

Senate Engrossed House Bill

~~bank deposits; technical correction~~
~~(now: unemployment insurance; employer; limitations)~~
(now: cosmetology licensure compact)

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

CHAPTER 93
HOUSE BILL 2049

AN ACT

AMENDING TITLE 32, CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING
ARTICLE 7; RELATING TO COSMETOLOGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 5, Arizona Revised Statutes, is
3 amended by adding article 7, to read:

4 ARTICLE 7. COSMETOLOGY LICENSURE COMPACT

5 32-581. Definitions

6 IN THIS COMPACT, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ACTIVE MILITARY MEMBER" MEANS ANY PERSON WITH FULL-TIME DUTY
8 STATUS IN THE ARMED FORCES OF THE UNITED STATES, INCLUDING MEMBERS OF THE
9 NATIONAL GUARD AND RESERVE.

10 2. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL, EQUITABLE OR
11 CRIMINAL ACTION ALLOWED BY A MEMBER STATE'S LAWS THAT IS IMPOSED BY A
12 STATE LICENSING AUTHORITY OR OTHER REGULATORY BODY AGAINST A
13 COSMETOLOGIST, INCLUDING ACTIONS AGAINST AN INDIVIDUAL'S LICENSE OR
14 AUTHORIZATION TO PRACTICE SUCH AS REVOCATION, SUSPENSION, PROBATION,
15 MONITORING OF THE LICENSEE, LIMITATION OF THE LICENSEE'S PRACTICE OR ANY
16 OTHER ENCUMBRANCE ON A LICENSE AFFECTING AN INDIVIDUAL'S ABILITY TO
17 PARTICIPATE IN THE COSMETOLOGY INDUSTRY, INCLUDING THE ISSUANCE OF A CEASE
18 AND DESIST ORDER.

19 3. "ALTERNATIVE PROGRAM" MEANS A NONDISCIPLINARY MONITORING OR
20 PROSECUTORIAL DIVERSION PROGRAM APPROVED BY A MEMBER STATE'S STATE
21 LICENSING AUTHORITY.

22 4. "AUTHORIZATION TO PRACTICE" MEANS A LEGAL AUTHORIZATION
23 ASSOCIATED WITH A MULTISTATE LICENSE ALLOWING THE PRACTICE OF COSMETOLOGY
24 IN THAT REMOTE STATE THAT IS SUBJECT TO THE ENFORCEMENT JURISDICTION OF
25 THE STATE LICENSING AUTHORITY IN THAT REMOTE STATE.

26 5. "BACKGROUND CHECK" MEANS THE SUBMISSION OF INFORMATION FOR AN
27 APPLICANT FOR THE PURPOSE OF OBTAINING THAT APPLICANT'S CRIMINAL HISTORY
28 RECORD INFORMATION, AS DEFINED IN 28 CODE OF FEDERAL REGULATIONS SECTION
29 20.3(d), FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY
30 RESPONSIBLE FOR RETAINING STATE CRIMINAL OR DISCIPLINARY HISTORY IN THE
31 APPLICANT'S HOME STATE.

32 6. "CHARTER MEMBER STATE" MEANS MEMBER STATES THAT HAVE ENACTED
33 LEGISLATION TO ADOPT THIS COMPACT WHERE THE LEGISLATION PREDATES THE
34 EFFECTIVE DATE OF THIS COMPACT AS DESCRIBED IN SECTION 32-596.

35 7. "COMMISSION" OR "COSMETOLOGY LICENSURE COMPACT COMMISSION" MEANS
36 A GOVERNMENT AGENCY WHOSE MEMBERSHIP CONSISTS OF ALL STATES THAT HAVE
37 ENACTED THIS COMPACT AND THAT OPERATES AS AN INSTRUMENTALITY OF THE MEMBER
38 STATES.

39 8. "COSMETOLOGIST" MEANS AN INDIVIDUAL WHO IS LICENSED IN THE
40 INDIVIDUAL'S HOME STATE TO PRACTICE COSMETOLOGY.

41 9. "COSMETOLOGY", "COSMETOLOGY SERVICES" AND "PRACTICE OF
42 COSMETOLOGY" MEAN THE CARE AND SERVICES PROVIDED BY A COSMETOLOGIST AS SET
43 FORTH IN THE MEMBER STATE'S STATUTES AND RULES IN THE STATE WHERE THE
44 SERVICES ARE BEING PROVIDED.

1 10. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS EITHER OF
2 THE FOLLOWING:

3 (a) INFORMATION THAT A STATE LICENSING AUTHORITY, AFTER AN INQUIRY
4 OR INVESTIGATION THAT COMPLIES WITH A MEMBER STATE'S DUE PROCESS
5 REQUIREMENTS, HAS REASON TO BELIEVE IS NOT GROUNDLESS AND, IF PROVED TRUE,
6 WOULD INDICATE A VIOLATION OF THAT STATE'S LAWS REGARDING FRAUD OR THE
7 PRACTICE OF COSMETOLOGY.

8 (b) INFORMATION THAT INDICATES A LICENSEE HAS ENGAGED IN FRAUD OR
9 REPRESENTS AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY, REGARDLESS OF
10 WHETHER THE LICENSEE HAS BEEN NOTIFIED AND HAD AN OPPORTUNITY TO RESPOND.

11 11. "DATA SYSTEM" MEANS A REPOSITORY OF INFORMATION ABOUT
12 LICENSEES, INCLUDING LICENSE STATUS, INVESTIGATIVE INFORMATION AND ADVERSE
13 ACTIONS.

14 12. "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR ANY LIMIT
15 ON, THE FULL AND UNRESTRICTED PRACTICE OF COSMETOLOGY BY A STATE LICENSING
16 AUTHORITY.

17 13. "EXECUTIVE COMMITTEE" MEANS A GROUP OF DELEGATES ELECTED OR
18 APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE POWERS GRANTED TO THE GROUP
19 BY, THE COMMISSION.

20 14. "HOME STATE" MEANS THE MEMBER STATE THAT IS A LICENSEE'S
21 PRIMARY STATE OF RESIDENCE AND WHERE THE LICENSEE HOLDS AN ACTIVE LICENSE
22 TO PRACTICE COSMETOLOGY, AND THE LICENSE DOES NOT HAVE AN ADVERSE ACTION
23 RESTRICTING THE PRACTICE OF COSMETOLOGY OR HAVE AN ADVERSE ACTION HAS BEEN
24 REPORTED TO THE COMMISSION.

25 15. "INVESTIGATIVE INFORMATION" MEANS INFORMATION, RECORDS OR
26 DOCUMENTS RECEIVED OR GENERATED BY A STATE LICENSING AUTHORITY PURSUANT TO
27 AN INVESTIGATION OR OTHER INQUIRY.

28 16. "JURISPRUDENCE REQUIREMENT" MEANS THE ASSESSMENT OF AN
29 INDIVIDUAL'S KNOWLEDGE OF THE LAWS GOVERNING THE PRACTICE OF COSMETOLOGY
30 IN A STATE.

31 17. "LICENSEE" MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS A LICENSE
32 FROM A MEMBER STATE TO PRACTICE AS A COSMETOLOGIST.

33 18. "MEMBER STATE" MEANS ANY STATE THAT HAS ADOPTED THIS COMPACT.

34 19. "MULTISTATE LICENSE" MEANS A LICENSE THAT IS ISSUED AND SUBJECT
35 TO THE ENFORCEMENT JURISDICTION OF THE STATE LICENSING AUTHORITY IN A
36 LICENSEE'S HOME STATE, THAT AUTHORIZES THE LICENSEE TO PRACTICE
37 COSMETOLOGY IN MEMBER STATES AND THAT INCLUDES AUTHORIZATIONS FOR THE
38 LICENSEE TO PRACTICE COSMETOLOGY IN ALL REMOTE STATES PURSUANT TO THIS
39 COMPACT.

40 20. "REMOTE STATE" MEANS ANY MEMBER STATE OTHER THAN THE LICENSEE'S
41 HOME STATE.

42 21. "RULE" MEANS ANY RULE THAT IS ADOPTED BY THE COMMISSION UNDER
43 THIS COMPACT AND THAT HAS THE FORCE OF LAW.

44 22. "SINGLE-STATE LICENSE" MEANS A COSMETOLOGY LICENSE ISSUED BY A
45 MEMBER STATE THAT AUTHORIZES THE PRACTICE OF COSMETOLOGY ONLY WITHIN THE

1 ISSUING STATE AND DOES NOT INCLUDE ANY AUTHORIZATION OUTSIDE OF THE
2 ISSUING STATE.

3 23. "STATE" MEANS A STATE, TERRITORY OR POSSESSION OF THE UNITED
4 STATES AND THE DISTRICT OF COLUMBIA.

5 24. "STATE LICENSING AUTHORITY" MEANS A MEMBER STATE'S REGULATORY
6 BODY THAT IS RESPONSIBLE FOR ISSUING COSMETOLOGY LICENSES OR OTHERWISE
7 OVERSEEING THE PRACTICE OF COSMETOLOGY IN THAT STATE.

8 32-582. Member state requirements

9 A. TO BE ELIGIBLE TO JOIN THIS COMPACT AND TO MAINTAIN ELIGIBILITY
10 AS A MEMBER STATE, A STATE MUST DO ALL OF THE FOLLOWING:

11 1. LICENSE AND REGULATE COSMETOLOGY.

12 2. HAVE A MECHANISM OR ENTITY IN PLACE TO RECEIVE AND INVESTIGATE
13 COMPLAINTS ABOUT LICENSEES PRACTICING IN THAT STATE.

14 3. REQUIRE LICENSEES WITHIN THAT STATE TO PASS A COSMETOLOGY
15 COMPETENCY EXAMINATION BEFORE BEING LICENSED TO PROVIDE COSMETOLOGY
16 SERVICES TO THE PUBLIC IN THAT STATE.

17 4. REQUIRE THAT LICENSEES SATISFY EDUCATIONAL OR TRAINING
18 REQUIREMENTS IN COSMETOLOGY BEFORE BEING LICENSED TO PROVIDE COSMETOLOGY
19 SERVICES TO THE PUBLIC IN THAT STATE.

20 5. IMPLEMENT PROCEDURES FOR CONSIDERING ONE OR MORE OF THE
21 FOLLOWING CATEGORIES OF INFORMATION FROM APPLICANTS FOR LICENSURE:
22 CRIMINAL HISTORY, DISCIPLINARY HISTORY OR BACKGROUND CHECKS. SUCH
23 PROCEDURES MAY INCLUDE THE SUBMISSION OF INFORMATION BY APPLICANTS FOR THE
24 PURPOSE OF OBTAINING AN APPLICANT'S BACKGROUND CHECK.

25 6. PARTICIPATE IN THE DATA SYSTEM, INCLUDING THROUGH THE USE OF
26 UNIQUE IDENTIFYING NUMBERS.

27 7. SHARE INFORMATION RELATED TO ADVERSE ACTIONS WITH THE COMMISSION
28 AND OTHER MEMBER STATES, BOTH THROUGH THE DATA SYSTEM AND OTHERWISE.

29 8. IN COMPLIANCE WITH THE TERMS OF THIS COMPACT AND RULES OF THE
30 COMMISSION, NOTIFY THE COMMISSION AND OTHER MEMBER STATES OF THE EXISTENCE
31 OF INVESTIGATIVE INFORMATION OR CURRENT SIGNIFICANT INVESTIGATIVE
32 INFORMATION IN THE STATE'S POSSESSION REGARDING A LICENSEE PRACTICING IN
33 THAT STATE.

34 9. COMPLY WITH RULES THAT ARE ENACTED BY THE COMMISSION TO
35 ADMINISTER THIS COMPACT.

36 10. ACCEPT LICENSEES FROM OTHER MEMBER STATES PURSUANT TO THIS
37 COMPACT.

38 B. MEMBER STATES MAY CHARGE A FEE FOR GRANTING A LICENSE TO
39 PRACTICE COSMETOLOGY.

40 C. INDIVIDUALS NOT RESIDING IN A MEMBER STATE SHALL CONTINUE TO BE
41 ABLE TO APPLY FOR A MEMBER STATE'S SINGLE-STATE LICENSE AS PROVIDED UNDER
42 THE LAWS OF EACH MEMBER STATE. A SINGLE-STATE LICENSE GRANTED PURSUANT TO
43 THIS SUBSECTION SHALL NOT BE RECOGNIZED AS GRANTING THESE INDIVIDUALS A
44 MULTISTATE LICENSE TO PROVIDE SERVICES IN ANY OTHER MEMBER STATE.

1 D. THIS COMPACT DOES NOT AFFECT THE REQUIREMENTS ESTABLISHED BY A
2 MEMBER STATE FOR THE ISSUANCE OF A SINGLE-STATE LICENSE.

3 E. A MULTISTATE LICENSE ISSUED TO A LICENSEE BY A HOME STATE TO A
4 RESIDENT OF THAT STATE SHALL BE RECOGNIZED BY EACH MEMBER STATE AS
5 AUTHORIZING THE LICENSEE TO PRACTICE COSMETOLOGY IN EACH MEMBER STATE.

6 F. THE COMMISSION MAY NOT DEFINE THE EDUCATIONAL OR PROFESSIONAL
7 REQUIREMENTS FOR A LICENSEE TO PRACTICE COSMETOLOGY. THE MEMBER STATES
8 RETAIN SOLE JURISDICTION OVER THE PROVISION OF THESE REQUIREMENTS.

9 32-583. Multistate licenses

10 A. TO BE ELIGIBLE TO APPLY TO THE STATE LICENSING AUTHORITY OF A
11 LICENSEE'S HOME STATE FOR AN INITIAL MULTISTATE LICENSE UNDER THIS
12 COMPACT, A LICENSEE MUST HOLD AN ACTIVE AND UNENCUMBERED SINGLE-STATE
13 LICENSE TO PRACTICE COSMETOLOGY IN THE LICENSEE'S HOME STATE.

14 B. ON RECEIVING AN APPLICATION FOR A MULTISTATE LICENSE, ACCORDING
15 TO COMMISSION RULES, A MEMBER STATE'S STATE LICENSING AUTHORITY SHALL
16 ASCERTAIN WHETHER THE APPLICANT MEETS THE REQUIREMENTS FOR A MULTISTATE
17 LICENSE UNDER THIS COMPACT.

18 C. IF AN APPLICANT MEETS THE REQUIREMENTS FOR A MULTISTATE LICENSE
19 UNDER THIS COMPACT AND ANY APPLICABLE COMMISSION RULE, THE STATE LICENSING
20 AUTHORITY THAT HAS RECEIVED THE APPLICATION, WITHIN A REASONABLE TIME,
21 SHALL GRANT A MULTISTATE LICENSE TO THAT APPLICANT AND INFORM ALL MEMBER
22 STATES OF THE GRANT OF THE MULTISTATE LICENSE.

23 D. A MULTISTATE LICENSE TO PRACTICE COSMETOLOGY ISSUED BY A MEMBER
24 STATE'S STATE LICENSING AUTHORITY SHALL BE RECOGNIZED BY EACH MEMBER STATE
25 AS AUTHORIZING THE PRACTICE OF COSMETOLOGY AS THOUGH THAT LICENSEE HELD A
26 SINGLE-STATE LICENSE TO PRACTICE COSMETOLOGY IN EACH MEMBER STATE, SUBJECT
27 TO THE RESTRICTIONS UNDER THIS COMPACT.

28 E. A MULTISTATE LICENSE GRANTED PURSUANT TO THIS COMPACT MAY BE
29 EFFECTIVE FOR A DEFINITE PERIOD OF TIME, CONCURRENT WITH THE LICENSURE
30 RENEWAL PERIOD IN THE HOME STATE.

31 F. TO MAINTAIN A MULTISTATE LICENSE UNDER THIS COMPACT, A LICENSEE
32 MUST DO ALL OF THE FOLLOWING:

33 1. AGREE TO ABIDE BY THE RULES OF THE STATE LICENSING AUTHORITY AND
34 THE STATE SCOPE OF PRACTICE LAWS GOVERNING THE PRACTICE OF COSMETOLOGY OF
35 ANY MEMBER STATE IN WHICH THE LICENSEE PROVIDES SERVICES.

36 2. PAY ALL REQUIRED FEES RELATED TO THE APPLICATION AND PROCESS AND
37 ANY OTHER FEES THE COMMISSION MAY REQUIRE BY RULE.

38 3. COMPLY WITH ALL OTHER REQUIREMENTS REGARDING MULTISTATE LICENSES
39 THE COMMISSION MAY PROVIDE BY RULE.

40 G. A LICENSEE PRACTICING IN A MEMBER STATE IS SUBJECT TO ALL SCOPE
41 OF PRACTICE LAWS GOVERNING COSMETOLOGY SERVICES IN THAT STATE.

42 H. THE PRACTICE OF COSMETOLOGY UNDER A MULTISTATE LICENSE GRANTED
43 PURSUANT TO THIS COMPACT SUBJECTS THE LICENSEE TO THE JURISDICTION OF THE
44 STATE LICENSING AUTHORITY, THE COURTS AND THE LAWS OF THE MEMBER STATE IN
45 WHICH THE COSMETOLOGY SERVICES ARE PROVIDED.

1 INDEPENDENT REGULATORY AUTHORITY OVER THE PRACTICE OF COSMETOLOGY
2 ACCORDING TO THE PROVISIONS OF THIS COMPACT.

3 C. DISCIPLINE IS THE SOLE RESPONSIBILITY OF THE STATE IN WHICH
4 COSMETOLOGY SERVICES ARE PROVIDED. ACCORDINGLY, EACH MEMBER STATE'S STATE
5 LICENSING AUTHORITY IS RESPONSIBLE FOR RECEIVING COMPLAINTS ABOUT
6 INDIVIDUALS PRACTICING COSMETOLOGY IN THAT STATE AND FOR COMMUNICATING ALL
7 RELEVANT INVESTIGATIVE INFORMATION ABOUT ANY ADVERSE ACTION TO THE OTHER
8 MEMBER STATES THROUGH THE DATA SYSTEM IN ADDITION TO ANY OTHER METHODS THE
9 COMMISSION MAY REQUIRE BY RULE.

10 32-586. Adverse actions

11 A. A LICENSEE'S HOME STATE HAS EXCLUSIVE POWER TO IMPOSE AN ADVERSE
12 ACTION AGAINST A LICENSEE'S MULTISTATE LICENSE ISSUED BY THE HOME STATE.

13 B. A HOME STATE MAY TAKE ADVERSE ACTION ON A MULTISTATE LICENSE
14 BASED ON THE INVESTIGATIVE INFORMATION, CURRENT SIGNIFICANT INVESTIGATIVE
15 INFORMATION OR ADVERSE ACTION OF A REMOTE STATE.

16 C. IN ADDITION TO THE POWERS CONFERRED BY STATE LAW, EACH REMOTE
17 STATE'S STATE LICENSING AUTHORITY MAY:

18 1. TAKE ADVERSE ACTION AGAINST A LICENSEE'S AUTHORIZATION TO
19 PRACTICE COSMETOLOGY THROUGH THE MULTISTATE LICENSE IN THAT MEMBER STATE
20 IF BOTH OF THE FOLLOWING APPLY:

21 (a) ONLY THE LICENSEE'S HOME STATE MAY TAKE ADVERSE ACTION AGAINST
22 THE MULTISTATE LICENSE ISSUED BY THE HOME STATE.

23 (b) FOR THE PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE'S
24 STATE LICENSING AUTHORITY GIVES THE SAME PRIORITY AND EFFECT TO REPORTED
25 CONDUCT RECEIVED FROM A REMOTE STATE AS IT WOULD IF THE CONDUCT HAD
26 OCCURRED WITHIN THE HOME STATE AND THE HOME STATE APPLIES ITS OWN STATE
27 LAWS TO DETERMINE THE APPROPRIATE ACTION.

28 2. ISSUE CEASE AND DESIST ORDERS OR IMPOSE AN ENCUMBRANCE ON A
29 LICENSEE'S AUTHORIZATION TO PRACTICE WITHIN THAT MEMBER STATE.

30 3. COMPLETE ANY PENDING INVESTIGATIONS OF A LICENSEE WHO CHANGES
31 THE LICENSEE'S PRIMARY STATE OF RESIDENCE DURING THE COURSE OF THE
32 INVESTIGATION. THE STATE LICENSING AUTHORITY MAY REPORT THE RESULTS OF
33 THE INVESTIGATION TO THE COMMISSION THROUGH THE DATA SYSTEM AS DESCRIBED
34 IN THIS COMPACT.

35 4. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT
36 REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF
37 EVIDENCE. SUBPOENAS ISSUED BY A STATE LICENSING AUTHORITY IN A MEMBER
38 STATE FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF
39 EVIDENCE FROM ANOTHER MEMBER STATE SHALL BE ENFORCED IN THE LATTER STATE
40 BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND
41 PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS
42 BEFORE IT. THE ISSUING STATE LICENSING AUTHORITY SHALL PAY ANY WITNESS
43 FEES, TRAVEL EXPENSES, MILEAGE FEES AND OTHER FEES REQUIRED BY THE SERVICE
44 STATUTES OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE IS LOCATED.

1 5. IF OTHERWISE ALLOWED BY STATE LAW, RECOVER FROM THE AFFECTED
2 LICENSEE THE COSTS OF INVESTIGATIONS AND DISPOSITION OF CASES RESULTING
3 FROM ANY ADVERSE ACTION TAKEN AGAINST THAT LICENSEE.

4 6. TAKE ADVERSE ACTION AGAINST THE LICENSEE'S AUTHORIZATION TO
5 PRACTICE IN THAT STATE BASED ON THE FACTUAL FINDINGS OF ANOTHER REMOTE
6 STATE.

7 D. A LICENSEE'S HOME STATE SHALL COMPLETE ANY PENDING INVESTIGATION
8 OF A COSMETOLOGIST WHO CHANGES THE LICENSEE'S PRIMARY STATE OF RESIDENCE
9 DURING THE COURSE OF THE INVESTIGATION. THE HOME STATE MAY TAKE
10 APPROPRIATE ACTION AND SHALL PROMPTLY REPORT THE CONCLUSIONS OF THE
11 INVESTIGATION TO THE DATA SYSTEM.

12 E. IF AN ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST A
13 LICENSEE'S MULTISTATE LICENSE, THE LICENSEE'S AUTHORIZATION TO PRACTICE IN
14 ALL OTHER MEMBER STATES SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE
15 BEEN REMOVED FROM THE HOME STATE LICENSE. ALL HOME STATE DISCIPLINARY
16 ORDERS THAT IMPOSE AN ADVERSE ACTION AGAINST A LICENSEE'S MULTISTATE
17 LICENSE SHALL INCLUDE A STATEMENT THAT THE COSMETOLOGIST'S AUTHORIZATION
18 TO PRACTICE IS DEACTIVATED IN ALL MEMBER STATES DURING THE PENDENCY OF THE
19 ORDER.

20 F. THIS COMPACT DOES NOT OVERRIDE A MEMBER STATE'S AUTHORITY TO
21 ACCEPT A LICENSEE'S PARTICIPATION IN AN ALTERNATIVE PROGRAM IN LIEU OF
22 ADVERSE ACTION. A LICENSEE'S MULTISTATE LICENSE SHALL BE SUSPENDED FOR
23 THE DURATION OF THE LICENSEE'S PARTICIPATION IN ANY ALTERNATIVE PROGRAM.

24 G. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER STATE BY ITS
25 RESPECTIVE SCOPE OF PRACTICE LAWS OR OTHER APPLICABLE STATE LAW, A MEMBER
26 STATE MAY PARTICIPATE WITH OTHER MEMBER STATES IN JOINT INVESTIGATIONS OF
27 LICENSEES.

28 H. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION OR
29 COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL
30 INVESTIGATION INITIATED UNDER THIS COMPACT.

31 32-587. Active military members and their spouses

32 ACTIVE MILITARY MEMBERS OR THEIR SPOUSES SHALL DESIGNATE A HOME
33 STATE WHERE THE INDIVIDUAL HAS A CURRENT LICENSE TO PRACTICE COSMETOLOGY
34 IN GOOD STANDING. THE INDIVIDUAL MAY RETAIN THE INDIVIDUAL'S HOME STATE
35 DESIGNATION DURING ANY PERIOD OF SERVICE WHEN THAT INDIVIDUAL OR THE
36 INDIVIDUAL'S SPOUSE IS ON ACTIVE DUTY ASSIGNMENT.

37 32-588. Establishment and operation of the cosmetology
38 licensure compact commission; powers and duties

39 A. THE MEMBER STATES CREATE AND ESTABLISH A JOINT GOVERNMENT AGENCY
40 KNOWN AS THE COSMETOLOGY LICENSURE COMPACT COMMISSION WHOSE MEMBERSHIP
41 CONSISTS OF ALL MEMBER STATES THAT HAVE ENACTED THIS COMPACT. THE
42 COMMISSION IS AN INSTRUMENTALITY OF THE MEMBER STATES ACTING JOINTLY AND
43 IS NOT AN INSTRUMENTALITY OF ANY ONE STATE. THE COMMISSION SHALL COME
44 INTO EXISTENCE ON OR AFTER THE EFFECTIVE DATE OF THIS COMPACT AS SET FORTH
45 IN SECTION 32-596.

1 B. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE DELEGATE
2 SELECTED BY THAT MEMBER STATE'S STATE LICENSING AUTHORITY. THE DELEGATE
3 SHALL BE AN ADMINISTRATOR OF THE STATE LICENSING AUTHORITY OF THE MEMBER
4 STATE OR THE ADMINISTRATOR'S DESIGNEE.
5 C. THE COMMISSION SHALL ESTABLISH BY RULE OR BYLAW A TERM OF OFFICE
6 FOR DELEGATES AND BY RULE OR BYLAW MAY ESTABLISH TERM LIMITS.
7 D. THE COMMISSION MAY RECOMMEND REMOVAL OR SUSPENSION OF ANY
8 DELEGATE FROM OFFICE.
9 E. A MEMBER STATE'S STATE LICENSING AUTHORITY SHALL FILL ANY
10 VACANCY OF ITS DELEGATE OCCURRING ON THE COMMISSION WITHIN SIXTY DAYS
11 AFTER THE VACANCY.
12 F. EACH DELEGATE IS ENTITLED TO ONE VOTE ON ALL MATTERS THAT ARE
13 VOTED ON BY THE COMMISSION.
14 G. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH CALENDAR
15 YEAR. ADDITIONAL MEETINGS MAY BE HELD AS SET FORTH IN THE BYLAWS. THE
16 COMMISSION MAY MEET BY TELECOMMUNICATION, VIDEOCONFERENCE OR OTHER SIMILAR
17 ELECTRONIC MEANS.
18 H. THE COMMISSION MAY:
19 1. ESTABLISH THE COMMISSION'S FISCAL YEAR.
20 2. ESTABLISH CODE OF CONDUCT AND CONFLICT OF INTEREST POLICIES.
21 3. ADOPT RULES AND BYLAWS.
22 4. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE BYLAWS.
23 5. MEET AND TAKE ACTIONS THAT ARE CONSISTENT WITH THIS COMPACT, THE
24 COMMISSION'S RULES AND THE BYLAWS.
25 6. INITIATE AND CONCLUDE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME
26 OF THE COMMISSION, IF THE STANDING OF ANY STATE LICENSING AUTHORITY TO SUE
27 OR BE SUED UNDER APPLICABLE LAW IS NOT AFFECTED.
28 7. MAINTAIN AND CERTIFY RECORDS AND INFORMATION PROVIDED TO A
29 MEMBER STATE AS THE AUTHENTICATED BUSINESS RECORDS OF THE COMMISSION AND
30 DESIGNATE AN AGENT TO DO SO ON THE COMMISSION'S BEHALF.
31 8. PURCHASE AND MAINTAIN INSURANCE AND BONDS.
32 9. BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING
33 EMPLOYEES OF A MEMBER STATE.
34 10. CONDUCT AN ANNUAL FINANCIAL REVIEW.
35 11. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION,
36 DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT
37 THE PURPOSES OF THIS COMPACT AND ESTABLISH THE COMMISSION'S PERSONNEL
38 POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF
39 PERSONNEL AND OTHER RELATED PERSONNEL MATTERS.
40 12. AS SET FORTH IN THE COMMISSION RULES, CHARGE A FEE TO A
41 LICENSEE FOR GRANTING A MULTISTATE LICENSE AND, AS MAY BE ESTABLISHED BY
42 COMMISSION RULE, CHARGE THE LICENSEE A MULTISTATE LICENSE RENEWAL FEE FOR
43 EACH RENEWAL PERIOD. THIS PARAGRAPH DOES NOT PREVENT A HOME STATE FROM
44 CHARGING A LICENSEE A FEE FOR A MULTISTATE LICENSE OR RENEWALS OF A

1 MULTISTATE LICENSE OR A FEE FOR THE JURISPRUDENCE REQUIREMENT IF THE
2 MEMBER STATE IMPOSES SUCH A REQUIREMENT FOR GRANTING A MULTISTATE LICENSE.

3 13. ASSESS AND COLLECT FEES.

4 14. ACCEPT ANY APPROPRIATE GIFTS, DONATIONS, GRANTS OF MONIES,
5 OTHER SOURCES OF REVENUE, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES AND
6 RECEIVE, USE AND DISPOSE OF THE SAME EXCEPT THAT AT ALL TIMES THE
7 COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY OR CONFLICT OF
8 INTEREST.

9 15. LEASE, PURCHASE, RETAIN, OWN, HOLD, IMPROVE OR USE ANY
10 PROPERTY, REAL, PERSONAL OR MIXED, OR ANY UNDIVIDED INTEREST IN THE
11 PROPERTY.

12 16. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
13 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR MIXED.

14 17. ESTABLISH A BUDGET AND MAKE EXPENDITURES.

15 18. BORROW MONIES.

16 19. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES, COMPOSED OF
17 MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR REPRESENTATIVES,
18 CONSUMER REPRESENTATIVES AND OTHER INTERESTED PERSONS AS MAY BE DESIGNATED
19 IN THIS COMPACT AND THE BYLAWS.

20 20. PROVIDE AND RECEIVE INFORMATION FROM, AND COOPERATE WITH, LAW
21 ENFORCEMENT AGENCIES.

22 21. ELECT A CHAIRPERSON, VICE CHAIRPERSON, SECRETARY AND TREASURER
23 AND OTHER OFFICERS OF THE COMMISSION AS PROVIDED IN THE COMMISSION'S
24 BYLAWS.

25 22. ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE, INCLUDING A
26 CHAIRPERSON AND A VICE CHAIRPERSON.

27 23. ADOPT AND PROVIDE TO THE MEMBER STATES AN ANNUAL REPORT.

28 24. DETERMINE WHETHER A STATE'S ADOPTED LANGUAGE IS MATERIALLY
29 DIFFERENT FROM THE MODEL COMPACT LANGUAGE SUCH THAT THE STATE WOULD NOT
30 QUALIFY FOR PARTICIPATION IN THIS COMPACT.

31 25. PERFORM OTHER FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO
32 ACHIEVE THE PURPOSES OF THIS COMPACT.

33 I. THE COMMISSION SHALL ADOPT AND PROVIDE AN ANNUAL REPORT TO THE
34 MEMBER STATES.

35 32-589. Executive committee; duties; members; meetings

36 A. THE EXECUTIVE COMMITTEE MAY ACT ON BEHALF OF THE COMMISSION
37 ACCORDING TO THE TERMS OF THIS COMPACT. THE POWERS, DUTIES AND
38 RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE INCLUDE:

39 1. OVERSEEING THE DAY-TO-DAY ACTIVITIES OF THE ADMINISTRATION OF
40 THIS COMPACT, INCLUDING COMPLIANCE WITH THE PROVISIONS OF THIS COMPACT AND
41 THE COMMISSION'S RULES AND BYLAWS, AND OTHER DUTIES AS DEEMED NECESSARY.

42 2. RECOMMENDING TO THE COMMISSION CHANGES TO THE RULES OR BYLAWS,
43 CHANGES TO THIS COMPACT, FEES CHARGED TO COMPACT MEMBER STATES, FEES
44 CHARGED TO LICENSEES AND OTHER FEES.

1 3. ENSURING THAT COMPACT ADMINISTRATION SERVICES ARE APPROPRIATELY
2 PROVIDED, INCLUDING BY CONTRACT.

3 4. PREPARING AND RECOMMENDING THE BUDGET.

4 5. MAINTAINING FINANCIAL RECORDS ON THE COMMISSION'S BEHALF.

5 6. MONITORING COMPACT COMPLIANCE OF MEMBER STATES AND PROVIDING
6 COMPLIANCE REPORTS TO THE COMMISSION.

7 7. ESTABLISHING ADDITIONAL COMMITTEES AS NECESSARY.

8 8. EXERCISING THE POWERS AND DUTIES OF THE COMMISSION DURING THE
9 INTERIM BETWEEN COMMISSION MEETINGS, EXCEPT FOR ADOPTING OR AMENDING
10 RULES, ADOPTING OR AMENDING BYLAWS AND EXERCISING ANY OTHER POWERS AND
11 DUTIES EXPRESSLY RESERVED TO THE COMMISSION BY RULE OR BYLAW.

12 9. PERFORMING OTHER DUTIES AS PROVIDED IN THE COMMISSION'S RULES OR
13 BYLAWS.

14 B. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF UP TO SEVEN VOTING
15 MEMBERS AS FOLLOWS:

16 1. THE CHAIRPERSON AND VICE CHAIRPERSON OF THE COMMISSION AND ANY
17 OTHER MEMBERS OF THE COMMISSION WHO SERVE ON THE EXECUTIVE COMMITTEE SHALL
18 BE VOTING MEMBERS OF THE EXECUTIVE COMMITTEE.

19 2. OTHER THAN THE CHAIRPERSON AND VICE CHAIRPERSON, SECRETARY AND
20 TREASURER, THE COMMISSION SHALL ELECT THREE VOTING MEMBERS FROM THE
21 CURRENT MEMBERSHIP OF THE COMMISSION.

22 C. THE COMMISSION MAY ELECT EX OFFICIO, NONVOTING MEMBERS FROM A
23 RECOGNIZED NATIONAL COSMETOLOGY PROFESSIONAL ASSOCIATION AS APPROVED BY
24 THE COMMISSION. THE COMMISSION'S BYLAWS SHALL IDENTIFY QUALIFYING
25 ORGANIZATIONS AND THE MANNER OF APPOINTMENT IF THE NUMBER OF ORGANIZATIONS
26 SEEKING TO APPOINT AN EX OFFICIO MEMBER EXCEEDS THE NUMBER OF MEMBERS
27 SPECIFIED IN THIS SECTION.

28 D. THE COMMISSION MAY REMOVE ANY MEMBER OF THE EXECUTIVE COMMITTEE
29 AS PROVIDED IN THE COMMISSION'S BYLAWS.

30 E. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY. ANNUAL
31 EXECUTIVE COMMITTEE MEETINGS AND ANY EXECUTIVE COMMITTEE MEETING AT WHICH
32 IT DOES NOT TAKE OR INTEND TO TAKE FORMAL ACTION ON A MATTER FOR WHICH A
33 COMMISSION VOTE WOULD OTHERWISE BE REQUIRED SHALL BE OPEN TO THE PUBLIC,
34 EXCEPT THAT THE EXECUTIVE COMMITTEE MAY MEET IN A CLOSED, NONPUBLIC
35 SESSION OF A PUBLIC MEETING WHEN DEALING WITH ANY MATTER LISTED IN SECTION
36 32-590, SUBSECTION D.

37 F. THE EXECUTIVE COMMITTEE SHALL GIVE FIVE BUSINESS DAYS' ADVANCE
38 NOTICE OF ITS PUBLIC MEETINGS BY POSTING ON ITS WEBSITE AND AS DETERMINED
39 TO PROVIDE NOTICE TO PERSONS WITH AN INTEREST IN THE PUBLIC MATTERS THAT
40 THE EXECUTIVE COMMITTEE INTENDS TO ADDRESS AT THOSE MEETINGS.

41 G. THE EXECUTIVE COMMITTEE MAY HOLD AN EMERGENCY MEETING WHEN
42 ACTING FOR THE COMMISSION TO DO ANY OF THE FOLLOWING:

43 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.

44 2. PREVENT A LOSS OF COMMISSION OR PARTICIPATING STATE MONIES.

45 3. PROTECT PUBLIC HEALTH AND SAFETY.

1 32-590. Commission meetings

2 A. ALL MEETINGS OF THE COMMISSION THAT ARE NOT CLOSED PURSUANT TO
3 SUBSECTION D OF THIS SECTION SHALL BE OPEN TO THE PUBLIC. NOTICE OF
4 PUBLIC MEETINGS SHALL BE POSTED ON THE COMMISSION'S WEBSITE AT LEAST
5 THIRTY DAYS BEFORE THE PUBLIC MEETING.

6 B. NOTWITHSTANDING SUBSECTION D OF THIS SECTION, THE COMMISSION MAY
7 CONVENE AN EMERGENCY PUBLIC MEETING BY PROVIDING AT LEAST TWENTY-FOUR
8 HOURS' PRIOR NOTICE ON THE COMMISSION'S WEBSITE AND BY ANY OTHER MEANS AS
9 PROVIDED IN THE COMMISSION'S RULES. THE COMMISSION MAY DISPENSE WITH
10 NOTICE OF PROPOSED RULEMAKING UNDER SECTION 32-594, SUBSECTION L. THE
11 COMMISSION'S LEGAL COUNSEL SHALL CERTIFY THAT ONE OF THE REASONS
12 JUSTIFYING AN EMERGENCY PUBLIC MEETING HAS BEEN MET.

13 C. NOTICE OF ALL COMMISSION MEETINGS SHALL PROVIDE THE TIME, DATE
14 AND LOCATION OF THE MEETING, AND IF THE MEETING IS TO BE HELD OR
15 ACCESSIBLE VIA TELECOMMUNICATION, VIDEOCONFERENCE OR OTHER ELECTRONIC
16 MEANS, THE NOTICE SHALL INCLUDE THE MECHANISM FOR ACCESS TO THE MEETING.

17 D. THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING FOR
18 THE COMMISSION TO DISCUSS ANY OF THE FOLLOWING:

19 1. NONCOMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THIS
20 COMPACT.

21 2. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER MATTERS,
22 PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES OR OTHER MATTERS
23 RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND PROCEDURES.

24 3. CURRENT OR THREATENED DISCIPLINE OF A LICENSEE BY THE COMMISSION
25 OR BY A MEMBER STATE'S STATE LICENSING AUTHORITY.

26 4. CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.

27 5. NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE OR SALE OF
28 GOODS, SERVICES OR REAL ESTATE.

29 6. THE ACCUSATION OF ANY PERSON OF A CRIME OR THE FORMAL CENSURE OF
30 ANY PERSON.

31 7. TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT IS
32 PRIVILEGED OR CONFIDENTIAL.

33 8. INFORMATION OF A PERSONAL NATURE FOR WHICH DISCLOSURE WOULD
34 CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.

35 9. INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES.

36 10. INFORMATION RELATED TO ANY INVESTIGATIVE REPORTS PREPARED BY OR
37 ON BEHALF OF OR FOR USE OF THE COMMISSION OR OTHER COMMITTEE CHARGED WITH
38 RESPONSIBILITY OF INVESTIGATION OR DETERMINATION OF COMPLIANCE ISSUES
39 PURSUANT TO THIS COMPACT.

40 11. LEGAL ADVICE.

41 12. ANY MATTER SPECIFICALLY EXEMPTED FROM DISCLOSURE TO THE PUBLIC
42 BY FEDERAL OR MEMBER STATE LAW.

43 13. ANY OTHER MATTER AS ADOPTED BY THE COMMISSION BY RULE.

44 E. IF A MEETING OR PORTION OF A MEETING IS CLOSED, THE PRESIDING
45 OFFICER SHALL STATE THAT THE MEETING WILL BE CLOSED AND REFERENCE EACH

1 RELEVANT EXEMPTING PROVISION. THE REFERENCE SHALL BE RECORDED IN THE
2 MINUTES.

3 F. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY
4 DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND
5 ACCURATE SUMMARY OF ACTIONS TAKEN AND THE REASONS FOR THE ACTIONS,
6 INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED
7 IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN THE MINUTES. ALL
8 MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT
9 TO RELEASE ONLY BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A COURT
10 OF COMPETENT JURISDICTION.

11 32-591. Financing of the commission; assessments; annual
12 review

13 A. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE
14 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING
15 ACTIVITIES.

16 B. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE SOURCES OF
17 REVENUE, DONATIONS AND GRANTS OF MONIES, EQUIPMENT, SUPPLIES, MATERIALS
18 AND SERVICES.

19 C. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM
20 EACH MEMBER STATE AND IMPOSE FEES ON LICENSEES OF MEMBER STATES TO WHOM IT
21 GRANTS A MULTISTATE LICENSE TO COVER THE COST OF THE OPERATIONS AND
22 ACTIVITIES OF THE COMMISSION AND ITS STAFF, WHICH MUST BE IN A TOTAL
23 AMOUNT SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED EACH YEAR FOR
24 WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE ANNUAL
25 ASSESSMENT AMOUNT FOR MEMBER STATES SHALL BE ALLOCATED BASED ON A FORMULA
26 THAT THE COMMISSION ADOPTS BY RULE.

27 D. THE COMMISSION MAY NOT INCUR OBLIGATIONS OF ANY KIND BEFORE
28 SECURING THE MONIES ADEQUATE TO MEET THE OBLIGATIONS. THE COMMISSION MAY
29 NOT PLEDGE THE CREDIT OF ANY MEMBER STATES, EXCEPT BY AND WITH THE
30 AUTHORITY OF THE MEMBER STATE.

31 E. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND
32 DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION ARE
33 SUBJECT TO THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES ESTABLISHED
34 UNDER ITS BYLAWS. ALL RECEIPTS AND DISBURSEMENTS OF MONIES HANDLED BY THE
35 COMMISSION ARE SUBJECT TO AN ANNUAL FINANCIAL REVIEW BY A CERTIFIED OR
36 LICENSED PUBLIC ACCOUNTANT, AND THE REPORT OF THE FINANCIAL REVIEW SHALL
37 BE INCLUDED IN AND BECOME PART OF THE COMMISSION'S ANNUAL REPORT.

38 32-592. Qualified immunity, defense and indemnification

39 A. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
40 REPRESENTATIVES OF THE COMMISSION ARE IMMUNE FROM SUIT AND LIABILITY, BOTH
41 PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR
42 LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR
43 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED
44 OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS
45 FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES

1 OR RESPONSIBILITIES, EXCEPT THAT THIS SUBSECTION DOES NOT PROTECT ANY SUCH
2 PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR LIABILITY
3 CAUSED BY THE INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT PERSON.
4 THE PROCUREMENT OF INSURANCE OF ANY TYPE BY THE COMMISSION DOES NOT IN ANY
5 WAY COMPROMISE OR LIMIT THE IMMUNITY GRANTED PURSUANT TO THIS SECTION.

6 B. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE
7 DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL ACTION
8 SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,
9 ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,
10 DUTIES OR RESPONSIBILITIES OR AS DETERMINED BY THE COMMISSION THAT THE
11 PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING
12 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR
13 RESPONSIBILITIES IF THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT
14 RESULT FROM THAT PERSON'S INTENTIONAL OR WILFUL OR WANTON MISCONDUCT.
15 THIS SUBSECTION DOES NOT PROHIBIT THE PERSON AGAINST WHOM THE CLAIM IS
16 MADE FROM RETAINING COUNSEL AT THE PERSON'S OWN EXPENSE.

17 C. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY MEMBER,
18 OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION
19 FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON
20 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED
21 WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES OR
22 THAT SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
23 SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES IF THE ACTUAL
24 OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THE INTENTIONAL OR
25 WILFUL OR WANTON MISCONDUCT OF THAT PERSON.

26 D. THIS SECTION DOES NOT LIMIT THE LIABILITY OF ANY LICENSEE FOR
27 PROFESSIONAL MALPRACTICE OR MISCONDUCT THAT IS GOVERNED SOLELY BY ANY
28 OTHER APPLICABLE STATE LAWS.

29 E. THIS COMPACT DOES NOT WAIVE OR OTHERWISE ABROGATE A MEMBER
30 STATE'S STATE ACTION IMMUNITY OR STATE ACTION AFFIRMATIVE DEFENSE WITH
31 RESPECT TO ANTITRUST CLAIMS UNDER THE SHERMAN ACT, THE CLAYTON ACT OR ANY
32 OTHER STATE OR FEDERAL ANTITRUST OR ANTICOMPETITIVE LAW.

33 F. THIS COMPACT IS NOT A WAIVER OF SOVEREIGN IMMUNITY BY THE MEMBER
34 STATES OR BY THE COMMISSION.

35 32-593. Data system

36 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT, MAINTENANCE,
37 OPERATION AND USE OF A COORDINATED DATABASE AND REPORTING SYSTEM.

38 B. THE COMMISSION SHALL ASSIGN EACH APPLICANT FOR A MULTISTATE
39 LICENSE A UNIQUE IDENTIFIER, AS DETERMINED BY COMMISSION RULES.

40 C. NOTWITHSTANDING ANY OTHER LAW, A MEMBER STATE SHALL SUBMIT A
41 UNIFORM DATA SET TO THE DATA SYSTEM ON ALL INDIVIDUALS TO WHOM THIS
42 COMPACT APPLIES AS REQUIRED BY COMMISSION RULES, INCLUDING:

- 43 1. IDENTIFYING INFORMATION.
- 44 2. LICENSURE DATA.

1 3. ADVERSE ACTIONS AGAINST A LICENSE AND INFORMATION RELATED TO THE
2 ADVERSE ACTIONS.

3 4. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM
4 PARTICIPATION, THE BEGINNING AND ENDING DATES OF THE PARTICIPATION AND
5 OTHER INFORMATION RELATED TO THE PARTICIPATION.

6 5. ANY DENIAL OF APPLICATION FOR LICENSURE AND THE REASON FOR THE
7 DENIAL, EXCLUDING THE REPORTING OF ANY CRIMINAL HISTORY RECORD INFORMATION
8 IF IT IS PROHIBITED BY LAW.

9 6. THE EXISTENCE OF INVESTIGATIVE INFORMATION.

10 7. THE EXISTENCE OF CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.

11 8. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS
12 COMPACT OR THE PROTECTION OF THE PUBLIC, AS DETERMINED BY COMMISSION
13 RULES.

14 D. THE RECORDS AND INFORMATION PROVIDED TO A MEMBER STATE PURSUANT
15 TO THIS COMPACT OR THROUGH THE DATA SYSTEM, WHEN CERTIFIED BY THE
16 COMMISSION OR THE COMMISSION'S AGENT, CONSTITUTE THE AUTHENTICATED
17 BUSINESS RECORDS OF THE COMMISSION AND ARE ENTITLED TO ANY ASSOCIATED
18 HEARSAY EXCEPTION IN ANY RELEVANT JUDICIAL, QUASI-JUDICIAL OR
19 ADMINISTRATIVE PROCEEDINGS IN A MEMBER STATE.

20 E. THE EXISTENCE OF CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION
21 AND THE EXISTENCE OF INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE IN
22 ANY MEMBER STATE IS AVAILABLE ONLY TO OTHER MEMBER STATES.

23 F. IT IS THE RESPONSIBILITY OF THE MEMBER STATES TO MONITOR THE
24 DATA SYSTEM TO DETERMINE WHETHER ADVERSE ACTION HAS BEEN TAKEN AGAINST A
25 LICENSEE OR LICENSE APPLICANT. ADVERSE ACTION INFORMATION PERTAINING TO A
26 LICENSEE OR LICENSE APPLICANT IN ANY MEMBER STATE WILL BE AVAILABLE TO ANY
27 OTHER MEMBER STATE.

28 G. MEMBER STATES THAT CONTRIBUTE INFORMATION TO THE DATA SYSTEM MAY
29 DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC WITHOUT THE
30 EXPRESS PERMISSION OF THE CONTRIBUTING STATE.

31 H. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS
32 SUBSEQUENTLY EXPUNGED PURSUANT TO FEDERAL LAW OR THE LAWS OF THE MEMBER
33 STATE CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE DATA SYSTEM.

34 32-594. Rulemaking; notice

35 A. THE COMMISSION SHALL ADOPT REASONABLE RULES TO EFFECTIVELY AND
36 EFFICIENTLY IMPLEMENT AND ADMINISTER THIS COMPACT. A RULE IS INVALID AND
37 HAS NO FORCE OR EFFECT ONLY IF A COURT OF COMPETENT JURISDICTION HOLDS
38 THAT THE RULE IS INVALID BECAUSE THE COMMISSION EXERCISED ITS RULEMAKING
39 AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE AND PURPOSES OF THIS
40 COMPACT OR THE POWERS GRANTED PURSUANT TO THIS COMPACT, OR BASED ON
41 ANOTHER APPLICABLE STANDARD OF REVIEW.

42 B. COMMISSION RULES HAVE THE FORCE OF LAW IN EACH MEMBER STATE,
43 EXCEPT THAT IF COMMISSION RULES CONFLICT WITH THE LAWS OF THE MEMBER STATE
44 THAT ESTABLISH THE MEMBER STATE'S SCOPE OF PRACTICE LAWS GOVERNING THE
45 PRACTICE OF COSMETOLOGY AS HELD BY A COURT OF COMPETENT JURISDICTION, THE

1 COMMISSION RULES ARE INEFFECTIVE IN THAT STATE TO THE EXTENT OF THE
2 CONFLICT.

3 C. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS PURSUANT TO
4 THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED PURSUANT TO
5 THIS SECTION. RULES BECOME BINDING AS OF THE DATE SPECIFIED BY THE
6 COMMISSION FOR EACH RULE.

7 D. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES REJECTS A
8 RULE OR PORTION OF A RULE BY ENACTING A STATUTE OR RESOLUTION IN THE SAME
9 MANNER USED TO ADOPT THIS COMPACT WITHIN FOUR YEARS AFTER THE DATE OF
10 ADOPTION OF THE RULE, THE RULE HAS NO FURTHER FORCE AND EFFECT IN ANY
11 MEMBER STATE OR TO ANY STATE APPLYING TO PARTICIPATE IN THIS COMPACT.

12 E. RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF THE
13 COMMISSION.

14 F. BEFORE ADOPTING A PROPOSED RULE, THE COMMISSION SHALL HOLD A
15 PUBLIC HEARING AND ALLOW PERSONS TO PROVIDE ORAL AND WRITTEN COMMENTS,
16 DATA, FACTS, OPINIONS AND ARGUMENTS.

17 G. BEFORE ADOPTING A PROPOSED RULE, AND AT LEAST THIRTY DAYS BEFORE
18 THE MEETING AT WHICH THE COMMISSION WILL HOLD A PUBLIC HEARING ON THE
19 PROPOSED RULE, THE COMMISSION SHALL PROVIDE A NOTICE OF PROPOSED
20 RULEMAKING AS FOLLOWS:

21 1. ON THE COMMISSION'S WEBSITE OR OTHER PUBLICLY ACCESSIBLE
22 PLATFORM.

23 2. TO PERSONS WHO HAVE REQUESTED NOTICE OF THE COMMISSION'S NOTICES
24 OF PROPOSED RULEMAKING.

25 3. IN SUCH OTHER WAYS AS THE COMMISSION SPECIFIES BY RULE.

26 H. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

27 1. THE TIME, DATE AND LOCATION OF THE PUBLIC HEARING AT WHICH THE
28 COMMISSION WILL HEAR PUBLIC COMMENTS ON THE PROPOSED RULE AND, IF
29 DIFFERENT, THE TIME, DATE AND LOCATION OF THE MEETING AT WHICH THE
30 COMMISSION WILL CONSIDER AND VOTE ON THE PROPOSED RULE.

31 2. IF THE HEARING IS HELD VIA TELECOMMUNICATION, VIDEOCONFERENCE OR
32 OTHER ELECTRONIC MEANS, THE COMMISSION SHALL INCLUDE THE MECHANISM FOR
33 ACCESS TO THE HEARING IN THE NOTICE OF PROPOSED RULEMAKING.

34 3. THE TEXT OF THE PROPOSED RULE AND THE REASON FOR THE PROPOSED
35 RULE.

36 4. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED
37 PERSON.

38 5. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT WRITTEN
39 COMMENTS.

40 I. ALL HEARINGS SHALL BE RECORDED. A COPY OF THE RECORDING AND ALL
41 WRITTEN COMMENTS AND DOCUMENTS RECEIVED BY THE COMMISSION IN RESPONSE TO
42 THE PROPOSED RULE SHALL BE AVAILABLE TO THE PUBLIC.

43 J. THIS SECTION DOES NOT REQUIRE A SEPARATE HEARING ON EACH
44 RULE. RULES MAY BE GROUPED FOR THE COMMISSION'S CONVENIENCE AT HEARINGS
45 REQUIRED BY THIS SECTION.

1 K. BY A MAJORITY VOTE OF ALL MEMBERS, THE COMMISSION SHALL TAKE
2 FINAL ACTION ON THE PROPOSED RULE BASED ON THE RULEMAKING RECORD AND THE
3 FULL TEXT OF THE RULE.

4 L. THE COMMISSION MAY ADOPT CHANGES TO THE PROPOSED RULE IF THE
5 CHANGES DO NOT ENLARGE THE ORIGINAL PURPOSE OF THE PROPOSED RULE.

6 M. THE COMMISSION SHALL PROVIDE AN EXPLANATION OF THE REASONS FOR
7 SUBSTANTIVE CHANGES THAT ARE MADE TO THE PROPOSED RULE AS WELL AS REASONS
8 FOR SUBSTANTIVE CHANGES THAT ARE NOT MADE BUT THAT WERE RECOMMENDED BY
9 COMMENTERS.

10 N. THE COMMISSION SHALL DETERMINE A REASONABLE EFFECTIVE DATE FOR
11 THE RULE. EXCEPT FOR AN EMERGENCY RULE AS PROVIDED IN SUBSECTION O OF
12 THIS SECTION, THE EFFECTIVE DATE OF THE RULE SHALL BE AT LEAST FORTY-FIVE
13 DAYS AFTER THE COMMISSION ISSUES THE NOTICE THAT THE COMMISSION ADOPTED OR
14 AMENDED THE RULE.

15 O. ON DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY
16 CONSIDER AND ADOPT AN EMERGENCY RULE WITH AT LEAST A FIVE-DAY NOTICE, WITH
17 AN OPPORTUNITY TO COMMENT, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES
18 PROVIDED IN THIS COMPACT ARE RETROACTIVELY APPLIED TO THE RULE AS SOON AS
19 REASONABLY POSSIBLE, AND NOT LATER THAN NINETY DAYS AFTER THE RULE'S
20 EFFECTIVE DATE. FOR THE PURPOSES OF THIS SUBSECTION, AN EMERGENCY RULE IS
21 ONE THAT MUST BE ADOPTED IMMEDIATELY TO:

- 22 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.
- 23 2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE MONIES.
- 24 3. MEET A DEADLINE THAT IS ESTABLISHED BY FEDERAL LAW TO ADOPT A
25 RULE.
- 26 4. PROTECT PUBLIC HEALTH AND SAFETY.

27 P. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY
28 DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE FOR PURPOSES OF CORRECTING
29 TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY OR
30 GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON THE
31 COMMISSION'S WEBSITE. THE REVISION IS SUBJECT TO CHALLENGE BY ANY PERSON
32 FOR A PERIOD OF THIRTY DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED
33 ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO A RULE.
34 A CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED TO THE COMMISSION
35 BEFORE THE END OF THE NOTICE PERIOD. IF A CHALLENGE IS NOT MADE, THE
36 REVISION TAKES EFFECT WITHOUT FURTHER ACTION. IF THE REVISION IS
37 CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE COMMISSION'S
38 APPROVAL.

39 Q. A MEMBER STATE'S RULEMAKING REQUIREMENTS DO NOT APPLY UNDER THIS
40 COMPACT.

41 32-595. Oversight, dispute resolution and enforcement:
42 defaulting states; termination from compact

43 A. THE EXECUTIVE AND JUDICIAL BRANCHES OF STATE GOVERNMENT IN EACH
44 MEMBER STATE SHALL ENFORCE THIS COMPACT AND TAKE ALL ACTIONS NECESSARY AND
45 APPROPRIATE TO IMPLEMENT THIS COMPACT.

1 B. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE
2 COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT
3 JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED. THE
4 COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES TO THE EXTENT IT
5 ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION
6 PROCEEDINGS. THIS SUBSECTION DOES NOT AFFECT OR LIMIT THE SELECTION OR
7 PROPRIETY OF VENUE IN ANY ACTION AGAINST A LICENSEE FOR PROFESSIONAL
8 MALPRACTICE OR MISCONDUCT OR IN ANY SIMILAR MATTER.

9 C. THE COMMISSION MAY RECEIVE SERVICE OF PROCESS IN ANY PROCEEDING
10 REGARDING THE ENFORCEMENT OR INTERPRETATION OF THIS COMPACT AND SHALL HAVE
11 STANDING TO INTERVENE IN SUCH A PROCEEDING FOR ALL PURPOSES. FAILURE TO
12 PROVIDE THE COMMISSION SERVICE OF PROCESS RENDERS A JUDGMENT OR ORDER
13 VOID.

14 D. IF THE COMMISSION DETERMINES THAT A MEMBER STATE HAS DEFAULTED
15 IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER THIS
16 COMPACT OR THE ADOPTED RULES, THE COMMISSION SHALL PROVIDE WRITTEN NOTICE
17 TO THE DEFAULTING STATE. THE NOTICE OF DEFAULT SHALL DESCRIBE THE
18 DEFAULT, THE PROPOSED MEANS OF CURING THE DEFAULT AND ANY OTHER ACTION
19 THAT THE COMMISSION MAY TAKE AND SHALL OFFER TRAINING AND SPECIFIC
20 TECHNICAL ASSISTANCE REGARDING THE DEFAULT.

21 E. THE COMMISSION SHALL PROVIDE A COPY OF THE NOTICE OF DEFAULT TO
22 THE OTHER MEMBER STATES.

23 F. IF A STATE THAT IS IN DEFAULT FAILS TO CURE THE DEFAULT, THE
24 DEFAULTING STATE MAY BE TERMINATED FROM THIS COMPACT ON AN AFFIRMATIVE
25 VOTE OF A MAJORITY OF THE DELEGATES OF THE MEMBER STATES AND ALL RIGHTS,
26 PRIVILEGES AND BENEFITS CONFERRED ON THAT STATE BY THIS COMPACT MAY BE
27 TERMINATED ON THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE DEFAULT
28 DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR LIABILITIES
29 INCURRED DURING THE PERIOD OF DEFAULT.

30 G. TERMINATION OF MEMBERSHIP IN THIS COMPACT SHALL BE IMPOSED ONLY
31 AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN EXHAUSTED. THE
32 COMMISSION SHALL GIVE NOTICE OF INTENT TO SUSPEND OR TERMINATE TO THE
33 GOVERNOR OF THE DEFAULTING STATE, THE MAJORITY AND MINORITY LEADERS OF THE
34 DEFAULTING STATE'S LEGISLATURE, THE DEFAULTING STATE'S STATE LICENSING
35 AUTHORITY AND THE STATE LICENSING AUTHORITY OF EACH MEMBER STATE.

36 H. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
37 ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE
38 DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE
39 EFFECTIVE DATE OF TERMINATION.

40 I. ON THE TERMINATION OF A STATE'S MEMBERSHIP FROM THIS COMPACT,
41 THE STATE SHALL IMMEDIATELY PROVIDE NOTICE OF THE TERMINATION TO ALL
42 LICENSEES WHO HOLD A MULTISTATE LICENSE WITHIN THAT STATE. THE TERMINATED
43 STATE SHALL CONTINUE TO RECOGNIZE ALL LICENSES GRANTED PURSUANT TO THIS
44 COMPACT FOR AT LEAST ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF THE NOTICE
45 OF TERMINATION.

1 J. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A STATE THAT
2 IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM THIS COMPACT,
3 UNLESS AGREED TO IN WRITING BETWEEN THE COMMISSION AND THE DEFAULTING
4 STATE.

5 K. THE DEFAULTING STATE MAY APPEAL THE COMMISSION'S ACTION BY
6 PETITIONING THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
7 OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES.
8 THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF THE LITIGATION,
9 INCLUDING REASONABLE ATTORNEY FEES.

10 L. ON A MEMBER STATE'S REQUEST, THE COMMISSION SHALL ATTEMPT TO
11 RESOLVE DISPUTES RELATED TO THIS COMPACT THAT ARISE AMONG MEMBER STATES
12 AND BETWEEN MEMBER AND NONMEMBER STATES.

13 M. THE COMMISSION SHALL ADOPT A RULE PROVIDING FOR BOTH MEDIATION
14 AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS APPROPRIATE.

15 N. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS DISCRETION,
16 SHALL ENFORCE THIS COMPACT AND THE COMMISSION'S RULES.

17 O. BY MAJORITY VOTE AS PROVIDED BY COMMISSION RULE, THE COMMISSION
18 MAY INITIATE LEGAL ACTION AGAINST A DEFAULTING MEMBER STATE IN THE UNITED
19 STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT
20 WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES TO ENFORCE COMPLIANCE WITH
21 THIS COMPACT AND ITS ADOPTED RULES. THE RELIEF SOUGHT MAY INCLUDE BOTH
22 INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS NECESSARY, THE
23 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF THE LITIGATION, INCLUDING
24 REASONABLE ATTORNEY FEES. THE REMEDIES DESCRIBED IN THIS SUBSECTION ARE
25 NOT THE EXCLUSIVE REMEDIES OF THE COMMISSION. THE COMMISSION MAY PURSUE
26 ANY OTHER REMEDIES AVAILABLE UNDER FEDERAL LAW OR THE DEFAULTING MEMBER
27 STATE'S LAW.

28 P. A MEMBER STATE MAY INITIATE LEGAL ACTION AGAINST THE COMMISSION
29 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE
30 FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES TO ENFORCE
31 COMPLIANCE WITH THIS COMPACT AND ITS ADOPTED RULES. THE RELIEF SOUGHT MAY
32 INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS
33 NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF THE
34 LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

35 Q. ONLY A MEMBER STATE MAY ENFORCE THIS COMPACT AGAINST THE
36 COMMISSION.

37 32-596. Effective date and amendment of compact; withdrawal
38 of member state

39 A. THIS COMPACT IS EFFECTIVE ON THE DATE ON WHICH THIS COMPACT IS
40 ENACTED INTO LAW IN THE SEVENTH MEMBER STATE.

41 B. ON OR AFTER THE EFFECTIVE DATE OF THIS COMPACT, THE COMMISSION
42 SHALL CONVENE AND REVIEW THE ENACTMENT OF EACH OF THE CHARTER MEMBER
43 STATES TO DETERMINE IF THE STATUTE ENACTED BY EACH SUCH CHARTER MEMBER
44 STATE IS MATERIALLY DIFFERENT THAN THE MODEL COMPACT STATUTE.

1 C. A CHARTER MEMBER STATE WHOSE ENACTMENT IS FOUND TO BE MATERIALLY
2 DIFFERENT FROM THE MODEL COMPACT STATUTE IS ENTITLED TO THE DEFAULT
3 PROCESS SET FORTH IN SECTION 32-595.

4 D. IF ANY MEMBER STATE IS LATER FOUND TO BE IN DEFAULT OR IS
5 TERMINATED OR WITHDRAWS FROM THIS COMPACT, THE COMMISSION REMAINS IN
6 EXISTENCE AND THIS COMPACT REMAINS IN EFFECT EVEN IF THE NUMBER OF MEMBER
7 STATES IS LESS THAN SEVEN.

8 E. MEMBER STATES ENACTING THE COMPACT SUBSEQUENT TO THE CHARTER
9 MEMBER STATES ARE SUBJECT TO THE PROCESS SET FORTH PURSUANT TO SECTION
10 32-588, SUBSECTION H, PARAGRAPH 24 TO DETERMINE WHETHER THEIR ENACTMENTS
11 ARE MATERIALLY DIFFERENT FROM THE MODEL COMPACT LANGUAGE AND WHETHER THEY
12 QUALIFY FOR PARTICIPATION IN THE COMPACT.

13 F. ALL ACTIONS TAKEN FOR THE COMMISSION'S BENEFIT OR IN FURTHERANCE
14 OF THE PURPOSES OF THE ADMINISTRATION OF THIS COMPACT BEFORE THE EFFECTIVE
15 DATE OF THIS COMPACT OR THE EFFECTIVE DATE OF THE COMMISSION COMING INTO
16 EXISTENCE ARE CONSIDERED TO BE ACTIONS OF THE COMMISSION UNLESS
17 SPECIFICALLY REPUDIATED BY THE COMMISSION.

18 G. A STATE THAT JOINS THIS COMPACT IS SUBJECT TO THE COMMISSION'S
19 RULES AND BYLAWS AS THEY EXIST ON THE DATE ON WHICH THIS COMPACT BECOMES
20 LAW IN THAT STATE. A RULE THAT HAS BEEN PREVIOUSLY ADOPTED BY THE
21 COMMISSION SHALL HAVE THE FULL FORCE AND EFFECT OF LAW ON THE DAY THIS
22 COMPACT BECOMES LAW IN THAT STATE.

23 H. A MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A
24 STATUTE REPEALING THAT STATE'S ENACTMENT OF THIS COMPACT. A MEMBER
25 STATE'S WITHDRAWAL DOES NOT TAKE EFFECT UNTIL ONE HUNDRED EIGHTY DAYS
26 AFTER ENACTMENT OF THE REPEALING STATUTE. WITHDRAWAL DOES NOT AFFECT THE
27 CONTINUING REQUIREMENT OF THE WITHDRAWING STATE'S STATE LICENSING
28 AUTHORITY TO COMPLY WITH THE INVESTIGATIVE AND ADVERSE ACTION REPORTING
29 REQUIREMENTS OF THIS COMPACT BEFORE THE EFFECTIVE DATE OF WITHDRAWAL. ON
30 THE ENACTMENT OF A STATUTE WITHDRAWING FROM THIS COMPACT, A STATE SHALL
31 IMMEDIATELY PROVIDE NOTICE OF THE WITHDRAWAL TO ALL LICENSEES WITHIN THAT
32 STATE. NOTWITHSTANDING ANY SUBSEQUENT STATUTORY ENACTMENT TO THE
33 CONTRARY, THE WITHDRAWING STATE SHALL CONTINUE TO RECOGNIZE ALL LICENSES
34 GRANTED PURSUANT TO THIS COMPACT FOR AT LEAST ONE HUNDRED EIGHTY DAYS
35 AFTER THE DATE OF THE NOTICE OF WITHDRAWAL.

36 I. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY LICENSURE
37 AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A MEMBER STATE AND A
38 NONMEMBER STATE THAT DOES NOT CONFLICT WITH THIS COMPACT.

39 J. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. AN AMENDMENT
40 TO THIS COMPACT DOES NOT BECOME EFFECTIVE AND BINDING ON ANY MEMBER STATE
41 UNTIL IT IS ENACTED INTO THE LAWS OF ALL MEMBER STATES.

42 32-597. Construction and severability

43 A. THE COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY SHALL BE
44 LIBERALLY CONSTRUED TO EFFECTUATE THE PURPOSES, IMPLEMENTATION AND
45 ADMINISTRATION OF THIS COMPACT. PROVISIONS OF THIS COMPACT EXPRESSLY

1 AUTHORIZING OR REQUIRING THE ADOPTION OF RULES DO NOT LIMIT THE
2 COMMISSION'S RULEMAKING AUTHORITY SOLELY FOR THOSE PURPOSES.

3 B. THE PROVISIONS OF THIS COMPACT ARE SEVERABLE, AND IF ANY PHRASE,
4 CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS HELD BY A COURT OF
5 COMPETENT JURISDICTION TO BE CONTRARY TO THE CONSTITUTION OF ANY MEMBER
6 STATE, OF A STATE SEEKING PARTICIPATION IN THIS COMPACT OR OF THE UNITED
7 STATES, OR THE APPLICABILITY TO ANY GOVERNMENT, AGENCY, PERSON OR
8 CIRCUMSTANCE IS HELD TO BE UNCONSTITUTIONAL BY A COURT OF COMPETENT
9 JURISDICTION, THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE
10 APPLICABILITY TO ANY OTHER GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE IS
11 NOT AFFECTED.

12 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE COMMISSION MAY
13 DENY A STATE'S PARTICIPATION IN THE COMPACT OR, IN ACCORDANCE WITH SECTION
14 32-595, MAY TERMINATE A MEMBER STATE'S PARTICIPATION IN THE COMPACT IF THE
15 COMMISSION DETERMINES THAT A CONSTITUTIONAL REQUIREMENT OF A MEMBER STATE
16 IS A MATERIAL DEPARTURE FROM THIS COMPACT. OTHERWISE, IF THIS COMPACT IS
17 HELD TO BE CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, THIS COMPACT
18 SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING MEMBER STATES
19 AND IN FULL FORCE AND EFFECT AS TO THE MEMBER STATE AFFECTED AS TO ALL
20 SEVERABLE MATTERS.

21 32-598. Consistent effect and conflict with other states

22 A. THIS COMPACT DOES NOT PREVENT OR INHIBIT THE ENFORCEMENT OF ANY
23 OTHER LAW OF A MEMBER STATE THAT IS CONSISTENT WITH THIS COMPACT.

24 B. ANY LAWS, STATUTES, RULES OR OTHER LEGAL REQUIREMENTS IN A
25 MEMBER STATE THAT CONFLICT WITH THIS COMPACT ARE SUPERSEDED TO THE EXTENT
26 OF THE CONFLICT.

27 C. ALL PERMISSIBLE AGREEMENTS BETWEEN THE COMMISSION AND THE MEMBER
28 STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

29 Sec. 2. Purpose; objectives; definitions

30 A. The purpose of this act is to facilitate the interstate practice
31 and regulation of cosmetology with the goal of improving public access to,
32 and the safety of, cosmetology services and reducing unnecessary burdens
33 related to cosmetology licensure. Through this compact, the member states
34 seek to establish a regulatory framework that provides for a new
35 multistate licensing program. Through this new licensing program, the
36 member states seek to provide increased value and mobility to licensed
37 cosmetologists in the member states while ensuring the provision of safe,
38 effective and reliable services to the public.

39 B. The compact is designed to achieve the following objectives and
40 the member states ratify the same intentions by subscribing to the
41 following:

- 42 1. Provide opportunities for interstate practice by cosmetologists
43 who meet uniform requirements for multistate licensure.

- 1 2. Enhance the abilities of member states to protect public health
2 and safety and prevent fraud and unlicensed activity within the
3 profession.
- 4 3. Ensure and encourage cooperation between member states in the
5 licensure and regulation of the practice of cosmetology.
- 6 4. Support relocating military members and their spouses.
- 7 5. Facilitate the exchange of information between member states
8 related to the licensure, investigation and discipline of the practice of
9 cosmetology.
- 10 6. Provide for the licensure and mobility of the workforce in the
11 profession, while addressing the shortage of workers and lessening the
12 associated burdens on the member states.
- 13 C. For the purposes of this section:
- 14 1. "Compact" means the compact established by title 32, chapter 5,
15 article 7, Arizona Revised Statutes, as added by this act.
- 16 2. "Cosmetology" has the same meaning prescribed in section 32-581,
17 Arizona Revised Statutes, as added by this act.
- 18 3. "Member states" has the same meaning prescribed in section
19 32-581, Arizona Revised Statutes, as added by this act.
- 20 Sec. 3. Effective date
- 21 This act is effective from and after June 30, 2024.

APPROVED BY THE GOVERNOR APRIL 18, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2023.