

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 89**

**Senator Roegner**

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**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 and 3  
to amend the version of section 4713.37 of the 4  
Revised Code that is scheduled to take effect on 5  
December 29, 2023, to continue the changes on 6  
and after that date. 7

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

**Section 1.** That section 4713.37 be amended and sections 8  
4713.33 and 4713.331 of the Revised Code be enacted to read as 9  
follows: 10

**Sec. 4713.33.** The "Cosmetology Licensure Compact" is 11  
hereby ratified, enacted into law, and entered into by the state 12  
of Ohio as a party to the compact with any other state that has 13  
legally joined in the compact as follows: 14

**COSMETOLOGY LICENSURE COMPACT** 15

**ARTICLE 1- PURPOSE** 16

The purpose of this Compact is to facilitate the 17  
interstate practice and regulation of Cosmetology with the goal 18

of improving public access to, and the safety of, Cosmetology 19  
Services and reducing unnecessary burdens related to Cosmetology 20  
licensure. Through this Compact, the Member States seek to 21  
establish a regulatory framework which provides for a new 22  
multistate licensing program. Through this new licensing 23  
program, the Member States seek to provide increased value and 24  
mobility to licensed Cosmetologists in the Member States, while 25  
ensuring the provision of safe, effective, and reliable services 26  
to the public. 27

This Compact is designed to achieve the following 28  
objectives, and the Member States hereby ratify the same 29  
intentions by subscribing hereto: 30

A. Provide opportunities for interstate practice by 31  
Cosmetologists who meet uniform requirements for multistate 32  
licensure; 33

B. Enhance the abilities of Member States to protect 34  
public health and safety, and prevent fraud and unlicensed 35  
activity within the profession; 36

C. Ensure and encourage cooperation between Member States 37  
in the licensure and regulation of the Practice of Cosmetology; 38

D. Support relocating military members and their spouses; 39

E. Facilitate the exchange of information between Member 40  
States related to the licensure, investigation, and discipline 41  
of the Practice of Cosmetology; 42

F. Provide for the licensure and mobility of the workforce 43  
in the profession, while addressing the shortage of workers and 44  
lessening the associated burdens on the Member States. 45

**ARTICLE 2- DEFINITIONS** 46

As used in this Compact, and except as otherwise provided, 47  
the following definitions shall govern the terms herein: 48

A. "Active Military Member" means any person with full-time duty 49  
status in the armed forces of the United States, including 50  
members of the National Guard and Reserve. 51

B. "Adverse Action" means any administrative, civil, equitable, 52  
or criminal action permitted by a Member State's laws which is 53  
imposed by a State Licensing Authority or other regulatory body 54  
against a Cosmetologist, including actions against an 55  
individual's license or Authorization to Practice such as 56  
revocation, suspension, probation, monitoring of the Licensee, 57  
limitation of the Licensee's practice, or any other Encumbrance 58  
on a license affecting an individual's ability to participate in 59  
the Cosmetology industry, including the issuance of a cease and 60  
desist order. 61

C. "Authorization to Practice" means a legal authorization 62  
associated with a Multistate License permitting the Practice of 63  
Cosmetology in that Remote State, which shall be subject to the 64  
enforcement jurisdiction of the State Licensing Authority in 65  
that Remote State. 66

D. "Alternative Program" means a non-disciplinary monitoring or 67  
prosecutorial diversion program approved by a Member State's 68  
State Licensing Authority. 69

E. "Background Check" means the submission of information for an 70  
applicant for the purpose of obtaining that applicant's criminal 71  
history record information, as further defined in 28 C.F.R. § 72  
20.3(d), from the Federal Bureau of Investigation and the agency 73  
responsible for retaining State criminal or disciplinary history 74  
in the applicant's Home State. 75

<u>F. "Charter Member State" means Member States who have enacted</u>	76
<u>legislation to adopt this Compact where such legislation</u>	77
<u>predates the effective date of this Compact as defined in</u>	78
<u>Article 13.</u>	79
<u>G. "Commission" means the government agency whose membership</u>	80
<u>consists of all States that have enacted this Compact, which is</u>	81
<u>known as the Cosmetology Licensure Compact Commission, as</u>	82
<u>defined in Article 9, and which shall operate as an</u>	83
<u>instrumentality of the Member States.</u>	84
<u>H. "Cosmetologist" means an individual licensed in their Home</u>	85
<u>State to practice Cosmetology.</u>	86
<u>I. "Cosmetology", "Cosmetology Services", and the "Practice of</u>	87
<u>Cosmetology" mean the care and services provided by a</u>	88
<u>Cosmetologist as set forth in the Member State's statutes and</u>	89
<u>regulations in the State where the services are being provided.</u>	90
<u>J. "Current Significant Investigative Information" means:</u>	91
<u>1. Investigative Information that a State Licensing</u>	92
<u>Authority, after an inquiry or investigation that complies with</u>	93
<u>a Member State's due process requirements, has reason to believe</u>	94
<u>is not groundless and, if proved true, would indicate a</u>	95
<u>violation of that State's laws regarding fraud or the Practice</u>	96
<u>of Cosmetology; or</u>	97
<u>2. Investigative Information that indicates that a</u>	98
<u>Licensee has engaged in fraud or represents an immediate threat</u>	99
<u>to public health and safety, regardless of whether the Licensee</u>	100
<u>has been notified and had an opportunity to respond.</u>	101
<u>K. "Data System" means a repository of information about</u>	102
<u>Licensees, including but not limited to license status,</u>	103
<u>Investigative Information, and Adverse Actions.</u>	104

<u>L. "Disqualifying Event" means any event which shall disqualify</u>	105
<u>an individual from holding a Multistate License under this</u>	106
<u>Compact, which the Commission may by Rule or order specify.</u>	107
<u>M. "Encumbered License" means a license in which an Adverse</u>	108
<u>Action restricts the Practice of Cosmetology by a Licensee, or</u>	109
<u>where said Adverse Action has been reported to the Commission.</u>	110
<u>N. "Encumbrance" means a revocation or suspension of, or any</u>	111
<u>limitation on, the full and unrestricted Practice of Cosmetology</u>	112
<u>by a State Licensing Authority.</u>	113
<u>O. "Executive Committee" means a group of delegates elected or</u>	114
<u>appointed to act on behalf of, and within the powers granted to</u>	115
<u>them by, the Commission.</u>	116
<u>P. "Home State" means the Member State which is a Licensee's</u>	117
<u>primary State of residence, and where that Licensee holds an</u>	118
<u>active and unencumbered license to practice Cosmetology.</u>	119
<u>Q. "Investigative Information" means information, records, or</u>	120
<u>documents received or generated by a State Licensing Authority</u>	121
<u>pursuant to an investigation or other inquiry.</u>	122
<u>R. "Jurisprudence Requirement" means the assessment of an</u>	123
<u>individual's knowledge of the laws and rules governing the</u>	124
<u>Practice of Cosmetology in a State.</u>	125
<u>S. "Licensee" means an individual who currently holds a license</u>	126
<u>from a Member State to practice as a Cosmetologist.</u>	127
<u>T. "Member State" means any State that has adopted this Compact.</u>	128
<u>U. "Multistate License" means a license issued by and subject to</u>	129
<u>the enforcement jurisdiction of the State Licensing Authority in</u>	130
<u>a Licensee's Home State, which authorizes the Practice of</u>	131
<u>Cosmetology in Member States and includes Authorizations to</u>	132

<u>Practice Cosmetology in all Remote States pursuant to this</u>	133
<u>Compact.</u>	134
<u>V. "Remote State" means any Member State, other than the</u>	135
<u>Licensee's Home State.</u>	136
<u>W. "Rule" means any rule or regulation promulgated by the</u>	137
<u>Commission under this Compact which has the force of law.</u>	138
<u>X. "Single-State License" means a Cosmetology license issued by</u>	139
<u>a Member State that authorizes practice of Cosmetology only</u>	140
<u>within the issuing State and does not include any authorization</u>	141
<u>outside of the issuing State.</u>	142
<u>Y. "State" means a State, territory, or possession of the United</u>	143
<u>States and the District of Columbia.</u>	144
<u>Z. "State Licensing Authority" means a Member State's regulatory</u>	145
<u>body responsible for issuing Cosmetology licenses or otherwise</u>	146
<u>overseeing the Practice of Cosmetology in that State.</u>	147
<b><u>ARTICLE 3- MEMBER STATE REQUIREMENTS</u></b>	148
<u>A. To be eligible to join this Compact, and to maintain</u>	149
<u>eligibility as a Member State, a State must:</u>	150
<u>1. License and regulate Cosmetology;</u>	151
<u>2. Have a mechanism or entity in place to receive and</u>	152
<u>investigate complaints about Licensees practicing in that State;</u>	153
<u>3. Require that Licensees within the State pass a</u>	154
<u>Cosmetology competency examination prior to being licensed to</u>	155
<u>provide Cosmetology Services to the public in that State;</u>	156
<u>4. Require that Licensees satisfy educational or training</u>	157
<u>requirements in Cosmetology prior to being licensed to provide</u>	158
<u>Cosmetology Services to the public in that State;</u>	159

<u>5. Implement procedures for considering one or more of the</u>	160
<u>following categories of information from applicants for</u>	161
<u>licensure: criminal history; disciplinary history; or Background</u>	162
<u>Check. Such procedures may include the submission of information</u>	163
<u>by applicants for the purpose of obtaining an applicant's</u>	164
<u>Background Check as defined herein;</u>	165
<u>6. Participate in the Data System, including through the</u>	166
<u>use of unique identifying numbers;</u>	167
<u>7. Share information related to Adverse Actions with the</u>	168
<u>Commission and other Member States, both through the Data System</u>	169
<u>and otherwise;</u>	170
<u>8. Notify the Commission and other Member States, in</u>	171
<u>compliance with the terms of the Compact and Rules of the</u>	172
<u>Commission, of the existence of Investigative Information or</u>	173
<u>Current Significant Investigative Information in the State's</u>	174
<u>possession regarding a Licensee practicing in that State;</u>	175
<u>9. Comply with such Rules as may be enacted by the</u>	176
<u>Commission to administer the Compact; and</u>	177
<u>10. Accept Licensees from other Member States as</u>	178
<u>established herein.</u>	179
<u>B. Member States may charge a fee for granting a license to</u>	180
<u>practice Cosmetology.</u>	181
<u>C. Individuals not residing in a Member State shall continue to</u>	182
<u>be able to apply for a Member State's Single-State License as</u>	183
<u>provided under the laws of each Member State. However, the</u>	184
<u>Single-State License granted to these individuals shall not be</u>	185
<u>recognized as granting a Multistate License to provide services</u>	186
<u>in any other Member State.</u>	187

D. Nothing in this Compact shall affect the requirements 188  
established by a Member State for the issuance of a Single-State 189  
License. 190

E. A Multistate License issued to a Licensee by a Home State to 191  
a resident of that State shall be recognized by each Member 192  
State as authorizing a Licensee to practice Cosmetology in each 193  
Member State. 194

F. At no point shall the Commission have the power to define the 195  
educational or professional requirements for a license to 196  
practice Cosmetology. The Member States shall retain sole 197  
jurisdiction over the provision of these requirements. 198

**ARTICLE 4- MULTISTATE LICENSE** 199

A. To be eligible to apply to their Home State's State Licensing 200  
Authority for an initial Multistate License under this Compact, 201  
a Licensee must hold an active and unencumbered Single-State 202  
License to practice Cosmetology in their Home State. 203

B. Upon the receipt of an application for a Multistate License, 204  
according to the Rules of the Commission, a Member State's State 205  
Licensing Authority shall ascertain whether the applicant meets 206  
the requirements for a Multistate License under this Compact. 207

C. If an applicant meets the requirements for a Multistate 208  
License under this Compact and any applicable Rules of the 209  
Commission, the State Licensing Authority in receipt of the 210  
application shall, within a reasonable time, grant a Multistate 211  
License to that applicant, and inform all Member States of the 212  
grant of said Multistate License. 213

D. A Multistate License to practice Cosmetology issued by a 214  
Member State's State Licensing Authority shall be recognized by 215  
each Member State as authorizing the practice thereof as though 216



that Licensee held a Single-State License to do so in each 217  
Member State, subject to the restrictions herein. 218

E. A Multistate License granted pursuant to this Compact may be 219  
effective for a definite period of time, concurrent with the 220  
licensure renewal period in the Home State. 221

F. To maintain a Multistate License under this Compact, a 222  
Licensee must: 223

1. Agree to abide by the rules of the State Licensing 224  
Authority, and the State scope of practice laws governing the 225  
Practice of Cosmetology, of any Member State in which the 226  
Licensee provides services; 227

2. Pay all required fees related to the application and 228  
process, and any other fees which the Commission may by Rule 229  
require; and 230

3. Comply with any and all other requirements regarding 231  
Multistate Licenses which the Commission may by Rule provide. 232

G. A Licensee practicing in a Member State is subject to all 233  
scope of practice laws governing Cosmetology Services in that 234  
State. 235

H. The Practice of Cosmetology under a Multistate License 236  
granted pursuant to this Compact will subject the Licensee to 237  
the jurisdiction of the State Licensing Authority, the courts, 238  
and the laws of the Member State in which the Cosmetology 239  
Services are provided. 240

**ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME** 241  
**STATE** 242

A. A Licensee may hold a Multistate License, issued by their 243  
Home State, in only one Member State at any given time. 244

<u>B. If a Licensee changes their Home State by moving between two</u>	245
<u>Member States:</u>	246
<u>1. The Licensee shall immediately apply for the reissuance</u>	247
<u>of their Multistate License in their new Home State. The</u>	248
<u>Licensee shall pay all applicable fees and notify the prior Home</u>	249
<u>State in accordance with the Rules of the Commission.</u>	250
<u>2. Upon receipt of an application to reissue a Multistate</u>	251
<u>License, the new Home State shall verify that the Multistate</u>	252
<u>License is active, unencumbered and eligible for reissuance</u>	253
<u>under the terms of the Compact and the Rules of the Commission.</u>	254
<u>The Multistate License issued by the prior Home State will be</u>	255
<u>deactivated and all Member States notified in accordance with</u>	256
<u>the applicable Rules adopted by the Commission.</u>	257
<u>3. If required for initial licensure, the new Home State</u>	258
<u>may require a Background Check as specified in the laws of that</u>	259
<u>State, or the compliance with any Jurisprudence Requirements of</u>	260
<u>the new Home State.</u>	261
<u>4. Notwithstanding any other provision of this Compact, if</u>	262
<u>a Licensee does not meet the requirements set forth in this</u>	263
<u>Compact for the reissuance of a Multistate License by the new</u>	264
<u>Home State, then the Licensee shall be subject to the new Home</u>	265
<u>State requirements for the issuance of a Single-State License in</u>	266
<u>that State.</u>	267
<u>C. If a Licensee changes their primary state of residence by</u>	268
<u>moving from a Member State to a non-Member State, or from a non-</u>	269
<u>Member State to a Member State, then the Licensee shall be</u>	270
<u>subject to the State requirements for the issuance of a Single-</u>	271
<u>State License in the new Home State.</u>	272
<u>D. Nothing in this Compact shall interfere with a Licensee's</u>	273

ability to hold a Single-State License in multiple States; 274  
however, for the purposes of this Compact, a Licensee shall have 275  
only one Home State, and only one Multistate License. 276

E. Nothing in this Compact shall interfere with the requirements 277  
established by a Member State for the issuance of a Single-State 278  
License. 279

**ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE** 280  
**LICENSING AUTHORITIES** 281

A. Nothing in this Compact, nor any Rule or regulation of the 282  
Commission, shall be construed to limit, restrict, or in any way 283  
reduce the ability of a Member State to enact and enforce laws, 284  
regulations, or other rules related to the Practice of 285  
Cosmetology in that State, where those laws, regulations, or 286  
other rules are not inconsistent with the provisions of this 287  
Compact. 288

B. Insofar as practical, a Member State's State Licensing 289  
Authority shall cooperate with the Commission and with each 290  
entity exercising independent regulatory authority over the 291  
Practice of Cosmetology according to the provisions of this 292  
Compact. 293

C. Discipline shall be the sole responsibility of the State in 294  
which Cosmetology Services are provided. Accordingly, each 295  
Member State's State Licensing Authority shall be responsible 296  
for receiving complaints about individuals practicing 297  
Cosmetology in that State, and for communicating all relevant 298  
Investigative Information about any such Adverse Action to the 299  
other Member States through the Data System in addition to any 300  
other methods the Commission may by Rule require. 301

**ARTICLE 7- ADVERSE ACTIONS** 302

<u>A. A Licensee's Home State shall have exclusive power to impose</u>	303
<u>an Adverse Action against a Licensee's Multistate License issued</u>	304
<u>by the Home State.</u>	305
<u>B. A Home State may take Adverse Action on a Multistate License</u>	306
<u>based on the Investigative Information, Current Significant</u>	307
<u>Investigative Information, or Adverse Action of a Remote State.</u>	308
<u>C. In addition to the powers conferred by State law, each Remote</u>	309
<u>State's State Licensing Authority shall have the power to:</u>	310
<u>1. Take Adverse Action against a Licensee's Authorization</u>	311
<u>to Practice Cosmetology through the Multistate License in that</u>	312
<u>Member State, provided that:</u>	313
<u>a. Only the Licensee's Home State shall have the power to</u>	314
<u>take Adverse Action against the Multistate License issued by the</u>	315
<u>Home State; and</u>	316
<u>b. For the purposes of taking Adverse Action, the Home</u>	317
<u>State's State Licensing Authority shall give the same priority</u>	318
<u>and effect to reported conduct received from a Remote State as</u>	319
<u>it would if such conduct had occurred within the Home State. In</u>	320
<u>so doing, the Home State shall apply its own State laws to</u>	321
<u>determine the appropriate action.</u>	322
<u>2. Issue cease and desist orders or impose an Encumbrance</u>	323
<u>on a Licensee's Authorization to Practice within that Member</u>	324
<u>State.</u>	325
<u>3. Complete any pending investigations of a Licensee who</u>	326
<u>changes their primary state of residence during the course of</u>	327
<u>such an investigation. The State Licensing Authority shall also</u>	328
<u>be empowered to report the results of such an investigation to</u>	329
<u>the Commission through the Data System as described herein.</u>	330

4. Issue subpoenas for both hearings and investigations 331  
that require the attendance and testimony of witnesses, as well 332  
as the production of evidence. Subpoenas issued by a State 333  
Licensing Authority in a Member State for the attendance and 334  
testimony of witnesses or the production of evidence from 335  
another Member State shall be enforced in the latter State by 336  
any court of competent jurisdiction, according to the practice 337  
and procedure of that court applicable to subpoenas issued in 338  
proceedings before it. The issuing State Licensing Authority 339  
shall pay any witness fees, travel expenses, mileage, and other 340  
fees required by the service statutes of the State in which the 341  
witnesses or evidence are located. 342

5. If otherwise permitted by State law, recover from the 343  
affected Licensee the costs of investigations and disposition of 344  
cases resulting from any Adverse Action taken against that 345  
Licensee. 346

6. Take Adverse Action against the Licensee's 347  
Authorization to Practice in that State based on the factual 348  
findings of another Remote State. 349

D. A Licensee's Home State shall complete any pending 350  
investigation(s) of a Cosmetologist who changes their primary 351  
state of residence during the course of the investigation(s). 352  
The Home State shall also have the authority to take appropriate 353  
action(s) and shall promptly report the conclusions of the 354  
investigations to the Data System. 355

E. If an Adverse Action is taken by the Home State against a 356  
Licensee's Multistate License, the Licensee's Authorization to 357  
Practice in all other Member States shall be deactivated until 358  
all Encumbrances have been removed from the Home State license. 359  
All Home State disciplinary orders that impose an Adverse Action 360

against a Licensee's Multistate License shall include a 361  
statement that the Cosmetologist's Authorization to Practice is 362  
deactivated in all Member States during the pendency of the 363  
order. 364

F. Nothing in this Compact shall override a Member State's 365  
authority to accept a Licensee's participation in an Alternative 366  
Program in lieu of Adverse Action. A Licensee's Multistate 367  
License shall be suspended for the duration of the Licensee's 368  
participation in any Alternative Program. 369

G. Joint Investigations 370

1. In addition to the authority granted to a Member State 371  
by its respective scope of practice laws or other applicable 372  
State law, a Member State may participate with other Member 373  
States in joint investigations of Licensees. 374

2. Member States shall share any investigative, 375  
litigation, or compliance materials in furtherance of any joint 376  
or individual investigation initiated under the Compact. 377

**ARTICLE 8- ACTIVE MILITARY MEMBERS AND THEIR SPOUSES** 378

Active Military Members, or their spouses, shall designate a 379  
Home State where the individual has a current license to 380  
practice Cosmetology in good standing. The individual may retain 381  
their Home State designation during any period of service when 382  
that individual or their spouse is on active duty assignment. 383

**ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY** 384

**LICENSURE COMPACT COMMISSION** 385

A. The Compact Member States hereby create and establish a joint 386  
government agency whose membership consists of all Member States 387  
that have enacted the Compact known as the Cosmetology Licensure 388

Compact Commission. The Commission is an instrumentality of the 389  
Compact Member States acting jointly and not an instrumentality 390  
of any one State. The Commission shall come into existence on or 391  
after the effective date of the Compact as set forth in Article 392  
13. 393

B. Membership, Voting, and Meetings 394

1. Each Member State shall have and be limited to one (1) 395  
delegate selected by that Member State's State Licensing 396  
Authority. 397

2. The delegate shall be an administrator of the State 398  
Licensing Authority of the Member State or their designee. 399

3. The Commission shall by Rule or bylaw establish a term 400  
of office for delegates and may by Rule or bylaw establish term 401  
limits. 402

4. The Commission may recommend removal or suspension of 403  
any delegate from office. 404

5. A Member State's State Licensing Authority shall fill 405  
any vacancy of its delegate occurring on the Commission within 406  
60 days of the vacancy. 407

6. Each delegate shall be entitled to one vote on all 408  
matters that are voted on by the Commission. 409

7. The Commission shall meet at least once during each 410  
calendar year. Additional meetings may be held as set forth in 411  
the bylaws. The Commission may meet by telecommunication, video 412  
conference or other similar electronic means. 413

C. The Commission shall have the following powers: 414

1. Establish the fiscal year of the Commission; 415

<u>2. Establish code of conduct and conflict of interest</u>	416
<u>policies;</u>	417
<u>3. Adopt Rules and bylaws;</u>	418
<u>4. Maintain its financial records in accordance with the</u>	419
<u>bylaws;</u>	420
<u>5. Meet and take such actions as are consistent with the</u>	421
<u>provisions of this Compact, the Commission's Rules, and the</u>	422
<u>bylaws;</u>	423
<u>6. Initiate and conclude legal proceedings or actions in</u>	424
<u>the name of the Commission, provided that the standing of any</u>	425
<u>State Licensing Authority to sue or be sued under applicable law</u>	426
<u>shall not be affected;</u>	427
<u>7. Maintain and certify records and information provided</u>	428
<u>to a Member State as the authenticated business records of the</u>	429
<u>Commission, and designate an agent to do so on the Commission's</u>	430
<u>behalf;</u>	431
<u>8. Purchase and maintain insurance and bonds;</u>	432
<u>9. Borrow, accept, or contract for services of personnel,</u>	433
<u>including, but not limited to, employees of a Member State;</u>	434
<u>10. Conduct an annual financial review;</u>	435
<u>11. Hire employees, elect or appoint officers, fix</u>	436
<u>compensation, define duties, grant such individuals appropriate</u>	437
<u>authority to carry out the purposes of the Compact, and</u>	438
<u>establish the Commission's personnel policies and programs</u>	439
<u>relating to conflicts of interest, qualifications of personnel,</u>	440
<u>and other related personnel matters;</u>	441
<u>12. As set forth in the Commission Rules, charge a fee to</u>	442



a Licensee for the grant of a Multistate License and thereafter, 443  
as may be established by Commission Rule, charge the Licensee a 444  
Multistate License renewal fee for each renewal period. Nothing 445  
herein shall be construed to prevent a Home State from charging 446  
a Licensee a fee for a Multistate License or renewals of a 447  
Multistate License, or a fee for the jurisprudence requirement 448  
if the Member State imposes such a requirement for the grant of 449  
Multistate License; 450

13. Assess and collect fees; 451

14. Accept any and all appropriate gifts, donations, 452  
grants of money, other sources of revenue, equipment, supplies, 453  
materials, and services, and receive, utilize, and dispose of 454  
the same; provided that at all times the Commission shall avoid 455  
any appearance of impropriety or conflict of interest; 456

15. Lease, purchase, retain, own, hold, improve, or use 457  
any property, real, personal, or mixed, or any undivided 458  
interest therein; 459

16. Sell, convey, mortgage, pledge, lease, exchange, 460  
abandon, or otherwise dispose of any property real, personal, or 461  
mixed; 462

17. Establish a budget and make expenditures; 463

18. Borrow money; 464

19. Appoint committees, including standing committees, 465  
composed of members, State regulators, State legislators or 466  
their representatives, and consumer representatives, and such 467  
other interested persons as may be designated in this Compact 468  
and the bylaws; 469

20. Provide and receive information from, and cooperate 470

with, law enforcement agencies 471

21. Elect a Chair, Vice Chair, Secretary and Treasurer and 472  
such other officers of the Commission as provided in the 473  
Commission's bylaws; 474

22. Establish and elect an Executive Committee, including 475  
a chair and a vice chair; 476

23. Adopt and provide to the Member States an annual 477  
report. 478

24. Determine whether a State's adopted language is 479  
materially different from the model Compact language such that 480  
the State would not qualify for participation in the Compact; 481  
and 482

25. Perform such other functions as may be necessary or 483  
appropriate to achieve the purposes of this Compact. 484

D. The Executive Committee 485

1. The Executive Committee shall have the power to act on 486  
behalf of the Commission according to the terms of this Compact. 487  
The powers, duties, and responsibilities of the Executive 488  
Committee shall include: 489

a. Overseeing the day-to-day activities of the 490  
administration of the Compact including compliance with the 491  
provisions of the Compact, the Commission's Rules and bylaws, 492  
and other such duties as deemed necessary; 493

b. Recommending to the Commission changes to the Rules or 494  
bylaws, changes to this Compact legislation, fees charged to 495  
Compact Member States, fees charged to Licensees, and other 496  
fees; 497

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

identify qualifying organizations and the manner of appointment 525  
if the number of organizations seeking to appoint an ex officio 526  
member exceeds the number of members specified in this Article. 527

3. The Commission may remove any member of the Executive 528  
Committee as provided in the Commission's bylaws. 529

4. The Executive Committee shall meet at least annually. 530

a. Annual Executive Committee meetings, as well as any 531  
Executive Committee meeting at which it does not take or intend 532  
to take formal action on a matter for which a Commission vote 533  
would otherwise be required, shall be open to the public, except 534  
that the Executive Committee may meet in a closed, non-public 535  
session of a public meeting when dealing with any of the matters 536  
covered under Article 9.F.4. 537

b. The Executive Committee shall give five business days 538  
advance notice of its public meetings, posted on its website and 539  
as determined to provide notice to persons with an interest in 540  
the public matters the Executive Committee intends to address at 541  
those meetings. 542

5. The Executive Committee may hold an emergency meeting 543  
when acting for the Commission to: 544

a. Meet an imminent threat to public health, safety, or 545  
welfare; 546

b. Prevent a loss of Commission or Member State funds; or 547

c. Protect public health and safety. 548

E. The Commission shall adopt and provide to the Member States 549  
an annual report. 550

F. Meetings of the Commission 551

1. All meetings of the Commission that are not closed 552  
pursuant to Article 9.F.4 shall be open to the public. Notice of 553  
public meetings shall be posted on the Commission's website at 554  
least thirty (30) days prior to the public meeting. 555

2. Notwithstanding Article 9.F.1, the Commission may 556  
convene an emergency public meeting by providing at least 557  
twenty-four (24) hours prior notice on the Commission's website, 558  
and any other means as provided in the Commission's Rules, for 559  
any of the reasons it may dispense with notice of proposed 560  
rulemaking under Article 11.L. The Commission's legal counsel 561  
shall certify that one of the reasons justifying an emergency 562  
public meeting has been met. 563

3. Notice of all Commission meetings shall provide the 564  
time, date, and location of the meeting, and if the meeting is 565  
to be held or accessible via telecommunication, video 566  
conference, or other electronic means, the notice shall include 567  
the mechanism for access to the meeting. 568

4. The Commission may convene in a closed, non-public 569  
meeting for the Commission to discuss: 570

a. Non-compliance of a Member State with its obligations 571  
under the Compact; 572

b. The employment, compensation, discipline or other 573  
matters, practices or procedures related to specific employees 574  
or other matters related to the Commission's internal personnel 575  
practices and procedures; 576

c. Current or threatened discipline of a Licensee by the 577  
Commission or by a Member State's Licensing Authority; 578

d. Current, threatened, or reasonably anticipated 579  
litigation; 580

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

shall be identified in such minutes. All minutes and documents 608  
of a closed meeting shall remain under seal, subject to release 609  
only by a majority vote of the Commission or order of a court of 610  
competent jurisdiction. 611

G. Financing of the Commission 612

1. The Commission shall pay, or provide for the payment 613  
of, the reasonable expenses of its establishment, organization, 614  
and ongoing activities. 615

2. The Commission may accept any and all appropriate 616  
sources of revenue, donations, and grants of money, equipment, 617  
supplies, materials, and services. 618

3. The Commission may levy on and collect an annual 619  
assessment from each Member State and impose fees on Licensees 620  
of Member States to whom it grants a Multistate License to cover 621  
the cost of the operations and activities of the Commission and 622  
its staff, which must be in a total amount sufficient to cover 623  
its annual budget as approved each year for which revenue is not 624  
provided by other sources. The aggregate annual assessment 625  
amount for Member States shall be allocated based upon a formula 626  
that the Commission shall promulgate by Rule. 627

4. The Commission shall not incur obligations of any kind 628  
prior to securing the funds adequate to meet the same; nor shall 629  
the Commission pledge the credit of any Member States, except by 630  
and with the authority of the Member State. 631

5. The Commission shall keep accurate accounts of all 632  
receipts and disbursements. The receipts and disbursements of 633  
the Commission shall be subject to the financial review and 634  
accounting procedures established under its bylaws. All receipts 635  
and disbursements of funds handled by the Commission shall be 636

subject to an annual financial review by a certified or licensed 637  
public accountant, and the report of the financial review shall 638  
be included in and become part of the annual report of the 639  
Commission. 640

H. Qualified Immunity, Defense, and Indemnification 641

1. The members, officers, executive director, employees 642  
and representatives of the Commission shall be immune from suit 643  
and liability, both personally and in their official capacity, 644  
for any claim for damage to or loss of property or personal 645  
injury or other civil liability caused by or arising out of any 646  
actual or alleged act, error, or omission that occurred, or that 647  
the person against whom the claim is made had a reasonable basis 648  
for believing occurred within the scope of Commission 649  
employment, duties or responsibilities; provided that nothing in 650  
this paragraph shall be construed to protect any such person 651  
from suit or liability for any damage, loss, injury, or 652  
liability caused by the intentional or willful or wanton 653  
misconduct of that person. The procurement of insurance of any 654  
type by the Commission shall not in any way compromise or limit 655  
the immunity granted hereunder. 656

2. The Commission shall defend any member, officer, 657  
executive director, employee, and representative of the 658  
Commission in any civil action seeking to impose liability 659  
arising out of any actual or alleged act, error, or omission 660  
that occurred within the scope of Commission employment, duties, 661  
or responsibilities, or as determined by the Commission that the 662  
person against whom the claim is made had a reasonable basis for 663  
believing occurred within the scope of Commission employment, 664  
duties, or responsibilities; provided that nothing herein shall 665  
be construed to prohibit that person from retaining their own 666



counsel at their own expense; and provided further, that the 667  
actual or alleged act, error, or omission did not result from 668  
that person's intentional or willful or wanton misconduct. 669

3. The Commission shall indemnify and hold harmless any 670  
member, officer, executive director, employee, and 671  
representative of the Commission for the amount of any 672  
settlement or judgment obtained against that person arising out 673  
of any actual or alleged act, error, or omission that occurred 674  
within the scope of Commission employment, duties, or 675  
responsibilities, or that such person had a reasonable basis for 676  
believing occurred within the scope of Commission employment, 677  
duties, or responsibilities, provided that the actual or alleged 678  
act, error, or omission did not result from the intentional or 679  
willful or wanton misconduct of that person. 680

4. Nothing herein shall be construed as a limitation on 681  
the liability of any Licensee for professional malpractice or 682  
misconduct, which shall be governed solely by any other 683  
applicable State laws. 684

5. Nothing in this Compact shall be interpreted to waive 685  
or otherwise abrogate a Member State's State action immunity or 686  
State action affirmative defense with respect to antitrust 687  
claims under the Sherman Act, Clayton Act, or any other State or 688  
federal antitrust or anticompetitive law or regulation. 689

6. Nothing in this Compact shall be construed to be a 690  
waiver of sovereign immunity by the Member States or by the 691  
Commission. 692

**ARTICLE 10- DATA SYSTEM** 693

A. The Commission shall provide for the development, 694  
maintenance, operation, and utilization of a coordinated 695

<u>database and reporting system.</u>	696
<u>B. The Commission shall assign each applicant for a Multistate License a unique identifier, as determined by the Rules of the Commission.</u>	697 698 699
<u>C. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:</u>	700 701 702 703 704
<u>1. Identifying information;</u>	705
<u>2. Licensure data;</u>	706
<u>3. Adverse Actions against a license and information related thereto;</u>	707 708
<u>4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation;</u>	709 710 711 712
<u>5. Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of any criminal history record information where prohibited by law);</u>	713 714 715
<u>6. The existence of Investigative Information;</u>	716
<u>7. The existence of Current Significant Investigative Information; and</u>	717 718
<u>8. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.</u>	719 720 721
<u>D. The records and information provided to a Member State</u>	722

pursuant to this Compact or through the Data System, when 723  
certified by the Commission or an agent thereof, shall 724  
constitute the authenticated business records of the Commission, 725  
and shall be entitled to any associated hearsay exception in any 726  
relevant judicial, quasi-judicial or administrative proceedings 727  
in a Member State. 728

E. The existence of Current Significant Investigative 729  
Information and the existence of Investigative Information 730  
pertaining to a Licensee in any Member State will only be 731  
available to other Member States. 732

F. It is the responsibility of the Member States to monitor the 733  
database to determine whether Adverse Action has been taken 734  
against such a Licensee or License applicant. Adverse Action 735  
information pertaining to a Licensee or License applicant in any 736  
Member State will be available to any other Member State. 737

G. Member States contributing information to the Data System may 738  
designate information that may not be shared with the public 739  
without the express permission of the contributing State. 740

H. Any information submitted to the Data System that is 741  
subsequently expunged pursuant to federal law or the laws of the 742  
Member State contributing the information shall be removed from 743  
the Data System. 744

**ARTICLE 11- RULEMAKING** 745

A. The Commission shall promulgate reasonable Rules in order to 746  
effectively and efficiently implement and administer the 747  
purposes and provisions of the Compact. A Rule shall be invalid 748  
and have no force or effect only if a court of competent 749  
jurisdiction holds that the Rule is invalid because the 750  
Commission exercised its rulemaking authority in a manner that 751

is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review. 752  
753  
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B. The Rules of the Commission shall have the force of law in each Member State, provided however that where the Rules of the Commission conflict with the laws of the Member State that establish the Member State's scope of practice laws governing the Practice of Cosmetology as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict. 755  
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C. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the Rules adopted thereunder. Rules shall become binding as of the date specified by the Commission for each Rule. 762  
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764  
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D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State or to any State applying to participate in the Compact. 766  
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E. Rules shall be adopted at a regular or special meeting of the Commission. 772  
773

F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments. 774  
775  
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G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a notice of proposed rulemaking: 777  
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1. On the website of the Commission or other publicly accessible platform; 781  
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2. To persons who have requested notice of the Commission's notices of proposed rulemaking, and 783  
784
3. In such other way(s) as the Commission may by Rule specify. 785  
786
- H. The notice of proposed rulemaking shall include: 787
1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule; 788  
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2. If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking; 793  
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796
3. The text of the proposed Rule and the reason therefor; 797
4. A request for comments on the proposed Rule from any interested person; and 798  
799
5. The manner in which interested persons may submit written comments. 800  
801
- I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public. 802  
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804
- J. Nothing in this Article shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this 805  
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<u>Article.</u>	808
<u>K. The Commission shall, by majority vote of all members, take</u>	809
<u>final action on the proposed Rule based on the rulemaking record</u>	810
<u>and the full text of the Rule.</u>	811
<u>1. The Commission may adopt changes to the proposed Rule</u>	812
<u>provided the changes do not enlarge the original purpose of the</u>	813
<u>proposed Rule.</u>	814
<u>2. The Commission shall provide an explanation of the</u>	815
<u>reasons for substantive changes made to the proposed Rule as</u>	816
<u>well as reasons for substantive changes not made that were</u>	817
<u>recommended by commenters.</u>	818
<u>3. The Commission shall determine a reasonable effective</u>	819
<u>date for the Rule. Except for an emergency as provided in</u>	820
<u>Article 11.L, the effective date of the Rule shall be no sooner</u>	821
<u>than forty-five (45) days after the Commission issuing the</u>	822
<u>notice that it adopted or amended the Rule.</u>	823
<u>L. Upon determination that an emergency exists, the Commission</u>	824
<u>may consider and adopt an emergency Rule with five (5) days'</u>	825
<u>notice, with opportunity to comment, provided that the usual</u>	826
<u>rulemaking procedures provided in the Compact and in this</u>	827
<u>Article shall be retroactively applied to the Rule as soon as</u>	828
<u>reasonably possible, in no event later than ninety (90) days</u>	829
<u>after the effective date of the Rule. For the purposes of this</u>	830
<u>provision, an emergency Rule is one that must be adopted</u>	831
<u>immediately to:</u>	832
<u>1. Meet an imminent threat to public health, safety, or</u>	833
<u>welfare;</u>	834
<u>2. Prevent a loss of Commission or Member State funds;</u>	835

3. Meet a deadline for the promulgation of a Rule that is 836  
established by federal law or rule; or 837

4. Protect public health and safety. 838

M. The Commission or an authorized committee of the Commission 839  
may direct revisions to a previously adopted Rule for purposes 840  
of correcting typographical errors, errors in format, errors in 841  
consistency, or grammatical errors. Public notice of any 842  
revisions shall be posted on the website of the Commission. The 843  
revision shall be subject to challenge by any person for a 844  
period of thirty (30) days after posting. The revision may be 845  
challenged only on grounds that the revision results in a 846  
material change to a Rule. A challenge shall be made in writing 847  
and delivered to the Commission prior to the end of the notice 848  
period. If no challenge is made, the revision will take effect 849  
without further action. If the revision is challenged, the 850  
revision may not take effect without the approval of the 851  
Commission. 852

N. No Member State's rulemaking requirements shall apply under 853  
this Compact. 854

**ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT** 855

**A. Oversight** 856

1. The executive and judicial branches of State government 857  
in each Member State shall enforce this Compact and take all 858  
actions necessary and appropriate to implement the Compact. 859

2. Venue is proper and judicial proceedings by or against 860  
the Commission shall be brought solely and exclusively in a 861  
court of competent jurisdiction where the principal office of 862  
the Commission is located. The Commission may waive venue and 863  
jurisdictional defenses to the extent it adopts or consents to 864

participate in alternative dispute resolution proceedings. 865  
Nothing herein shall affect or limit the selection or propriety 866  
of venue in any action against a Licensee for professional 867  
malpractice, misconduct or any such similar matter. 868

3. The Commission shall be entitled to receive service of 869  
process in any proceeding regarding the enforcement or 870  
interpretation of the Compact and shall have standing to 871  
intervene in such a proceeding for all purposes. Failure to 872  
provide the Commission service of process shall render a 873  
judgment or order void as to the Commission, this Compact, or 874  
promulgated Rules. 875

B. Default, Technical Assistance, and Termination 876

1. If the Commission determines that a Member State has 877  
defaulted in the performance of its obligations or 878  
responsibilities under this Compact or the promulgated Rules, 879  
the Commission shall provide written notice to the defaulting 880  
State. The notice of default shall describe the default, the 881  
proposed means of curing the default, and any other action that 882  
the Commission may take, and shall offer training and specific 883  
technical assistance regarding the default. 884

2. The Commission shall provide a copy of the notice of 885  
default to the other Member States. 886

3. If a State in default fails to cure the default, the 887  
defaulting State may be terminated from the Compact upon an 888  
affirmative vote of a majority of the delegates of the Member 889  
States, and all rights, privileges and benefits conferred on 890  
that State by this Compact may be terminated on the effective 891  
date of termination. A cure of the default does not relieve the 892  
offending State of obligations or liabilities incurred during 893



the period of default. 894

4. Termination of membership in the Compact shall be 895  
imposed only after all other means of securing compliance have 896  
been exhausted. Notice of intent to suspend or terminate shall 897  
be given by the Commission to the governor, the majority and 898  
minority leaders of the defaulting State's legislature, the 899  
defaulting State's State Licensing Authority and each of the 900  
Member States' State Licensing Authority. 901

5. A State that has been terminated is responsible for all 902  
assessments, obligations, and liabilities incurred through the 903  
effective date of termination, including obligations that extend 904  
beyond the effective date of termination. 905

6. Upon the termination of a State's membership from this 906  
Compact, that State shall immediately provide notice to all 907  
Licensees who hold a Multistate License within that State of 908  
such termination. The terminated State shall continue to 909  
recognize all licenses granted pursuant to this Compact for a 910  
minimum of one hundred eighty (180) days after the date of said 911  
notice of termination. 912

7. The Commission shall not bear any costs related to a 913  
State that is found to be in default or that has been terminated 914  
from the Compact, unless agreed upon in writing between the 915  
Commission and the defaulting State. 916

8. The defaulting State may appeal the action of the 917  
Commission by petitioning the United States District Court for 918  
the District of Columbia or the federal district where the 919  
Commission has its principal offices. The prevailing party shall 920  
be awarded all costs of such litigation, including reasonable 921  
attorney's fees. 922

<u>C. Dispute Resolution</u>	923
<u>1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.</u>	924 925 926
<u>2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.</u>	927 928 929
<u>D. Enforcement</u>	930
<u>1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's Rules.</u>	931 932 933
<u>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.</u>	934 935 936 937 938 939 940 941 942 943 944 945 946
<u>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</u>	947 948 949 950 951

include both injunctive relief and damages. In the event 952  
judicial enforcement is necessary, the prevailing party shall be 953  
awarded all costs of such litigation, including reasonable 954  
attorney's fees. 955

4. No individual or entity other than a Member State may 956  
enforce this Compact against the Commission. 957

**ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT** 958

A. The Compact shall come into effect on the date on which the 959  
Compact statute is enacted into law in the seventh Member State. 960

1. On or after the effective date of the Compact, the 961  
Commission shall convene and review the enactment of each of the 962  
Charter Member States to determine if the statute enacted by 963  
each such Charter Member State is materially different than the 964  
model Compact statute. 965

a. A Charter Member State whose enactment is found to be 966  
materially different from the model Compact statute shall be 967  
entitled to the default process set forth in Article 12. 968

b. If any Member State is later found to be in default, or 969  
is terminated or withdraws from the Compact, the Commission 970  
shall remain in existence and the Compact shall remain in effect 971  
even if the number of Member States should be less than seven 972  
(7). 973

2. Member States enacting the Compact subsequent to the 974  
Charter Member States shall be subject to the process set forth 975  
in Article 9.C.24 to determine if their enactments are 976  
materially different from the model Compact statute and whether 977  
they qualify for participation in the Compact. 978

3. All actions taken for the benefit of the Commission or 979

in furtherance of the purposes of the administration of the 980  
Compact prior to the effective date of the Compact or the 981  
Commission coming into existence shall be considered to be 982  
actions of the Commission unless specifically repudiated by the 983  
Commission. 984

4. Any State that joins the Compact shall be subject to 985  
the Commission's Rules and bylaws as they exist on the date on 986  
which the Compact becomes law in that State. Any Rule that has 987  
been previously adopted by the Commission shall have the full 988  
force and effect of law on the day the Compact becomes law in 989  
that State. 990

B. Any Member State may withdraw from this Compact by enacting a 991  
statute repealing that State's enactment of the Compact. 992

1. A Member State's withdrawal shall not take effect until 993  
one hundred eighty (180) days after enactment of the repealing 994  
statute. 995

2. Withdrawal shall not affect the continuing requirement 996  
of the withdrawing State's State Licensing Authority to comply 997  
with the investigative and Adverse Action reporting requirements 998  
of this Compact prior to the effective date of withdrawal. 999

3. Upon the enactment of a statute withdrawing from this 1000  
Compact, a State shall immediately provide notice of such 1001  
withdrawal to all Licensees within that State. Notwithstanding 1002  
any subsequent statutory enactment to the contrary, such 1003  
withdrawing State shall continue to recognize all licenses 1004  
granted pursuant to this Compact for a minimum of one hundred 1005  
eighty (180) days after the date of such notice of withdrawal. 1006

C. Nothing contained in this Compact shall be construed to 1007  
invalidate or prevent any licensure agreement or other 1008

cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact. 1009  
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D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States. 1012  
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**ARTICLE 14- CONSTRUCTION AND SEVERABILITY** 1016

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes. 1017  
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B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby. 1023  
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C. Notwithstanding Article 14.B, the Commission may deny a State's participation in the Compact or, in accordance with the requirements of Article 12, terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material 1033  
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departure from the Compact. Otherwise, if this Compact shall be 1038  
held to be contrary to the constitution of any Member State, the 1039  
Compact shall remain in full force and effect as to the 1040  
remaining Member States and in full force and effect as to the 1041  
Member State affected as to all severable matters. 1042

**ARTICLE 15- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS** 1043

A. Nothing herein shall prevent or inhibit the enforcement of 1044  
any other law of a Member State that is not inconsistent with 1045  
the Compact. 1046

B. Any laws, statutes, regulations, or other legal requirements 1047  
in a Member State in conflict with the Compact are superseded to 1048  
the extent of the conflict. 1049

C. All permissible agreements between the Commission and the 1050  
Member States are binding in accordance with their terms. 1051

**Sec. 4713.331.** Not later than sixty days after the 1052  
"Cosmetology Licensure Compact" is entered into under section 1053  
4713.33 of the Revised Code, the state cosmetology and barber 1054  
board, in accordance with Article 9 of the compact, shall select 1055  
one individual to serve as a delegate to the cosmetology 1056  
licensure compact commission created under the compact. The 1057  
board shall fill a vacancy in this position not later than sixty 1058  
days after the vacancy occurs. 1059

**Sec. 4713.37.** (A) The state cosmetology and barber board 1060  
may issue a temporary special occasion work permit to an 1061  
individual who satisfies all of the following conditions: 1062

(1) Has been licensed or registered in another state or 1063  
country to practice a branch of cosmetology or teach the theory 1064  
and practice of a branch of cosmetology for at least five years; 1065

(2) Is a recognized expert in the practice or teaching of the branch of cosmetology the individual practices or teaches;

(3) Is to practice that branch of cosmetology or teach the theory and practice of that branch of cosmetology in this state as part of a promotional or instructional program for not more than the amount of time a temporary special occasion work permit is effective;

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

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

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

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

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

**Section 3.** That the version of section 4713.37 of the

Revised Code that is scheduled to take effect on December 29, 1095  
2023, be amended to read as follows: 1096

**Sec. 4713.37.** (A) The state cosmetology and barber board 1097  
may issue a temporary special occasion work permit to a 1098  
nonresident individual who satisfies all of the following 1099  
conditions: 1100

(1) Has been licensed or registered in another state or 1101  
country to practice a branch of cosmetology or teach the theory 1102  
and practice of a branch of cosmetology for at least five years; 1103

(2) Is a recognized expert in the practice or teaching of 1104  
the branch of cosmetology the individual practices or teaches; 1105

(3) Is to practice that branch of cosmetology or teach the 1106  
theory and practice of that branch of cosmetology in this state 1107  
as part of a promotional or instructional program for not more 1108  
than the amount of time a temporary special occasion work permit 1109  
is effective; 1110

(4) Satisfies all other conditions for a temporary special 1111  
occasion work permit established by rules adopted under section 1112  
4713.08 of the Revised Code; 1113

(5) Pays the fee established by rules adopted under 1114  
section 4713.08 of the Revised Code. 1115

(B) An individual issued a temporary special occasion work 1116  
permit may practice the branch of cosmetology the individual 1117  
practices in another state or country, or teach the theory and 1118  
practice of the branch of cosmetology the individual teaches in 1119  
another state or country, until the expiration date of the 1120  
permit. A temporary special occasion work permit is valid for 1121  
the period of time specified in rules adopted under section 1122  
4713.08 of the Revised Code. 1123



(C) Chapter 4796. of the Revised Code does not apply to a 1124  
temporary special occasion work permit issued under this 1125  
section. 1126

(D) An individual does not need to obtain a temporary 1127  
special occasion work permit under this section if the 1128  
individual is practicing in accordance with the compact 1129  
privilege granted by this state through the "Cosmetology 1130  
Licensure Compact" entered into under section 4713.33 of the 1131  
Revised Code. 1132

**Section 4.** That the existing version of section 4713.37 of 1133  
the Revised Code that is scheduled to take effect on December, 1134  
29, 2023, is hereby repealed. 1135

**Section 5.** Sections 3 and 4 of this act take effect 1136  
December 29, 2023. 1137