cosmetology, of any Member State in which the 222
Licensee provides services; 223

2. Pay all required fees related to the application and 224
process, and any other fees which the Commission may by Rule 225
require; and 226

3. Comply with any and all other requirements regarding 227
Multistate Licenses which the Commission may by Rule provide. 228

G. A Licensee practicing in a Member State is subject to all 229
scope of practice laws governing Cosmetology Services in that 230
State. 231

H. The Practice of Cosmetology under a Multistate License 232
granted pursuant to this Compact will subject the Licensee to 233
the jurisdiction of the State Licensing Authority, the courts, 234
and the laws of the Member State in which the Cosmetology 235
Services are provided. 236

ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME 237
STATE 238

A. A Licensee may hold a Multistate License, issued by their 239
Home State, in only one Member State at any given time. 240

B. If a Licensee changes their Home State by moving between two 241
Member States: 242

1. The Licensee shall immediately apply for the reissuance of their Multistate License in their new Home State. The Licensee shall pay all applicable fees and notify the prior Home State in accordance with the Rules of the Commission. 243
244
245
246

2. Upon receipt of an application to reissue a Multistate License, the new Home State shall verify that the Multistate License is active, unencumbered and eligible for reissuance under the terms of the Compact and the Rules of the Commission. The Multistate License issued by the prior Home State will be deactivated and all Member States notified in accordance with the applicable Rules adopted by the Commission. 247
248
249
250
251
252
253

3. If required for initial licensure, the new Home State may require a Background Check as specified in the laws of that State, or the compliance with any Jurisprudence Requirements of the new Home State. 254
255
256
257

4. Notwithstanding any other provision of this Compact, if a Licensee does not meet the requirements set forth in this Compact for the reissuance of a Multistate License by the new Home State, then the Licensee shall be subject to the new Home State requirements for the issuance of a Single-State License in that State. 258
259
260
261
262
263

C. If a Licensee changes their primary state of residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, then the Licensee shall be subject to the State requirements for the issuance of a Single-State License in the new Home State. 264
265
266
267
268

D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single-State License in multiple States; however, for the purposes of this Compact, a Licensee shall have 269
270
271

<u>only one Home State, and only one Multistate License.</u>	272
<u>E. Nothing in this Compact shall interfere with the requirements established by a Member State for the issuance of a Single-State License.</u>	273 274 275
<u>ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES</u>	276 277
<u>A. Nothing in this Compact, nor any Rule or regulation of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations, or other rules related to the Practice of Cosmetology in that State, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.</u>	278 279 280 281 282 283 284
<u>B. Insofar as practical, a Member State's State Licensing Authority shall cooperate with the Commission and with each entity exercising independent regulatory authority over the Practice of Cosmetology according to the provisions of this Compact.</u>	285 286 287 288 289
<u>C. Discipline shall be the sole responsibility of the State in which Cosmetology Services are provided. Accordingly, each Member State's State Licensing Authority shall be responsible for receiving complaints about individuals practicing Cosmetology in that State, and for communicating all relevant Investigative Information about any such Adverse Action to the other Member States through the Data System in addition to any other methods the Commission may by Rule require.</u>	290 291 292 293 294 295 296 297
<u>ARTICLE 7- ADVERSE ACTIONS</u>	298
<u>A. A Licensee's Home State shall have exclusive power to impose an Adverse Action against a Licensee's Multistate License issued</u>	299 300

<u>by the Home State.</u>	301
<u>B. A Home State may take Adverse Action on a Multistate License</u>	302
<u>based on the Investigative Information, Current Significant</u>	303
<u>Investigative Information, or Adverse Action of a Remote State.</u>	304
<u>C. In addition to the powers conferred by State law, each Remote</u>	305
<u>State's State Licensing Authority shall have the power to:</u>	306
<u>1. Take Adverse Action against a Licensee's Authorization</u>	307
<u>to Practice Cosmetology through the Multistate License in that</u>	308
<u>Member State, provided that:</u>	309
<u>a. Only the Licensee's Home State shall have the power to</u>	310
<u>take Adverse Action against the Multistate License issued by the</u>	311
<u>Home State; and</u>	312
<u>b. For the purposes of taking Adverse Action, the Home</u>	313
<u>State's State Licensing Authority shall give the same priority</u>	314
<u>and effect to reported conduct received from a Remote State as</u>	315
<u>it would if such conduct had occurred within the Home State. In</u>	316
<u>so doing, the Home State shall apply its own State laws to</u>	317
<u>determine the appropriate action.</u>	318
<u>2. Issue cease and desist orders or impose an Encumbrance</u>	319
<u>on a Licensee's Authorization to Practice within that Member</u>	320
<u>State.</u>	321
<u>3. Complete any pending investigations of a Licensee who</u>	322
<u>changes their primary state of residence during the course of</u>	323
<u>such an investigation. The State Licensing Authority shall also</u>	324
<u>be empowered to report the results of such an investigation to</u>	325
<u>the Commission through the Data System as described herein.</u>	326
<u>4. Issue subpoenas for both hearings and investigations</u>	327
<u>that require the attendance and testimony of witnesses, as well</u>	328

as the production of evidence. Subpoenas issued by a State 329
Licensing Authority in a Member State for the attendance and 330
testimony of witnesses or the production of evidence from 331
another Member State shall be enforced in the latter State by 332
any court of competent jurisdiction, according to the practice 333
and procedure of that court applicable to subpoenas issued in 334
proceedings before it. The issuing State Licensing Authority 335
shall pay any witness fees, travel expenses, mileage, and other 336
fees required by the service statutes of the State in which the 337
witnesses or evidence are located. 338

5. If otherwise permitted by State law, recover from the 339
affected Licensee the costs of investigations and disposition of 340
cases resulting from any Adverse Action taken against that 341
Licensee. 342

6. Take Adverse Action against the Licensee's 343
Authorization to Practice in that State based on the factual 344
findings of another Remote State. 345

D. A Licensee's Home State shall complete any pending 346
investigation(s) of a Cosmetologist who changes their primary 347
state of residence during the course of the investigation(s). 348
The Home State shall also have the authority to take appropriate 349
action(s) and shall promptly report the conclusions of the 350
investigations to the Data System. 351

E. If an Adverse Action is taken by the Home State against a 352
Licensee's Multistate License, the Licensee's Authorization to 353
Practice in all other Member States shall be deactivated until 354
all Encumbrances have been removed from the Home State license. 355
All Home State disciplinary orders that impose an Adverse Action 356
against a Licensee's Multistate License shall include a 357
statement that the Cosmetologist's Authorization to Practice is 358

<u>deactivated in all Member States during the pendency of the</u>	359
<u>order.</u>	360
<u>F. Nothing in this Compact shall override a Member State's</u>	361
<u>authority to accept a Licensee's participation in an Alternative</u>	362
<u>Program in lieu of Adverse Action. A Licensee's Multistate</u>	363
<u>License shall be suspended for the duration of the Licensee's</u>	364
<u>participation in any Alternative Program.</u>	365
<u>G. Joint Investigations</u>	366
<u>1. In addition to the authority granted to a Member State</u>	367
<u>by its respective scope of practice laws or other applicable</u>	368
<u>State law, a Member State may participate with other Member</u>	369
<u>States in joint investigations of Licensees.</u>	370
<u>2. Member States shall share any investigative,</u>	371
<u>litigation, or compliance materials in furtherance of any joint</u>	372
<u>or individual investigation initiated under the Compact.</u>	373
<u>ARTICLE 8- ACTIVE MILITARY MEMBERS AND THEIR SPOUSES</u>	374
<u>Active Military Members, or their spouses, shall designate a</u>	375
<u>Home State where the individual has a current license to</u>	376
<u>practice Cosmetology in good standing. The individual may retain</u>	377
<u>their Home State designation during any period of service when</u>	378
<u>that individual or their spouse is on active duty assignment.</u>	379
<u>ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY</u>	380
<u>LICENSURE COMPACT COMMISSION</u>	381
<u>A. The Compact Member States hereby create and establish a joint</u>	382
<u>government agency whose membership consists of all Member States</u>	383
<u>that have enacted the Compact known as the Cosmetology Licensure</u>	384
<u>Compact Commission. The Commission is an instrumentality of the</u>	385
<u>Compact Member States acting jointly and not an instrumentality</u>	386

of any one State. The Commission shall come into existence on or 387
after the effective date of the Compact as set forth in Article 388
13. 389

B. Membership, Voting, and Meetings 390

1. Each Member State shall have and be limited to one (1) 391
delegate selected by that Member State's State Licensing 392
Authority. 393

2. The delegate shall be an administrator of the State 394
Licensing Authority of the Member State or their designee. 395

3. The Commission shall by Rule or bylaw establish a term 396
of office for delegates and may by Rule or bylaw establish term 397
limits. 398

4. The Commission may recommend removal or suspension of 399
any delegate from office. 400

5. A Member State's State Licensing Authority shall fill 401
any vacancy of its delegate occurring on the Commission within 402
60 days of the vacancy. 403

6. Each delegate shall be entitled to one vote on all 404
matters that are voted on by the Commission. 405

7. The Commission shall meet at least once during each 406
calendar year. Additional meetings may be held as set forth in 407
the bylaws. The Commission may meet by telecommunication, video 408
conference or other similar electronic means. 409

C. The Commission shall have the following powers: 410

1. Establish the fiscal year of the Commission; 411

2. Establish code of conduct and conflict of interest 412
policies; 413

<u>3. Adopt Rules and bylaws;</u>	414
<u>4. Maintain its financial records in accordance with the bylaws;</u>	415 416
<u>5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;</u>	417 418 419
<u>6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Authority to sue or be sued under applicable law shall not be affected;</u>	420 421 422 423
<u>7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;</u>	424 425 426 427
<u>8. Purchase and maintain insurance and bonds;</u>	428
<u>9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;</u>	429 430
<u>10. Conduct an annual financial review;</u>	431
<u>11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;</u>	432 433 434 435 436 437
<u>12. As set forth in the Commission Rules, charge a fee to a Licensee for the grant of a Multistate License and thereafter, as may be established by Commission Rule, charge the Licensee a Multistate License renewal fee for each renewal period. Nothing</u>	438 439 440 441

herein shall be construed to prevent a Home State from charging 442
a Licensee a fee for a Multistate License or renewals of a 443
Multistate License, or a fee for the jurisprudence requirement 444
if the Member State imposes such a requirement for the grant of 445
Multistate License; 446

13. Assess and collect fees; 447

14. Accept any and all appropriate gifts, donations, 448
grants of money, other sources of revenue, equipment, supplies, 449
materials, and services, and receive, utilize, and dispose of 450
the same; provided that at all times the Commission shall avoid 451
any appearance of impropriety or conflict of interest; 452

15. Lease, purchase, retain, own, hold, improve, or use 453
any property, real, personal, or mixed, or any undivided 454
interest therein; 455

16. Sell, convey, mortgage, pledge, lease, exchange, 456
abandon, or otherwise dispose of any property real, personal, or 457
mixed; 458

17. Establish a budget and make expenditures; 459

18. Borrow money; 460

19. Appoint committees, including standing committees, 461
composed of members, State regulators, State legislators or 462
their representatives, and consumer representatives, and such 463
other interested persons as may be designated in this Compact 464
and the bylaws; 465

20. Provide and receive information from, and cooperate 466
with, law enforcement agencies 467

21. Elect a Chair, Vice Chair, Secretary and Treasurer and 468
such other officers of the Commission as provided in the 469

<u>Commission's bylaws;</u>	470
<u>22. Establish and elect an Executive Committee, including</u>	471
<u>a chair and a vice chair;</u>	472
<u>23. Adopt and provide to the Member States an annual</u>	473
<u>report.</u>	474
<u>24. Determine whether a State's adopted language is</u>	475
<u>materially different from the model Compact language such that</u>	476
<u>the State would not qualify for participation in the Compact;</u>	477
<u>and</u>	478
<u>25. Perform such other functions as may be necessary or</u>	479
<u>appropriate to achieve the purposes of this Compact.</u>	480
<u>D. The Executive Committee</u>	481
<u>1. The Executive Committee shall have the power to act on</u>	482
<u>behalf of the Commission according to the terms of this Compact.</u>	483
<u>The powers, duties, and responsibilities of the Executive</u>	484
<u>Committee shall include:</u>	485
<u>a. Overseeing the day-to-day activities of the</u>	486
<u>administration of the Compact including compliance with the</u>	487
<u>provisions of the Compact, the Commission's Rules and bylaws,</u>	488
<u>and other such duties as deemed necessary;</u>	489
<u>b. Recommending to the Commission changes to the Rules or</u>	490
<u>bylaws, changes to this Compact legislation, fees charged to</u>	491
<u>Compact Member States, fees charged to Licensees, and other</u>	492
<u>fees;</u>	493
<u>c. Ensuring Compact administration services are</u>	494
<u>appropriately provided, including by contract;</u>	495
<u>d. Preparing and recommending the budget;</u>	496

<u>e. Maintaining financial records on behalf of the</u>	497
<u>Commission;</u>	498
<u>f. Monitoring Compact compliance of Member States and</u>	499
<u>providing compliance reports to the Commission;</u>	500
<u>g. Establishing additional committees as necessary;</u>	501
<u>h. Exercising the powers and duties of the Commission</u>	502
<u>during the interim between Commission meetings, except for</u>	503
<u>adopting or amending Rules, adopting or amending bylaws, and</u>	504
<u>exercising any other powers and duties expressly reserved to the</u>	505
<u>Commission by Rule or bylaw; and</u>	506
<u>i. Other duties as provided in the Rules or bylaws of the</u>	507
<u>Commission.</u>	508
<u>2. The Executive Committee shall be composed of up to</u>	509
<u>seven voting members;</u>	510
<u>a. The chair and vice chair of the Commission and any</u>	511
<u>other members of the Commission who serve on the Executive</u>	512
<u>Committee shall be voting members of the Executive Committee;</u>	513
<u>and</u>	514
<u>b. Other than the chair, vice-chair, secretary and</u>	515
<u>treasurer, the Commission shall elect three voting members from</u>	516
<u>the current membership of the Commission.</u>	517
<u>c. The Commission may elect ex-officio, nonvoting members</u>	518
<u>from a recognized national Cosmetology professional association</u>	519
<u>as approved by the Commission. The Commission's bylaws shall</u>	520
<u>identify qualifying organizations and the manner of appointment</u>	521
<u>if the number of organizations seeking to appoint an ex officio</u>	522
<u>member exceeds the number of members specified in this Article.</u>	523
<u>3. The Commission may remove any member of the Executive</u>	524

<u>Committee as provided in the Commission's bylaws.</u>	525
<u>4. The Executive Committee shall meet at least annually.</u>	526
<u>a. Annual Executive Committee meetings, as well as any</u>	527
<u>Executive Committee meeting at which it does not take or intend</u>	528
<u>to take formal action on a matter for which a Commission vote</u>	529
<u>would otherwise be required, shall be open to the public, except</u>	530
<u>that the Executive Committee may meet in a closed, non-public</u>	531
<u>session of a public meeting when dealing with any of the matters</u>	532
<u>covered under Article 9.F.4.</u>	533
<u>b. The Executive Committee shall give five business days</u>	534
<u>advance notice of its public meetings, posted on its website and</u>	535
<u>as determined to provide notice to persons with an interest in</u>	536
<u>the public matters the Executive Committee intends to address at</u>	537
<u>those meetings.</u>	538
<u>5. The Executive Committee may hold an emergency meeting</u>	539
<u>when acting for the Commission to:</u>	540
<u>a. Meet an imminent threat to public health, safety, or</u>	541
<u>welfare;</u>	542
<u>b. Prevent a loss of Commission or Member State funds; or</u>	543
<u>c. Protect public health and safety.</u>	544
<u>E. The Commission shall adopt and provide to the Member States</u>	545
<u>an annual report.</u>	546
<u>F. Meetings of the Commission</u>	547
<u>1. All meetings of the Commission that are not closed</u>	548
<u>pursuant to Article 9.F.4 shall be open to the public. Notice of</u>	549
<u>public meetings shall be posted on the Commission's website at</u>	550
<u>least thirty (30) days prior to the public meeting.</u>	551

2. Notwithstanding Article 9.F.1, the Commission may 552
convene an emergency public meeting by providing at least 553
twenty-four (24) hours prior notice on the Commission's website, 554
and any other means as provided in the Commission's Rules, for 555
any of the reasons it may dispense with notice of proposed 556
rulemaking under Article 11.L. The Commission's legal counsel 557
shall certify that one of the reasons justifying an emergency 558
public meeting has been met. 559

3. Notice of all Commission meetings shall provide the 560
time, date, and location of the meeting, and if the meeting is 561
to be held or accessible via telecommunication, video 562
conference, or other electronic means, the notice shall include 563
the mechanism for access to the meeting. 564

4. The Commission may convene in a closed, non-public 565
meeting for the Commission to discuss: 566

a. Non-compliance of a Member State with its obligations 567
under the Compact; 568

b. The employment, compensation, discipline or other 569
matters, practices or procedures related to specific employees 570
or other matters related to the Commission's internal personnel 571
practices and procedures; 572

c. Current or threatened discipline of a Licensee by the 573
Commission or by a Member State's Licensing Authority; 574

d. Current, threatened, or reasonably anticipated 575
litigation; 576

e. Negotiation of contracts for the purchase, lease, or 577
sale of goods, services, or real estate; 578

f. Accusing any person of a crime or formally censuring 579

<u>any person;</u>	580
<u>g. Trade secrets or commercial or financial information</u>	581
<u>that is privileged or confidential;</u>	582
<u>h. Information of a personal nature where disclosure would</u>	583
<u>constitute a clearly unwarranted invasion of personal privacy;</u>	584
<u>i. Investigative records compiled for law enforcement</u>	585
<u>purposes;</u>	586
<u>j. Information related to any investigative reports</u>	587
<u>prepared by or on behalf of or for use of the Commission or</u>	588
<u>other committee charged with responsibility of investigation or</u>	589
<u>determination of compliance issues pursuant to the Compact;</u>	590
<u>k. Legal advice;</u>	591
<u>l. Matters specifically exempted from disclosure to the</u>	592
<u>public by federal or Member State law; or</u>	593
<u>m. Other matters as promulgated by the Commission by Rule.</u>	594
<u>5. If a meeting, or portion of a meeting, is closed, the</u>	595
<u>presiding officer shall state that the meeting will be closed</u>	596
<u>and reference each relevant exempting provision, and such</u>	597
<u>reference shall be recorded in the minutes.</u>	598
<u>6. The Commission shall keep minutes that fully and</u>	599
<u>clearly describe all matters discussed in a meeting and shall</u>	600
<u>provide a full and accurate summary of actions taken, and the</u>	601
<u>reasons therefore, including a description of the views</u>	602
<u>expressed. All documents considered in connection with an action</u>	603
<u>shall be identified in such minutes. All minutes and documents</u>	604
<u>of a closed meeting shall remain under seal, subject to release</u>	605
<u>only by a majority vote of the Commission or order of a court of</u>	606
<u>competent jurisdiction.</u>	607

<u>G. Financing of the Commission</u>	608
<u>1. The Commission shall pay, or provide for the payment</u>	609
<u>of, the reasonable expenses of its establishment, organization,</u>	610
<u>and ongoing activities.</u>	611
<u>2. The Commission may accept any and all appropriate</u>	612
<u>sources of revenue, donations, and grants of money, equipment,</u>	613
<u>supplies, materials, and services.</u>	614
<u>3. The Commission may levy on and collect an annual</u>	615
<u>assessment from each Member State and impose fees on Licensees</u>	616
<u>of Member States to whom it grants a Multistate License to cover</u>	617
<u>the cost of the operations and activities of the Commission and</u>	618
<u>its staff, which must be in a total amount sufficient to cover</u>	619
<u>its annual budget as approved each year for which revenue is not</u>	620
<u>provided by other sources. The aggregate annual assessment</u>	621
<u>amount for Member States shall be allocated based upon a formula</u>	622
<u>that the Commission shall promulgate by Rule.</u>	623
<u>4. The Commission shall not incur obligations of any kind</u>	624
<u>prior to securing the funds adequate to meet the same; nor shall</u>	625
<u>the Commission pledge the credit of any Member States, except by</u>	626
<u>and with the authority of the Member State.</u>	627
<u>5. The Commission shall keep accurate accounts of all</u>	628
<u>receipts and disbursements. The receipts and disbursements of</u>	629
<u>the Commission shall be subject to the financial review and</u>	630
<u>accounting procedures established under its bylaws. All receipts</u>	631
<u>and disbursements of funds handled by the Commission shall be</u>	632
<u>subject to an annual financial review by a certified or licensed</u>	633
<u>public accountant, and the report of the financial review shall</u>	634
<u>be included in and become part of the annual report of the</u>	635
<u>Commission.</u>	636

H. Qualified Immunity, Defense, and Indemnification 637

1. The members, officers, executive director, employees 638
and representatives of the Commission shall be immune from suit 639
and liability, both personally and in their official capacity, 640
for any claim for damage to or loss of property or personal 641
injury or other civil liability caused by or arising out of any 642
actual or alleged act, error, or omission that occurred, or that 643
the person against whom the claim is made had a reasonable basis 644
for believing occurred within the scope of Commission 645
employment, duties or responsibilities; provided that nothing in 646
this paragraph shall be construed to protect any such person 647
from suit or liability for any damage, loss, injury, or 648
liability caused by the intentional or willful or wanton 649
misconduct of that person. The procurement of insurance of any 650
type by the Commission shall not in any way compromise or limit 651
the immunity granted hereunder. 652

2. The Commission shall defend any member, officer, 653
executive director, employee, and representative of the 654
Commission in any civil action seeking to impose liability 655
arising out of any actual or alleged act, error, or omission 656
that occurred within the scope of Commission employment, duties, 657
or responsibilities, or as determined by the Commission that the 658
person against whom the claim is made had a reasonable basis for 659
believing occurred within the scope of Commission employment, 660
duties, or responsibilities; provided that nothing herein shall 661
be construed to prohibit that person from retaining their own 662
counsel at their own expense; and provided further, that the 663
actual or alleged act, error, or omission did not result from 664
that person's intentional or willful or wanton misconduct. 665

3. The Commission shall indemnify and hold harmless any 666

member, officer, executive director, employee, and 667
representative of the Commission for the amount of any 668
settlement or judgment obtained against that person arising out 669
of any actual or alleged act, error, or omission that occurred 670
within the scope of Commission employment, duties, or 671
responsibilities, or that such person had a reasonable basis for 672
believing occurred within the scope of Commission employment, 673
duties, or responsibilities, provided that the actual or alleged 674
act, error, or omission did not result from the intentional or 675
willful or wanton misconduct of that person. 676

4. Nothing herein shall be construed as a limitation on 677
the liability of any Licensee for professional malpractice or 678
misconduct, which shall be governed solely by any other 679
applicable State laws. 680

5. Nothing in this Compact shall be interpreted to waive 681
or otherwise abrogate a Member State's State action immunity or 682
State action affirmative defense with respect to antitrust 683
claims under the Sherman Act, Clayton Act, or any other State or 684
federal antitrust or anticompetitive law or regulation. 685

6. Nothing in this Compact shall be construed to be a 686
waiver of sovereign immunity by the Member States or by the 687
Commission. 688

ARTICLE 10- DATA SYSTEM 689

A. The Commission shall provide for the development, 690
maintenance, operation, and utilization of a coordinated 691
database and reporting system. 692

B. The Commission shall assign each applicant for a Multistate 693
License a unique identifier, as determined by the Rules of the 694
Commission. 695

C. Notwithstanding any other provision of State law to the 696
contrary, a Member State shall submit a uniform data set to the 697
Data System on all individuals to whom this Compact is 698
applicable as required by the Rules of the Commission, 699
including: 700

1. Identifying information; 701

2. Licensure data; 702

3. Adverse Actions against a license and information 703
related thereto; 704

4. Non-confidential information related to Alternative 705
Program participation, the beginning and ending dates of such 706
participation, and other information related to such 707
participation; 708

5. Any denial of application for licensure, and the 709
reason(s) for such denial (excluding the reporting of any 710
criminal history record information where prohibited by law); 711

6. The existence of Investigative Information; 712

7. The existence of Current Significant Investigative 713
Information; and 714

8. Other information that may facilitate the 715
administration of this Compact or the protection of the public, 716
as determined by the Rules of the Commission. 717

D. The records and information provided to a Member State 718
pursuant to this Compact or through the Data System, when 719
certified by the Commission or an agent thereof, shall 720
constitute the authenticated business records of the Commission, 721
and shall be entitled to any associated hearsay exception in any 722
relevant judicial, quasi-judicial or administrative proceedings 723

<u>in a Member State.</u>	724
<u>E. The existence of Current Significant Investigative</u>	725
<u>Information and the existence of Investigative Information</u>	726
<u>pertaining to a Licensee in any Member State will only be</u>	727
<u>available to other Member States.</u>	728
<u>F. It is the responsibility of the Member States to monitor the</u>	729
<u>database to determine whether Adverse Action has been taken</u>	730
<u>against such a Licensee or License applicant. Adverse Action</u>	731
<u>information pertaining to a Licensee or License applicant in any</u>	732
<u>Member State will be available to any other Member State.</u>	733
<u>G. Member States contributing information to the Data System may</u>	734
<u>designate information that may not be shared with the public</u>	735
<u>without the express permission of the contributing State.</u>	736
<u>H. Any information submitted to the Data System that is</u>	737
<u>subsequently expunged pursuant to federal law or the laws of the</u>	738
<u>Member State contributing the information shall be removed from</u>	739
<u>the Data System.</u>	740
ARTICLE 11- RULEMAKING	741
<u>A. The Commission shall promulgate reasonable Rules in order to</u>	742
<u>effectively and efficiently implement and administer the</u>	743
<u>purposes and provisions of the Compact. A Rule shall be invalid</u>	744
<u>and have no force or effect only if a court of competent</u>	745
<u>jurisdiction holds that the Rule is invalid because the</u>	746
<u>Commission exercised its rulemaking authority in a manner that</u>	747
<u>is beyond the scope and purposes of the Compact, or the powers</u>	748
<u>granted hereunder, or based upon another applicable standard of</u>	749
<u>review.</u>	750
<u>B. The Rules of the Commission shall have the force of law in</u>	751
<u>each Member State, provided however that where the Rules of the</u>	752

Commission conflict with the laws of the Member State that 753
establish the Member State's scope of practice laws governing 754
the Practice of Cosmetology as held by a court of competent 755
jurisdiction, the Rules of the Commission shall be ineffective 756
in that State to the extent of the conflict. 757

C. The Commission shall exercise its rulemaking powers pursuant 758
to the criteria set forth in this Article and the Rules adopted 759
thereunder. Rules shall become binding as of the date specified 760
by the Commission for each Rule. 761

D. If a majority of the legislatures of the Member States 762
rejects a Rule or portion of a Rule, by enactment of a statute 763
or resolution in the same manner used to adopt the Compact 764
within four (4) years of the date of adoption of the Rule, then 765
such Rule shall have no further force and effect in any Member 766
State or to any State applying to participate in the Compact. 767

E. Rules shall be adopted at a regular or special meeting of the 768
Commission. 769

F. Prior to adoption of a proposed Rule, the Commission shall 770
hold a public hearing and allow persons to provide oral and 771
written comments, data, facts, opinions, and arguments. 772

G. Prior to adoption of a proposed Rule by the Commission, and 773
at least thirty (30) days in advance of the meeting at which the 774
Commission will hold a public hearing on the proposed Rule, the 775
Commission shall provide a notice of proposed rulemaking: 776

1. On the website of the Commission or other publicly 777
accessible platform; 778

2. To persons who have requested notice of the 779
Commission's notices of proposed rulemaking, and 780

<u>3. In such other way(s) as the Commission may by Rule</u>	781
<u>specify.</u>	782
<u>H. The notice of proposed rulemaking shall include:</u>	783
<u>1. The time, date, and location of the public hearing at</u>	784
<u>which the Commission will hear public comments on the proposed</u>	785
<u>Rule and, if different, the time, date, and location of the</u>	786
<u>meeting where the Commission will consider and vote on the</u>	787
<u>proposed Rule;</u>	788
<u>2. If the hearing is held via telecommunication, video</u>	789
<u>conference, or other electronic means, the Commission shall</u>	790
<u>include the mechanism for access to the hearing in the notice of</u>	791
<u>proposed rulemaking;</u>	792
<u>3. The text of the proposed Rule and the reason therefor;</u>	793
<u>4. A request for comments on the proposed Rule from any</u>	794
<u>interested person; and</u>	795
<u>5. The manner in which interested persons may submit</u>	796
<u>written comments.</u>	797
<u>I. All hearings will be recorded. A copy of the recording and</u>	798
<u>all written comments and documents received by the Commission in</u>	799
<u>response to the proposed Rule shall be available to the public.</u>	800
<u>J. Nothing in this Article shall be construed as requiring a</u>	801
<u>separate hearing on each Rule. Rules may be grouped for the</u>	802
<u>convenience of the Commission at hearings required by this</u>	803
<u>Article.</u>	804
<u>K. The Commission shall, by majority vote of all members, take</u>	805
<u>final action on the proposed Rule based on the rulemaking record</u>	806
<u>and the full text of the Rule.</u>	807

1. The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule. 808
809
810

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters. 811
812
813
814

3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in Article 11.L, the effective date of the Rule shall be no sooner than forty-five (45) days after the Commission issuing the notice that it adopted or amended the Rule. 815
816
817
818
819

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with five (5) days' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the Compact and in this Article shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately to: 820
821
822
823
824
825
826
827
828

1. Meet an imminent threat to public health, safety, or welfare; 829
830

2. Prevent a loss of Commission or Member State funds; 831

3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or 832
833

4. Protect public health and safety. 834

M. The Commission or an authorized committee of the Commission 835

may direct revisions to a previously adopted Rule for purposes 836
of correcting typographical errors, errors in format, errors in 837
consistency, or grammatical errors. Public notice of any 838
revisions shall be posted on the website of the Commission. The 839
revision shall be subject to challenge by any person for a 840
period of thirty (30) days after posting. The revision may be 841
challenged only on grounds that the revision results in a 842
material change to a Rule. A challenge shall be made in writing 843
and delivered to the Commission prior to the end of the notice 844
period. If no challenge is made, the revision will take effect 845
without further action. If the revision is challenged, the 846
revision may not take effect without the approval of the 847
Commission. 848

N. No Member State's rulemaking requirements shall apply under 849
this Compact. 850

ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT 851

A. Oversight 852

1. The executive and judicial branches of State government 853
in each Member State shall enforce this Compact and take all 854
actions necessary and appropriate to implement the Compact. 855

2. Venue is proper and judicial proceedings by or against 856
the Commission shall be brought solely and exclusively in a 857
court of competent jurisdiction where the principal office of 858
the Commission is located. The Commission may waive venue and 859
jurisdictional defenses to the extent it adopts or consents to 860
participate in alternative dispute resolution proceedings. 861
Nothing herein shall affect or limit the selection or propriety 862
of venue in any action against a Licensee for professional 863
malpractice, misconduct or any such similar matter. 864

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules. 865
866
867
868
869
870
871

B. Default, Technical Assistance, and Termination 872

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default. 873
874
875
876
877
878
879
880

2. The Commission shall provide a copy of the notice of default to the other Member States. 881
882

3. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default. 883
884
885
886
887
888
889
890

4. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall 891
892
893

be given by the Commission to the governor, the majority and 894
minority leaders of the defaulting State's legislature, the 895
defaulting State's State Licensing Authority and each of the 896
Member States' State Licensing Authority. 897

5. A State that has been terminated is responsible for all 898
assessments, obligations, and liabilities incurred through the 899
effective date of termination, including obligations that extend 900
beyond the effective date of termination. 901

6. Upon the termination of a State's membership from this 902
Compact, that State shall immediately provide notice to all 903
Licensees who hold a Multistate License within that State of 904
such termination. The terminated State shall continue to 905
recognize all licenses granted pursuant to this Compact for a 906
minimum of one hundred eighty (180) days after the date of said 907
notice of termination. 908

7. The Commission shall not bear any costs related to a 909
State that is found to be in default or that has been terminated 910
from the Compact, unless agreed upon in writing between the 911
Commission and the defaulting State. 912

8. The defaulting State may appeal the action of the 913
Commission by petitioning the United States District Court for 914
the District of Columbia or the federal district where the 915
Commission has its principal offices. The prevailing party shall 916
be awarded all costs of such litigation, including reasonable 917
attorney's fees. 918

C. Dispute Resolution 919

1. Upon request by a Member State, the Commission shall 920
attempt to resolve disputes related to the Compact that arise 921
among Member States and between Member and non-Member States. 922

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate. 923
924
925

D. Enforcement 926

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's Rules. 927
928
929

2. By majority vote as provided by Commission Rule, the Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Member State's law. 930
931
932
933
934
935
936
937
938
939
940
941
942

3. A Member State may initiate legal action against the Commission in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. 943
944
945
946
947
948
949
950
951

4. No individual or entity other than a Member State may 952
enforce this Compact against the Commission. 953

ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT 954

A. The Compact shall come into effect on the date on which the 955
Compact statute is enacted into law in the seventh Member State. 956

1. On or after the effective date of the Compact, the 957
Commission shall convene and review the enactment of each of the 958
Charter Member States to determine if the statute enacted by 959
each such Charter Member State is materially different than the 960
model Compact statute. 961

a. A Charter Member State whose enactment is found to be 962
materially different from the model Compact statute shall be 963
entitled to the default process set forth in Article 12. 964

b. If any Member State is later found to be in default, or 965
is terminated or withdraws from the Compact, the Commission 966
shall remain in existence and the Compact shall remain in effect 967
even if the number of Member States should be less than seven 968
(7). 969

2. Member States enacting the Compact subsequent to the 970
Charter Member States shall be subject to the process set forth 971
in Article 9.C.24 to determine if their enactments are 972
materially different from the model Compact statute and whether 973
they qualify for participation in the Compact. 974

3. All actions taken for the benefit of the Commission or 975
in furtherance of the purposes of the administration of the 976
Compact prior to the effective date of the Compact or the 977
Commission coming into existence shall be considered to be 978
actions of the Commission unless specifically repudiated by the 979
Commission. 980

<u>4. Any State that joins the Compact shall be subject to</u>	981
<u>the Commission's Rules and bylaws as they exist on the date on</u>	982
<u>which the Compact becomes law in that State. Any Rule that has</u>	983
<u>been previously adopted by the Commission shall have the full</u>	984
<u>force and effect of law on the day the Compact becomes law in</u>	985
<u>that State.</u>	986
<u>B. Any Member State may withdraw from this Compact by enacting a</u>	987
<u>statute repealing that State's enactment of the Compact.</u>	988
<u>1. A Member State's withdrawal shall not take effect until</u>	989
<u>one hundred eighty (180) days after enactment of the repealing</u>	990
<u>statute.</u>	991
<u>2. Withdrawal shall not affect the continuing requirement</u>	992
<u>of the withdrawing State's State Licensing Authority to comply</u>	993
<u>with the investigative and Adverse Action reporting requirements</u>	994
<u>of this Compact prior to the effective date of withdrawal.</u>	995
<u>3. Upon the enactment of a statute withdrawing from this</u>	996
<u>Compact, a State shall immediately provide notice of such</u>	997
<u>withdrawal to all Licensees within that State. Notwithstanding</u>	998
<u>any subsequent statutory enactment to the contrary, such</u>	999
<u>withdrawing State shall continue to recognize all licenses</u>	1000
<u>granted pursuant to this Compact for a minimum of one hundred</u>	1001
<u>eighty (180) days after the date of such notice of withdrawal.</u>	1002
<u>C. Nothing contained in this Compact shall be construed to</u>	1003
<u>invalidate or prevent any licensure agreement or other</u>	1004
<u>cooperative arrangement between a Member State and a non-Member</u>	1005
<u>State that does not conflict with the provisions of this</u>	1006
<u>Compact.</u>	1007
<u>D. This Compact may be amended by the Member States. No</u>	1008
<u>amendment to this Compact shall become effective and binding</u>	1009

upon any Member State until it is enacted into the laws of all 1010
Member States. 1011

ARTICLE 14- CONSTRUCTION AND SEVERABILITY 1012

A. This Compact and the Commission's rulemaking authority shall 1013
be liberally construed so as to effectuate the purposes, and the 1014
implementation and administration of the Compact. Provisions of 1015
the Compact expressly authorizing or requiring the promulgation 1016
of Rules shall not be construed to limit the Commission's 1017
rulemaking authority solely for those purposes. 1018

B. The provisions of this Compact shall be severable and if any 1019
phrase, clause, sentence or provision of this Compact is held by 1020
a court of competent jurisdiction to be contrary to the 1021
constitution of any Member State, a State seeking participation 1022
in the Compact, or of the United States, or the applicability 1023
thereof to any government, agency, person or circumstance is 1024
held to be unconstitutional by a court of competent 1025
jurisdiction, the validity of the remainder of this Compact and 1026
the applicability thereof to any other government, agency, 1027
person or circumstance shall not be affected thereby. 1028

C. Notwithstanding Article 14.B, the Commission may deny a 1029
State's participation in the Compact or, in accordance with the 1030
requirements of Article 12, terminate a Member State's 1031
participation in the Compact, if it determines that a 1032
constitutional requirement of a Member State is a material 1033
departure from the Compact. Otherwise, if this Compact shall be 1034
held to be contrary to the constitution of any Member State, the 1035
Compact shall remain in full force and effect as to the 1036
remaining Member States and in full force and effect as to the 1037
Member State affected as to all severable matters. 1038

<u>ARTICLE 15- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS</u>	1039
<u>A. Nothing herein shall prevent or inhibit the enforcement of</u>	1040
<u>any other law of a Member State that is not inconsistent with</u>	1041
<u>the Compact.</u>	1042
<u>B. Any laws, statutes, regulations, or other legal requirements</u>	1043
<u>in a Member State in conflict with the Compact are superseded to</u>	1044
<u>the extent of the conflict.</u>	1045
<u>C. All permissible agreements between the Commission and the</u>	1046
<u>Member States are binding in accordance with their terms.</u>	1047
<u>Sec. 4713.331.</u> Not later than sixty days after the	1048
<u>"Cosmetology Licensure Compact" is entered into under section</u>	1049
<u>4713.33 of the Revised Code, the state cosmetology and barber</u>	1050
<u>board, in accordance with Article 9 of the compact, shall select</u>	1051
<u>one individual to serve as a delegate to the cosmetology</u>	1052
<u>licensure compact commission created under the compact. The</u>	1053
<u>board shall fill a vacancy in this position not later than sixty</u>	1054
<u>days after the vacancy occurs.</u>	1055
<u>Sec. 4713.37.</u> (A) The state cosmetology and barber board	1056
may issue a temporary special occasion work permit to a	1057
nonresident individual who satisfies all of the following	1058
conditions:	1059
(1) Has been licensed or registered in another state or	1060
country to practice a branch of cosmetology or teach the theory	1061
and practice of a branch of cosmetology for at least five years;	1062
(2) Is a recognized expert in the practice or teaching of	1063
the branch of cosmetology the individual practices or teaches;	1064
(3) Is to practice that branch of cosmetology or teach the	1065
theory and practice of that branch of cosmetology in this state	1066

as part of a promotional or instructional program for not more 1067
than the amount of time a temporary special occasion work permit 1068
is effective; 1069

(4) Satisfies all other conditions for a temporary special 1070
occasion work permit established by rules adopted under section 1071
4713.08 of the Revised Code; 1072

(5) Pays the fee established by rules adopted under 1073
section 4713.08 of the Revised Code. 1074

(B) An individual issued a temporary special occasion work 1075
permit may practice the branch of cosmetology the individual 1076
practices in another state or country, or teach the theory and 1077
practice of the branch of cosmetology the individual teaches in 1078
another state or country, until the expiration date of the 1079
permit. A temporary special occasion work permit is valid for 1080
the period of time specified in rules adopted under section 1081
4713.08 of the Revised Code. 1082

(C) Chapter 4796. of the Revised Code does not apply to a 1083
temporary special occasion work permit issued under this 1084
section. 1085

(D) An individual does not need to obtain a temporary 1086
special occasion work permit under this section if the 1087
individual is practicing in accordance with the compact 1088
privilege granted by this state through the "Cosmetology 1089
Licensure Compact" entered into under section 4713.33 of the 1090
Revised Code. 1091

Section 2. That existing section 4713.37 of the Revised 1092
Code is hereby repealed. 1093

Section 3. Section 4713.37 of the Revised Code as 1094
presented in this act takes effect on the later of December 29, 1095

2023, or the effective date of this section. (December 29, 2023, 1096
is the effective date of an earlier amendment to that section by 1097
S.B. 131 of the 134th General Assembly.) 1098