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Senator Roegner

Cosponsors: Senators Chavez, Cirino, Craig, DeMora, Gavarone, Hicks-Hudson, Ingram, Johnson, Landis, Lang, Reineke, Reynolds, Romanchuk, Sykes, Wilkin

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 status in the armed forces of the United States, including members of the National Guard and Reserve. 45
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B. "Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a Member State's laws which is imposed by a State Licensing Authority or other regulatory body against a Cosmetologist, including actions against an individual's license or Authorization to Practice such as revocation, suspension, probation, monitoring of the Licensee, limitation of the Licensee's practice, or any other Encumbrance on a license affecting an individual's ability to participate in the Cosmetology industry, including the issuance of a cease and desist order. 48
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C. "Authorization to Practice" means a legal authorization associated with a Multistate License permitting the Practice of Cosmetology in that Remote State, which shall be subject to the enforcement jurisdiction of the State Licensing Authority in that Remote State. 58
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D. "Alternative Program" means a non-disciplinary monitoring or prosecutorial diversion program approved by a Member State's State Licensing Authority. 63
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E. "Background Check" means the submission of information for an applicant for the purpose of obtaining that applicant's criminal history record information, as further defined in 28 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and the agency responsible for retaining State criminal or disciplinary history in the applicant's Home State. 66
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F. "Charter Member State" means Member States who have enacted legislation to adopt this Compact where such legislation 72
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<u>predates the effective date of this Compact as defined in</u>	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
<u>ARTICLE 4- MULTISTATE LICENSE</u>	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
<u>E. A Multistate License granted pursuant to this Compact may be</u>	215
<u>effective for a definite period of time, concurrent with the</u>	216
<u>licensure renewal period in the Home State.</u>	217
<u>F. To maintain a Multistate License under this Compact, a</u>	218
<u>Licensee must:</u>	219
<u>1. Agree to abide by the rules of the State Licensing</u>	220
<u>Authority, and the State scope of practice laws governing the</u>	221
<u>Practice of Cosmetology, of any Member State in which the</u>	222
<u>Licensee provides services;</u>	223
<u>2. Pay all required fees related to the application and</u>	224
<u>process, and any other fees which the Commission may by Rule</u>	225
<u>require; and</u>	226
<u>3. Comply with any and all other requirements regarding</u>	227
<u>Multistate Licenses which the Commission may by Rule provide.</u>	228
<u>G. A Licensee practicing in a Member State is subject to all</u>	229
<u>scope of practice laws governing Cosmetology Services in that</u>	230
<u>State.</u>	231
<u>H. The Practice of Cosmetology under a Multistate License</u>	232
<u>granted pursuant to this Compact will subject the Licensee to</u>	233
<u>the jurisdiction of the State Licensing Authority, the courts,</u>	234
<u>and the laws of the Member State in which the Cosmetology</u>	235
<u>Services are provided.</u>	236
<u>ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME</u>	237
<u>STATE</u>	238
<u>A. A Licensee may hold a Multistate License, issued by their</u>	239
<u>Home State, in only one Member State at any given time.</u>	240

<u>B. If a Licensee changes their Home State by moving between two</u>	241
<u>Member States:</u>	242
<u>1. The Licensee shall immediately apply for the reissuance</u>	243
<u>of their Multistate License in their new Home State. The</u>	244
<u>Licensee shall pay all applicable fees and notify the prior Home</u>	245
<u>State in accordance with the Rules of the Commission.</u>	246
<u>2. Upon receipt of an application to reissue a Multistate</u>	247
<u>License, the new Home State shall verify that the Multistate</u>	248
<u>License is active, unencumbered and eligible for reissuance</u>	249
<u>under the terms of the Compact and the Rules of the Commission.</u>	250
<u>The Multistate License issued by the prior Home State will be</u>	251
<u>deactivated and all Member States notified in accordance with</u>	252
<u>the applicable Rules adopted by the Commission.</u>	253
<u>3. If required for initial licensure, the new Home State</u>	254
<u>may require a Background Check as specified in the laws of that</u>	255
<u>State, or the compliance with any Jurisprudence Requirements of</u>	256
<u>the new Home State.</u>	257
<u>4. Notwithstanding any other provision of this Compact, if</u>	258
<u>a Licensee does not meet the requirements set forth in this</u>	259
<u>Compact for the reissuance of a Multistate License by the new</u>	260
<u>Home State, then the Licensee shall be subject to the new Home</u>	261
<u>State requirements for the issuance of a Single-State License in</u>	262
<u>that State.</u>	263
<u>C. If a Licensee changes their primary state of residence by</u>	264
<u>moving from a Member State to a non-Member State, or from a non-</u>	265
<u>Member State to a Member State, then the Licensee shall be</u>	266
<u>subject to the State requirements for the issuance of a Single-</u>	267
<u>State License in the new Home State.</u>	268
<u>D. Nothing in this Compact shall interfere with a Licensee's</u>	269

ability to hold a Single-State License in multiple States; 270
however, for the purposes of this Compact, a Licensee shall have 271
only one Home State, and only one Multistate License. 272

E. Nothing in this Compact shall interfere with the requirements 273
established by a Member State for the issuance of a Single-State 274
License. 275

ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE 276
LICENSING AUTHORITIES 277

A. Nothing in this Compact, nor any Rule or regulation of the 278
Commission, shall be construed to limit, restrict, or in any way 279
reduce the ability of a Member State to enact and enforce laws, 280
regulations, or other rules related to the Practice of 281
Cosmetology in that State, where those laws, regulations, or 282
other rules are not inconsistent with the provisions of this 283
Compact. 284

B. Insofar as practical, a Member State's State Licensing 285
Authority shall cooperate with the Commission and with each 286
entity exercising independent regulatory authority over the 287
Practice of Cosmetology according to the provisions of this 288
Compact. 289

C. Discipline shall be the sole responsibility of the State in 290
which Cosmetology Services are provided. Accordingly, each 291
Member State's State Licensing Authority shall be responsible 292
for receiving complaints about individuals practicing 293
Cosmetology in that State, and for communicating all relevant 294
Investigative Information about any such Adverse Action to the 295
other Member States through the Data System in addition to any 296
other methods the Commission may by Rule require. 297

ARTICLE 7- ADVERSE ACTIONS 298

<u>A. A Licensee's Home State shall have exclusive power to impose</u>	299
<u>an Adverse Action against a Licensee's Multistate License issued</u>	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

4. Issue subpoenas for both hearings and investigations 327
that require the attendance and testimony of witnesses, as well 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
deactivated in all Member States during the pendency of the 359
order. 360

F. Nothing in this Compact shall override a Member State's 361
authority to accept a Licensee's participation in an Alternative 362
Program in lieu of Adverse Action. A Licensee's Multistate 363
License shall be suspended for the duration of the Licensee's 364
participation in any Alternative Program. 365

G. Joint Investigations 366

1. In addition to the authority granted to a Member State 367
by its respective scope of practice laws or other applicable 368
State law, a Member State may participate with other Member 369
States in joint investigations of Licensees. 370

2. Member States shall share any investigative, 371
litigation, or compliance materials in furtherance of any joint 372
or individual investigation initiated under the Compact. 373

ARTICLE 8- ACTIVE MILITARY MEMBERS AND THEIR SPOUSES 374

Active Military Members, or their spouses, shall designate a 375
Home State where the individual has a current license to 376
practice Cosmetology in good standing. The individual may retain 377
their Home State designation during any period of service when 378
that individual or their spouse is on active duty assignment. 379

ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY 380

LICENSURE COMPACT COMMISSION 381

A. The Compact Member States hereby create and establish a joint 382
government agency whose membership consists of all Member States 383
that have enacted the Compact known as the Cosmetology Licensure 384

Compact Commission. The Commission is an instrumentality of the 385
Compact Member States acting jointly and not an instrumentality 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

<u>2. Establish code of conduct and conflict of interest</u>	412
<u>policies;</u>	413
<u>3. Adopt Rules and bylaws;</u>	414
<u>4. Maintain its financial records in accordance with the</u>	415
<u>bylaws;</u>	416
<u>5. Meet and take such actions as are consistent with the</u>	417
<u>provisions of this Compact, the Commission's Rules, and the</u>	418
<u>bylaws;</u>	419
<u>6. Initiate and conclude legal proceedings or actions in</u>	420
<u>the name of the Commission, provided that the standing of any</u>	421
<u>State Licensing Authority to sue or be sued under applicable law</u>	422
<u>shall not be affected;</u>	423
<u>7. Maintain and certify records and information provided</u>	424
<u>to a Member State as the authenticated business records of the</u>	425
<u>Commission, and designate an agent to do so on the Commission's</u>	426
<u>behalf;</u>	427
<u>8. Purchase and maintain insurance and bonds;</u>	428
<u>9. Borrow, accept, or contract for services of personnel,</u>	429
<u>including, but not limited to, employees of a Member State;</u>	430
<u>10. Conduct an annual financial review;</u>	431
<u>11. Hire employees, elect or appoint officers, fix</u>	432
<u>compensation, define duties, grant such individuals appropriate</u>	433
<u>authority to carry out the purposes of the Compact, and</u>	434
<u>establish the Commission's personnel policies and programs</u>	435
<u>relating to conflicts of interest, qualifications of personnel,</u>	436
<u>and other related personnel matters;</u>	437
<u>12. As set forth in the Commission Rules, charge a fee to</u>	438

a Licensee for the grant of a Multistate License and thereafter, 439
as may be established by Commission Rule, charge the Licensee a 440
Multistate License renewal fee for each renewal period. Nothing 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

<u>with, law enforcement agencies</u>	467
<u>21. Elect a Chair, Vice Chair, Secretary and Treasurer and</u>	468
<u>such other officers of the Commission as provided in the</u>	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

identify qualifying organizations and the manner of appointment 521
if the number of organizations seeking to appoint an ex officio 522
member exceeds the number of members specified in this Article. 523

3. The Commission may remove any member of the Executive 524
Committee as provided in the Commission's bylaws. 525

4. The Executive Committee shall meet at least annually. 526

a. Annual Executive Committee meetings, as well as any 527
Executive Committee meeting at which it does not take or intend 528
to take formal action on a matter for which a Commission vote 529
would otherwise be required, shall be open to the public, except 530
that the Executive Committee may meet in a closed, non-public 531
session of a public meeting when dealing with any of the matters 532
covered under Article 9.F.4. 533

b. The Executive Committee shall give five business days 534
advance notice of its public meetings, posted on its website and 535
as determined to provide notice to persons with an interest in 536
the public matters the Executive Committee intends to address at 537
those meetings. 538

5. The Executive Committee may hold an emergency meeting 539
when acting for the Commission to: 540

a. Meet an imminent threat to public health, safety, or 541
welfare; 542

b. Prevent a loss of Commission or Member State funds; or 543

c. Protect public health and safety. 544

E. The Commission shall adopt and provide to the Member States 545
an annual report. 546

F. Meetings of the Commission 547

1. All meetings of the Commission that are not closed 548
pursuant to Article 9.F.4 shall be open to the public. Notice of 549
public meetings shall be posted on the Commission's website at 550
least thirty (30) days prior to the public meeting. 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

<u>e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;</u>	577
	578
<u>f. Accusing any person of a crime or formally censuring any person;</u>	579
	580
<u>g. Trade secrets or commercial or financial information that is privileged or confidential;</u>	581
	582
<u>h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;</u>	583
	584
<u>i. Investigative records compiled for law enforcement purposes;</u>	585
	586
<u>j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;</u>	587
	588
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	590
<u>k. Legal advice;</u>	591
<u>l. Matters specifically exempted from disclosure to the public by federal or Member State law; or</u>	592
	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 presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.</u>	595
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<u>6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action</u>	599
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shall be identified in such minutes. All minutes and documents 604
of a closed meeting shall remain under seal, subject to release 605
only by a majority vote of the Commission or order of a court of 606
competent jurisdiction. 607

G. Financing of the Commission 608

1. The Commission shall pay, or provide for the payment 609
of, the reasonable expenses of its establishment, organization, 610
and ongoing activities. 611

2. The Commission may accept any and all appropriate 612
sources of revenue, donations, and grants of money, equipment, 613
supplies, materials, and services. 614

3. The Commission may levy on and collect an annual 615
assessment from each Member State and impose fees on Licensees 616
of Member States to whom it grants a Multistate License to cover 617
the cost of the operations and activities of the Commission and 618
its staff, which must be in a total amount sufficient to cover 619
its annual budget as approved each year for which revenue is not 620
provided by other sources. The aggregate annual assessment 621
amount for Member States shall be allocated based upon a formula 622
that the Commission shall promulgate by Rule. 623

4. The Commission shall not incur obligations of any kind 624
prior to securing the funds adequate to meet the same; nor shall 625
the Commission pledge the credit of any Member States, except by 626
and with the authority of the Member State. 627

5. The Commission shall keep accurate accounts of all 628
receipts and disbursements. The receipts and disbursements of 629
the Commission shall be subject to the financial review and 630
accounting procedures established under its bylaws. All receipts 631
and disbursements of funds handled by the Commission shall be 632

subject to an annual financial review by a certified or licensed 633
public accountant, and the report of the financial review shall 634
be included in and become part of the annual report of the 635
Commission. 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

<u>database and reporting system.</u>	692
<u>B. The Commission shall assign each applicant for a Multistate License a unique identifier, as determined by the Rules of the Commission.</u>	693 694 695
<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>	696 697 698 699 700
<u>1. Identifying information;</u>	701
<u>2. Licensure data;</u>	702
<u>3. Adverse Actions against a license and information related thereto;</u>	703 704
<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>	705 706 707 708
<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>	709 710 711
<u>6. The existence of Investigative Information;</u>	712
<u>7. The existence of Current Significant Investigative Information; and</u>	713 714
<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>	715 716 717
<u>D. The records and information provided to a Member State</u>	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
in a Member State. 724

E. The existence of Current Significant Investigative 725
Information and the existence of Investigative Information 726
pertaining to a Licensee in any Member State will only be 727
available to other Member States. 728

F. It is the responsibility of the Member States to monitor the 729
database to determine whether Adverse Action has been taken 730
against such a Licensee or License applicant. Adverse Action 731
information pertaining to a Licensee or License applicant in any 732
Member State will be available to any other Member State. 733

G. Member States contributing information to the Data System may 734
designate information that may not be shared with the public 735
without the express permission of the contributing State. 736

H. Any information submitted to the Data System that is 737
subsequently expunged pursuant to federal law or the laws of the 738
Member State contributing the information shall be removed from 739
the Data System. 740

ARTICLE 11- RULEMAKING 741

A. The Commission shall promulgate reasonable Rules in order to 742
effectively and efficiently implement and administer the 743
purposes and provisions of the Compact. A Rule shall be invalid 744
and have no force or effect only if a court of competent 745
jurisdiction holds that the Rule is invalid because the 746
Commission exercised its rulemaking authority in a manner that 747

is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review. 748
749
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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. 751
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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. 758
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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. 762
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E. Rules shall be adopted at a regular or special meeting of the Commission. 768
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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. 770
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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: 773
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<u>1. On the website of the Commission or other publicly</u>	777
<u>accessible platform;</u>	778
<u>2. To persons who have requested notice of the</u>	779
<u>Commission's notices of proposed rulemaking, and</u>	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
<u>1. The Commission may adopt changes to the proposed Rule</u>	808
<u>provided the changes do not enlarge the original purpose of the</u>	809
<u>proposed Rule.</u>	810
<u>2. The Commission shall provide an explanation of the</u>	811
<u>reasons for substantive changes made to the proposed Rule as</u>	812
<u>well as reasons for substantive changes not made that were</u>	813
<u>recommended by commenters.</u>	814
<u>3. The Commission shall determine a reasonable effective</u>	815
<u>date for the Rule. Except for an emergency as provided in</u>	816
<u>Article 11.L, the effective date of the Rule shall be no sooner</u>	817
<u>than forty-five (45) days after the Commission issuing the</u>	818
<u>notice that it adopted or amended the Rule.</u>	819
<u>L. Upon determination that an emergency exists, the Commission</u>	820
<u>may consider and adopt an emergency Rule with five (5) days'</u>	821
<u>notice, with opportunity to comment, provided that the usual</u>	822
<u>rulemaking procedures provided in the Compact and in this</u>	823
<u>Article shall be retroactively applied to the Rule as soon as</u>	824
<u>reasonably possible, in no event later than ninety (90) days</u>	825
<u>after the effective date of the Rule. For the purposes of this</u>	826
<u>provision, an emergency Rule is one that must be adopted</u>	827
<u>immediately to:</u>	828
<u>1. Meet an imminent threat to public health, safety, or</u>	829
<u>welfare;</u>	830
<u>2. Prevent a loss of Commission or Member State funds;</u>	831

3. Meet a deadline for the promulgation of a Rule that is 832
established by federal law or rule; or 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 865
process in any proceeding regarding the enforcement or 866
interpretation of the Compact and shall have standing to 867
intervene in such a proceeding for all purposes. Failure to 868
provide the Commission service of process shall render a 869
judgment or order void as to the Commission, this Compact, or 870
promulgated Rules. 871

B. Default, Technical Assistance, and Termination 872

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

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

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

the period of default. 890

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

<u>C. Dispute Resolution</u>	919
<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>	920 921 922
<u>2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.</u>	923 924 925
<u>D. Enforcement</u>	926
<u>1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's Rules.</u>	927 928 929
<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>	930 931 932 933 934 935 936 937 938 939 940 941 942
<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>	943 944 945 946 947

include both injunctive relief and damages. In the event 948
judicial enforcement is necessary, the prevailing party shall be 949
awarded all costs of such litigation, including reasonable 950
attorney's fees. 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

4. Any State that joins the Compact shall be subject to 981
the Commission's Rules and bylaws as they exist on the date on 982
which the Compact becomes law in that State. Any Rule that has 983
been previously adopted by the Commission shall have the full 984
force and effect of law on the day the Compact becomes law in 985
that State. 986

B. Any Member State may withdraw from this Compact by enacting a 987
statute repealing that State's enactment of the Compact. 988

1. A Member State's withdrawal shall not take effect until 989
one hundred eighty (180) days after enactment of the repealing 990
statute. 991

2. Withdrawal shall not affect the continuing requirement 992
of the withdrawing State's State Licensing Authority to comply 993
with the investigative and Adverse Action reporting requirements 994
of this Compact prior to the effective date of withdrawal. 995

3. Upon the enactment of a statute withdrawing from this 996
Compact, a State shall immediately provide notice of such 997
withdrawal to all Licensees within that State. Notwithstanding 998
any subsequent statutory enactment to the contrary, such 999
withdrawing State shall continue to recognize all licenses 1000
granted pursuant to this Compact for a minimum of one hundred 1001
eighty (180) days after the date of such notice of withdrawal. 1002

C. Nothing contained in this Compact shall be construed to 1003
invalidate or prevent any licensure agreement or other 1004

cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact. 1005
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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. 1008
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ARTICLE 14- CONSTRUCTION AND SEVERABILITY 1012

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. 1013
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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. 1019
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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 1029
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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

ARTICLE 15- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS 1039

A. Nothing herein shall prevent or inhibit the enforcement of 1040
any other law of a Member State that is not inconsistent with 1041
the Compact. 1042

B. Any laws, statutes, regulations, or other legal requirements 1043
in a Member State in conflict with the Compact are superseded to 1044
the extent of the conflict. 1045

C. All permissible agreements between the Commission and the 1046
Member States are binding in accordance with their terms. 1047

Sec. 4713.331. Not later than sixty days after the 1048
"Cosmetology Licensure Compact" is entered into under section 1049
4713.33 of the Revised Code, the state cosmetology and barber 1050
board, in accordance with Article 9 of the compact, shall select 1051
one individual to serve as a delegate to the cosmetology 1052
licensure compact commission created under the compact. The 1053
board shall fill a vacancy in this position not later than sixty 1054
days after the vacancy occurs. 1055

Sec. 4713.37. (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 the branch of cosmetology the individual practices or teaches;	1063 1064
(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;	1065 1066 1067 1068 1069
(4) Satisfies all other conditions for a temporary special occasion work permit established by rules adopted under section 4713.08 of the Revised Code;	1070 1071 1072
(5) Pays the fee established by rules adopted under section 4713.08 of the Revised Code.	1073 1074
(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.	1075 1076 1077 1078 1079 1080 1081 1082
(C) Chapter 4796. of the Revised Code does not apply to a temporary special occasion work permit issued under this section.	1083 1084 1085
<u>(D) 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.</u>	1086 1087 1088 1089 1090 1091

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

Section 3. Section 4713.37 of the Revised Code as presented in this act takes effect on the later of December 29, 2023, or the effective date of this section. (December 29, 2023, is the effective date of an earlier amendment to that section by S.B. 131 of the 134th General Assembly.)