

PROPOSED

SENATE AMENDMENTS TO H.B. 2049

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

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 ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ACTIVE DUTY MILITARY" MEANS ANY INDIVIDUAL IN FULL-TIME DUTY
8 STATUS IN THE ACTIVE UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING
9 MEMBERS OF THE 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 STATE
12 LICENSING AUTHORITY OR OTHER REGULATORY BODY AGAINST A COSMETOLOGIST,
13 INCLUDING ACTIONS AGAINST AN INDIVIDUAL'S LICENSE OR AUTHORIZATION TO
14 PRACTICE SUCH AS REVOCATION, SUSPENSION, PROBATION, MONITORING OF THE
15 LICENSEE, LIMITATION OF THE LICENSEE'S PRACTICE OR ANY OTHER ENCUMBRANCE ON
16 A LICENSE AFFECTING AN INDIVIDUAL'S ABILITY TO PARTICIPATE IN THE
17 COSMETOLOGY INDUSTRY, INCLUDING THE ISSUANCE OF A CEASE AND DESIST ORDER.

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

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

1 5. "BACKGROUND CHECK" MEANS THE SUBMISSION OF INFORMATION FOR AN
2 APPLICANT FOR THE PURPOSE OF OBTAINING THAT APPLICANT'S CRIMINAL HISTORY
3 RECORD INFORMATION, AS DEFINED IN 28 CODE OF FEDERAL REGULATIONS SECTION
4 20.3(d), FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY
5 RESPONSIBLE FOR RETAINING STATE CRIMINAL OR DISCIPLINARY HISTORY IN THE
6 APPLICANT'S HOME STATE.

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

10 7. "COMMISSION" OR "COSMETOLOGY LICENSURE COMPACT COMMISSION" MEANS
11 A GOVERNMENT AGENCY WHOSE MEMBERSHIP CONSISTS OF ALL STATES THAT HAVE
12 ENACTED THIS COMPACT AND THAT OPERATES AS AN INSTRUMENTALITY OF THE MEMBER
13 STATES.

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

16 9. "COSMETOLOGY", "COSMETOLOGY SERVICES" AND "PRACTICE OF
17 COSMETOLOGY" MEAN THE CARE AND SERVICES PROVIDED BY A COSMETOLOGIST AS SET
18 FORTH IN THE MEMBER STATE'S STATUTES IN THE STATE WHERE THE SERVICES ARE
19 BEING PROVIDED.

20 10. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS EITHER OF
21 THE FOLLOWING:

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

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

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

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

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

7 14. "HOME STATE" MEANS THE MEMBER STATE THAT IS A LICENSEE'S PRIMARY
8 STATE OF RESIDENCE AND WHERE THE LICENSEE HOLDS AN ACTIVE LICENSE TO
9 PRACTICE COSMETOLOGY, AND THE LICENSE DOES NOT HAVE AN ADVERSE ACTION
10 RESTRICTING THE PRACTICE OF COSMETOLOGY OR HAVE AN ADVERSE ACTION HAS BEEN
11 REPORTED TO THE COMMISSION.

12 15. "INVESTIGATIVE INFORMATION" MEANS INFORMATION, RECORDS OR
13 DOCUMENTS RECEIVED OR GENERATED BY A STATE LICENSING AUTHORITY PURSUANT TO
14 AN INVESTIGATION OR OTHER INQUIRY.

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

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

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

21 19. "MULTISTATE LICENSE" MEANS A LICENSE THAT IS ISSUED AND SUBJECT
22 TO THE ENFORCEMENT JURISDICTION OF THE STATE LICENSING AUTHORITY IN A
23 LICENSEE'S HOME STATE, THAT AUTHORIZES THE LICENSEE TO PRACTICE COSMETOLOGY
24 IN MEMBER STATES AND THAT INCLUDES AUTHORIZATIONS FOR THE LICENSEE TO
25 PRACTICE COSMETOLOGY IN ALL REMOTE STATES PURSUANT TO THIS COMPACT.

26 20. "REMOTE STATE" MEANS ANY MEMBER STATE OTHER THAN THE LICENSEE'S
27 HOME STATE.

28 21. "SINGLE-STATE LICENSE" MEANS A COSMETOLOGY LICENSE ISSUED BY A
29 MEMBER STATE THAT AUTHORIZES THE PRACTICE OF COSMETOLOGY ONLY WITHIN THE
30 ISSUING STATE AND DOES NOT INCLUDE ANY AUTHORIZATION OUTSIDE OF THE ISSUING
31 STATE.

1 22. "STATE" MEANS A STATE, TERRITORY OR POSSESSION OF THE UNITED
2 STATES AND THE DISTRICT OF COLUMBIA.

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

6 32-582. Member state requirements

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

9 1. LICENSE AND REGULATE COSMETOLOGY.

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

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

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

18 5. IMPLEMENT PROCEDURES, INCLUDING THE SUBMISSION OF INFORMATION BY
19 APPLICANTS FOR THE PURPOSE OF OBTAINING AN APPLICANT'S BACKGROUND CHECK,
20 FOR CONSIDERING ONE OR MORE OF THE FOLLOWING CATEGORIES OF INFORMATION FROM
21 APPLICANTS FOR LICENSURE:

22 (a) CRIMINAL HISTORY.

23 (b) DISCIPLINARY HISTORY.

24 (c) 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

1 INFORMATION IN THE STATE'S POSSESSION REGARDING A LICENSEE PRACTICING IN
2 THAT STATE.

3 9. COMPLY WITH RULES THAT ARE ENACTED BY THE COMMISSION TO
4 ADMINISTER THIS COMPACT.

5 10. ACCEPT LICENSEES FROM OTHER MEMBER STATES PURSUANT TO THIS
6 ARTICLE.

7 B. MEMBER STATES MAY CHARGE A FEE FOR GRANTING A LICENSE TO PRACTICE
8 COSMETOLOGY.

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

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

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

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

22 32-583. Multistate licenses

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

27 B. ON RECEIVING AN APPLICATION FOR A MULTISTATE LICENSE, ACCORDING
28 TO COMMISSION RULES, A MEMBER STATE'S STATE LICENSING AUTHORITY SHALL
29 ASCERTAIN WHETHER THE APPLICANT MEETS THE REQUIREMENTS FOR A MULTISTATE
30 LICENSE UNDER THIS COMPACT.

1 C. IF AN APPLICANT MEETS THE REQUIREMENTS FOR A MULTISTATE LICENSE
2 UNDER THIS COMPACT AND ANY APPLICABLE COMMISSION RULE, THE STATE LICENSING
3 AUTHORITY THAT HAS RECEIVED THE APPLICATION, WITHIN A REASONABLE TIME,
4 SHALL GRANT A MULTISTATE LICENSE TO THAT APPLICANT AND INFORM ALL MEMBER
5 STATES OF THE GRANT OF THE MULTISTATE LICENSE.

6 D. A MULTISTATE LICENSE TO PRACTICE COSMETOLOGY ISSUED BY A MEMBER
7 STATE'S STATE LICENSING AUTHORITY SHALL BE RECOGNIZED BY EACH MEMBER STATE
8 AS AUTHORIZING THE PRACTICE OF COSMETOLOGY AS THOUGH THAT LICENSEE HELD A
9 SINGLE-STATE LICENSE TO PRACTICE COSMETOLOGY IN EACH MEMBER STATE, SUBJECT
10 TO THE RESTRICTIONS UNDER THIS ARTICLE.

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

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

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

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

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

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

25 H. THE PRACTICE OF COSMETOLOGY UNDER A MULTISTATE LICENSE GRANTED
26 PURSUANT TO THIS COMPACT SUBJECTS THE LICENSEE TO THE JURISDICTION OF THE
27 STATE LICENSING AUTHORITY, THE COURTS AND THE LAWS OF THE MEMBER STATE IN
28 WHICH THE COSMETOLOGY SERVICES ARE PROVIDED.

29 32-584. Reissuance of a multistate license by a new home state

30 A. A LICENSEE MAY HOLD A MULTISTATE LICENSE THAT IS ISSUED BY THE
31 LICENSEE'S HOME STATE IN ONLY ONE MEMBER STATE AT A TIME.

1 B. IF A LICENSEE CHANGES THE LICENSEE'S HOME STATE BY MOVING BETWEEN
2 TWO MEMBER STATES:

3 1. THE LICENSEE SHALL IMMEDIATELY APPLY FOR THE REISSUANCE OF THE
4 LICENSEE'S MULTISTATE LICENSE IN THE LICENSEE'S NEW HOME STATE. THE
5 LICENSEE SHALL PAY ALL APPLICABLE FEES AND NOTIFY THE PREVIOUS HOME STATE
6 IN ACCORDANCE WITH THE COMMISSION'S RULES.

7 2. ON RECEIPT OF AN APPLICATION TO REISSUE A MULTISTATE LICENSE, THE
8 NEW HOME STATE SHALL VERIFY THAT THE MULTISTATE LICENSE IS ACTIVE,
9 UNENCUMBERED AND ELIGIBLE FOR REISSUANCE UNDER THE TERMS OF THIS COMPACT
10 AND THE COMMISSION'S RULES. THE MULTISTATE LICENSE THAT IS ISSUED BY THE
11 PREVIOUS HOME STATE SHALL BE DEACTIVATED AND ALL MEMBER STATES SHALL BE
12 NOTIFIED IN ACCORDANCE WITH THE COMMISSION'S RULES

13 3. IF REQUIRED FOR INITIAL LICENSURE, THE NEW HOME STATE MAY REQUIRE
14 A BACKGROUND CHECK AS SPECIFIED IN THE LAWS OF THAT STATE OR THE
15 APPLICANT'S COMPLIANCE WITH ANY JURISPRUDENCE REQUIREMENTS OF THE NEW HOME
16 STATE.

17 4. NOTWITHSTANDING ANY OTHER PROVISION OF THIS COMPACT, IF A
18 LICENSEE DOES NOT MEET THE REQUIREMENTS SET FORTH IN THIS COMPACT FOR THE
19 REISSUANCE OF A MULTISTATE LICENSE BY THE NEW HOME STATE, THE LICENSEE IS
20 SUBJECT TO THE NEW HOME STATE REQUIREMENTS FOR THE ISSUANCE OF A
21 SINGLE-STATE LICENSE IN THAT STATE.

22 C. IF A LICENSEE CHANGES THE LICENSEE'S PRIMARY STATE OF RESIDENCE
23 BY MOVING FROM A MEMBER STATE TO A NONMEMBER STATE, OR FROM A NONMEMBER
24 STATE TO A MEMBER STATE, THE LICENSEE IS SUBJECT TO THE STATE REQUIREMENTS
25 FOR THE ISSUANCE OF A SINGLE-STATE LICENSE IN THE NEW HOME STATE.

26 D. THIS COMPACT DOES NOT INTERFERE WITH A LICENSEE'S ABILITY TO HOLD
27 A SINGLE-STATE LICENSE IN MULTIPLE STATES. FOR THE PURPOSES OF THIS
28 COMPACT, A LICENSEE MAY HAVE ONLY ONE HOME STATE AND ONLY ONE MULTISTATE
29 LICENSE.

30 E. THIS COMPACT DOES NOT INTERFERE WITH THE REQUIREMENTS ESTABLISHED
31 BY A MEMBER STATE FOR THE ISSUANCE OF A SINGLE-STATE LICENSE.

1 32-585. Authority of this compact commission and member state
2 licensing authorities

3 A. THIS COMPACT AND ANY COMMISSION RULE MAY NOT BE CONSTRUED TO
4 LIMIT, RESTRICT OR IN ANY WAY REDUCE THE ABILITY OF A MEMBER STATE TO ENACT
5 AND ENFORCE LAWS OR RULES RELATED TO THE PRACTICE OF COSMETOLOGY IN THAT
6 STATE, IF THOSE LAWS OR RULES ARE CONSISTENT WITH THE PROVISIONS OF THIS
7 COMPACT.

8 B. INSOFAR AS PRACTICAL, A MEMBER STATE'S STATE LICENSING AUTHORITY
9 SHALL COOPERATE WITH THE COMMISSION AND WITH EACH ENTITY EXERCISING
10 INDEPENDENT REGULATORY AUTHORITY OVER THE PRACTICE OF COSMETOLOGY ACCORDING
11 TO THE PROVISIONS OF THIS COMPACT.

12 C. DISCIPLINE IS THE SOLE RESPONSIBILITY OF THE STATE IN WHICH
13 COSMETOLOGY SERVICES ARE PROVIDED. ACCORDINGLY, EACH MEMBER STATE'S STATE
14 LICENSING AUTHORITY IS RESPONSIBLE FOR RECEIVING COMPLAINTS ABOUT
15 INDIVIDUALS PRACTICING COSMETOLOGY IN THAT STATE AND FOR COMMUNICATING ALL
16 RELEVANT INVESTIGATIVE INFORMATION ABOUT ANY ADVERSE ACTION TO THE OTHER
17 MEMBER STATES THROUGH THE DATA SYSTEM IN ADDITION TO ANY OTHER METHODS THE
18 COMMISSION MAY REQUIRE BY RULE.

19 32-586. Adverse actions

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

22 B. A HOME STATE MAY TAKE ADVERSE ACTION ON A MULTISTATE LICENSE
23 BASED ON THE INVESTIGATIVE INFORMATION, CURRENT SIGNIFICANT INVESTIGATIVE
24 INFORMATION OR ADVERSE ACTION OF A REMOTE STATE.

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

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

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

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

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

8 3. COMPLETE ANY PENDING INVESTIGATIONS OF A LICENSEE WHO CHANGES THE
9 LICENSEE'S PRIMARY STATE OF RESIDENCE DURING THE COURSE OF THE
10 INVESTIGATION. THE STATE LICENSING AUTHORITY MAY REPORT THE RESULTS OF THE
11 INVESTIGATION TO THE COMMISSION THROUGH THE DATA SYSTEM AS DESCRIBED IN
12 THIS ARTICLE.

13 4. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE
14 THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF EVIDENCE.
15 SUBPOENAS ISSUED BY A STATE LICENSING AUTHORITY IN A MEMBER STATE FOR THE
16 ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM
17 ANOTHER MEMBER STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF
18 COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE OF THAT
19 COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS BEFORE IT. THE ISSUING
20 STATE LICENSING AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL EXPENSES,
21 MILEAGE FEES AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE
22 IN WHICH THE WITNESSES OR EVIDENCE IS LOCATED.

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

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

29 D. A LICENSEE'S HOME STATE SHALL COMPLETE ANY PENDING INVESTIGATION
30 OF A COSMETOLOGIST WHO CHANGES THE LICENSEE'S PRIMARY STATE OF RESIDENCE
31 DURING THE COURSE OF THE INVESTIGATION. THE HOME STATE MAY TAKE

1 APPROPRIATE ACTION AND SHALL PROMPTLY REPORT THE CONCLUSIONS OF THE
2 INVESTIGATION TO THE DATA SYSTEM.

3 E. IF AN ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST A
4 LICENSEE'S MULTISTATE LICENSE, THE LICENSEE'S AUTHORIZATION TO PRACTICE IN
5 ALL OTHER MEMBER STATES SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE
6 BEEN REMOVED FROM THE HOME STATE LICENSE. ALL HOME STATE DISCIPLINARY
7 ORDERS THAT IMPOSE AN ADVERSE ACTION AGAINST A LICENSEE'S MULTISTATE
8 LICENSE SHALL INCLUDE A STATEMENT THAT THE COSMETOLOGIST'S AUTHORIZATION TO
9 PRACTICE IS DEACTIVATED IN ALL MEMBER STATES DURING THE PENDENCY OF THE
10 ORDER.

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

15 G. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER STATE BY ITS
16 RESPECTIVE SCOPE OF PRACTICE LAWS OR OTHER APPLICABLE STATE LAW, A MEMBER
17 STATE MAY PARTICIPATE WITH OTHER MEMBER STATES IN JOINT INVESTIGATIONS OF
18 LICENSEES.

19 H. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION OR
20 COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL
21 INVESTIGATION INITIATED UNDER THIS COMPACT.

22 32-587. Active duty military and their spouses

23 AN ACTIVE DUTY MILITARY PERSONNEL OR THE SPOUSE OF AN ACTIVE DUTY
24 MILITARY PERSONNEL SHALL DESIGNATE A HOME STATE WHERE THE INDIVIDUAL HAS A
25 CURRENT LICENSE TO PRACTICE COSMETOLOGY IN GOOD STANDING. THE INDIVIDUAL
26 MAY RETAIN THE INDIVIDUAL'S HOME STATE DESIGNATION DURING ANY PERIOD OF
27 SERVICE WHEN THAT INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE IS ON ACTIVE DUTY
28 ASSIGNMENT.

29 32-588. Establishment and operation of the cosmetology
30 licensure compact commission; powers and duties

31 A. THE MEMBER STATES CREATE AND ESTABLISH A JOINT GOVERNMENT AGENCY
32 KNOWN AS THE COSMETOLOGY LICENSURE COMPACT COMMISSION WHOSE MEMBERSHIP

1 CONSISTS OF ALL MEMBER STATES THAT HAVE ENACTED THIS COMPACT. THE
2 COMMISSION IS AN INSTRUMENTALITY OF THE MEMBER STATES ACTING JOINTLY AND IS
3 NOT AN INSTRUMENTALITY OF ANY ONE STATE. THE COMMISSION SHALL COME INTO
4 EXISTENCE ON OR AFTER THE EFFECTIVE DATE OF THIS COMPACT AS SET FORTH IN
5 SECTION 32-596.

6 B. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE DELEGATE
7 SELECTED BY THAT MEMBER STATE'S STATE LICENSING AUTHORITY. THE DELEGATE
8 SHALL BE AN ADMINISTRATOR OF THE STATE LICENSING AUTHORITY OF THE MEMBER
9 STATE OR THE ADMINISTRATOR'S DESIGNEE.

10 C. THE COMMISSION SHALL ESTABLISH BY RULE OR BYLAW A TERM OF OFFICE
11 FOR DELEGATES AND BY RULE OR BYLAW MAY ESTABLISH TERM LIMITS.

12 D. THE COMMISSION MAY RECOMMEND REMOVAL OR SUSPENSION OF ANY
13 DELEGATE FROM OFFICE.

14 E. A MEMBER STATE'S STATE LICENSING AUTHORITY SHALL FILL ANY VACANCY
15 OF ITS DELEGATE OCCURRING ON THE COMMISSION WITHIN SIXTY DAYS AFTER THE
16 VACANCY.

17 F. EACH DELEGATE IS ENTITLED TO ONE VOTE ON ALL MATTERS THAT ARE
18 VOTED ON BY THE COMMISSION.

19 G. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH CALENDAR
20 YEAR. ADDITIONAL MEETINGS MAY BE HELD AS SET FORTH IN THE BYLAWS. THE
21 COMMISSION MAY MEET BY TELECOMMUNICATION, VIDEOCONFERENCE OR OTHER SIMILAR
22 ELECTRONIC MEANS.

23 H. THE COMMISSION MAY:

24 1. ESTABLISH THE COMMISSION'S FISCAL YEAR.

25 2. ESTABLISH CODE OF CONDUCT AND CONFLICT OF INTEREST POLICIES.

26 3. ADOPT RULES AND BYLAWS.

27 4. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE BYLAWS.

28 5. MEET AND TAKE ACTIONS THAT ARE CONSISTENT WITH THIS COMPACT, THE
29 COMMISSION'S RULES AND THE BYLAWS.

30 6. INITIATE AND CONCLUDE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME OF
31 THE COMMISSION, IF THE STANDING OF ANY STATE LICENSING AUTHORITY TO SUE OR
32 BE SUED UNDER APPLICABLE LAW IS NOT AFFECTED.

1 7. MAINTAIN AND CERTIFY RECORDS AND INFORMATION PROVIDED TO A MEMBER
2 STATE AS THE AUTHENTICATED BUSINESS RECORDS OF THE COMMISSION AND DESIGNATE
3 AN AGENT TO DO SO ON THE COMMISSION'S BEHALF.

4 8. PURCHASE AND MAINTAIN INSURANCE AND BONDS.

5 9. BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING
6 EMPLOYEES OF A MEMBER STATE.

7 10. CONDUCT AN ANNUAL FINANCIAL REVIEW.

8 11. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION,
9 DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT
10 THE PURPOSES OF THIS COMPACT AND ESTABLISH THE COMMISSION'S PERSONNEL
11 POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF
12 PERSONNEL AND OTHER RELATED PERSONNEL MATTERS.

13 12. AS SET FORTH IN THE COMMISSION RULES, CHARGE A FEE TO A LICENSEE
14 FOR GRANTING A MULTISTATE LICENSE AND, AS MAY BE ESTABLISHED BY COMMISSION
15 RULE, CHARGE THE LICENSEE A MULTISTATE LICENSE RENEWAL FEE FOR EACH RENEWAL
16 PERIOD. THIS PARAGRAPH DOES NOT PREVENT A HOME STATE FROM CHARGING A
17 LICENSEE A FEE FOR A MULTISTATE LICENSE OR RENEWALS OF A MULTISTATE LICENSE
18 OR A FEE FOR THE JURISPRUDENCE REQUIREMENT IF THE MEMBER STATE IMPOSES SUCH
19 A REQUIREMENT FOR GRANTING A MULTISTATE LICENSE.

20 13. ASSESS AND COLLECT FEES.

21 14. ACCEPT ANY APPROPRIATE GIFTS, DONATIONS, GRANTS OF MONIES, OTHER
22 SOURCES OF REVENUE, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES AND
23 RECEIVE, USE AND DISPOSE OF THE SAME EXCEPT THAT AT ALL TIMES THE
24 COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY OR CONFLICT OF
25 INTEREST.

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

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

30 17. ESTABLISH A BUDGET AND MAKE EXPENDITURES.

1 18. BORROW MONIES.

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

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

8 21. ELECT A CHAIRPERSON, VICE CHAIRPERSON, SECRETARY AND TREASURER
9 AND OTHER OFFICERS OF THE COMMISSION AS PROVIDED IN THE COMMISSION'S
10 BYLAWS.

11 22. ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE, INCLUDING A
12 CHAIRPERSON AND A VICE CHAIRPERSON.

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

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

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

19 I. THE COMMISSION SHALL ADOPT AND PROVIDE AN ANNUAL REPORT TO THE
20 MEMBER STATES.

21 32-589. Executive committee; duties; members; meetings

22 A. THE EXECUTIVE COMMITTEE MAY ACT ON BEHALF OF THE COMMISSION
23 ACCORDING TO THE TERMS OF THIS COMPACT. THE POWERS, DUTIES AND
24 RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE INCLUDE:

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

28 2. RECOMMENDING TO THE COMMISSION CHANGES TO THE RULES OR BYLAWS,
29 CHANGES TO THIS ARTICLE, FEES CHARGED TO COMPACT MEMBER STATES, FEES
30 CHARGED TO LICENSEES AND OTHER FEES.

31 3. ENSURING THAT COMPACT ADMINISTRATION SERVICES ARE APPROPRIATELY
32 PROVIDED, INCLUDING BY CONTRACT.

1 4. PREPARING AND RECOMMENDING THE BUDGET.

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

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

5 7. ESTABLISHING ADDITIONAL COMMITTEES AS NECESSARY.

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

10 9. PERFORMING OTHER DUTIES AS PROVIDED IN THE COMMISSION'S RULES OR
11 BYLAWS

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

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

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

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

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

28 E. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY. ANNUAL
29 EXECUTIVE COMMITTEE MEETINGS AND ANY EXECUTIVE COMMITTEE MEETING AT WHICH
30 IT DOES NOT TAKE OR INTEND TO TAKE FORMAL ACTION ON A MATTER FOR WHICH A
31 COMMISSION VOTE WOULD OTHERWISE BE REQUIRED SHALL BE OPEN TO THE PUBLIC,
32 EXCEPT THAT THE EXECUTIVE COMMITTEE MAY MEET IN A CLOSED, NONPUBLIC SESSION

1 OF A PUBLIC MEETING WHEN DEALING WITH ANY MATTER LISTED IN SECTION 32-590,
2 SUBSECTION D.

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

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

- 9 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.
- 10 2. PREVENT A LOSS OF COMMISSION OR PARTICIPATING STATE MONIES.
- 11 3. PROTECT PUBLIC HEALTH AND SAFETY.

12 32-590. Commission meetings

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

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

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

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

- 30 1. NONCOMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THIS
31 COMPACT.

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

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

6 4. CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.

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

9 6. THE ACCUSATION OF ANY PERSON OF A CRIME OR THE FORMAL CENSURE OF
10 ANY PERSON.

11 7. TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT IS
12 PRIVILEGED OR CONFIDENTIAL.

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

15 9. INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES.

16 10. INFORMATION RELATED TO ANY INVESTIGATIVE REPORTS PREPARED BY OR
17 ON BEHALF OF OR FOR USE OF THE COMMISSION OR OTHER COMMITTEE CHARGED WITH
18 RESPONSIBILITY OF INVESTIGATION OR DETERMINATION OF COMPLIANCE ISSUES
19 PURSUANT TO THIS COMPACT.

20 11. LEGAL ADVICE.

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

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

24 E. IF A MEETING OR PORTION OF A MEETING IS CLOSED, THE PRESIDING
25 OFFICER SHALL STATE THAT THE MEETING WILL BE CLOSED AND REFERENCE EACH
26 RELEVANT EXEMPTING PROVISION. THE REFERENCE SHALL BE RECORDED IN THE
27 MINUTES.

28 F. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY DESCRIBE
29 ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND ACCURATE
30 SUMMARY OF ACTIONS TAKEN AND THE REASONS FOR THE ACTIONS, INCLUDING A
31 DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION
32 WITH AN ACTION SHALL BE IDENTIFIED IN THE MINUTES. ALL MINUTES AND

1 DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE
2 ONLY BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A COURT OF COMPETENT
3 JURISDICTION.

4 32-591. Financing of the commission; assessments; annual
5 review

6 A. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE
7 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING
8 ACTIVITIES.

9 B. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE SOURCES OF
10 REVENUE, DONATIONS AND GRANTS OF MONIES, EQUIPMENT, SUPPLIES, MATERIALS AND
11 SERVICES.

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

20 D. THE COMMISSION MAY NOT INCUR OBLIGATIONS OF ANY KIND BEFORE
21 SECURING THE MONIES ADEQUATE TO MEET THE OBLIGATIONS. THE COMMISSION MAY
22 NOT PLEDGE THE CREDIT OF ANY MEMBER STATES, EXCEPT BY AND WITH THE
23 AUTHORITY OF THE MEMBER STATE.

24 E. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND
25 DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION ARE
26 SUBJECT TO THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES ESTABLISHED UNDER
27 ITS BYLAWS. ALL RECEIPTS AND DISBURSEMENTS OF MONIES HANDLED BY THE
28 COMMISSION ARE SUBJECT TO AN ANNUAL FINANCIAL REVIEW BY A CERTIFIED OR
29 LICENSED PUBLIC ACCOUNTANT, AND THE REPORT OF THE FINANCIAL REVIEW SHALL BE
30 INCLUDED IN AND BECOME PART OF THE COMMISSION'S ANNUAL REPORT.

1 32-592. Qualified immunity, defense and indemnification

2 A. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
3 REPRESENTATIVES OF THE COMMISSION ARE IMMUNE FROM SUIT AND LIABILITY, BOTH
4 PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR
5 LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR
6 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED
7 OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS
8 FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR
9 RESPONSIBILITIES, EXCEPT THAT THIS SUBSECTION DOES NOT PROTECT ANY SUCH
10 PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR LIABILITY
11 CAUSED BY THE INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT PERSON.
12 THE PROCUREMENT OF INSURANCE OF ANY TYPE BY THE COMMISSION DOES NOT IN ANY
13 WAY COMPROMISE OR LIMIT THE IMMUNITY GRANTED PURSUANT TO THIS SECTION.

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

25 C. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY MEMBER,
26 OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION
27 FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON
28 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED
29 WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES OR
30 THAT SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
31 SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES IF THE ACTUAL OR

1 ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THE INTENTIONAL OR
2 WILFUL OR WANTON MISCONDUCT OF THAT PERSON.

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

6 E. THIS COMPACT DOES NOT WAIVE OR OTHERWISE ABROGATE A MEMBER
7 STATE'S STATE ACTION IMMUNITY OR STATE ACTION AFFIRMATIVE DEFENSE WITH
8 RESPECT TO ANTITRUST CLAIMS UNDER THE SHERMAN ACT (15 UNITED STATES CODE
9 SECTIONS 1 THROUGH 38) AND THE CLAYTON ACT (15 UNITED STATES CODE SECTIONS
10 12 THROUGH 27) OR ANY OTHER STATE OR FEDERAL ANTITRUST OR ANTICOMPETITIVE
11 LAW.

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

14 32-593. Data system

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

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

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

22 1. IDENTIFYING INFORMATION.

23 2. LICENSURE DATA.

24 3. ADVERSE ACTIONS AGAINST A LICENSE AND INFORMATION RELATED TO THE
25 ADVERSE ACTIONS.

26 4. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM
27 PARTICIPATION, THE BEGINNING AND ENDING DATES OF THE PARTICIPATION AND
28 OTHER INFORMATION RELATED TO THE PARTICIPATION.

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

32 6. THE EXISTENCE OF INVESTIGATIVE INFORMATION.

1 7. THE EXISTENCE OF CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.

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

4 D. THE RECORDS AND INFORMATION PROVIDED TO A MEMBER STATE PURSUANT
5 TO THIS COMPACT OR THROUGH THE DATA SYSTEM, WHEN CERTIFIED BY THE
6 COMMISSION OR THE COMMISSION'S AGENT, CONSTITUTE THE AUTHENTICATED BUSINESS
7 RECORDS OF THE COMMISSION AND ARE ENTITLED TO ANY ASSOCIATED HEARSAY
8 EXCEPTION IN ANY RELEVANT JUDICIAL, QUASI-JUDICIAL OR ADMINISTRATIVE
9 PROCEEDINGS IN A MEMBER STATE.

10 E. THE EXISTENCE OF CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION
11 AND THE EXISTENCE OF INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE IN
12 ANY MEMBER STATE IS AVAILABLE ONLY TO OTHER MEMBER STATES.

13 F. IT IS THE RESPONSIBILITY OF THE MEMBER STATES TO MONITOR THE DATA
14 SYSTEM TO DETERMINE WHETHER ADVERSE ACTION HAS BEEN TAKEN AGAINST A
15 LICENSEE OR LICENSE APPLICANT. ADVERSE ACTION INFORMATION PERTAINING TO A
16 LICENSEE OR LICENSE APPLICANT IN ANY MEMBER STATE MAY BE AVAILABLE TO ANY
17 OTHER MEMBER STATE.

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

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

24 32-594. Rulemaking; notice

25 A. THE COMMISSION SHALL ADOPT REASONABLE RULES TO EFFECTIVELY AND
26 EFFICIENTLY IMPLEMENT AND ADMINISTER THIS COMPACT. A RULE IS INVALID AND
27 HAS NO FORCE OR EFFECT ONLY IF A COURT OF COMPETENT JURISDICTION HOLDS THAT
28 THE RULE IS INVALID BECAUSE THE COMMISSION EXERCISED ITS RULEMAKING
29 AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE AND PURPOSES OF THIS COMPACT
30 OR THE POWERS GRANTED PURSUANT TO THIS ARTICLE, OR BASED ON ANOTHER
31 APPLICABLE STANDARD OF REVIEW.

1 B. COMMISSION RULES HAVE THE FORCE OF LAW IN EACH MEMBER STATE,
2 EXCEPT THAT IF COMMISSION RULES CONFLICT WITH THE LAWS OF THE MEMBER STATE
3 THAT ESTABLISH THE MEMBER STATE'S SCOPE OF PRACTICE LAWS GOVERNING THE
4 PRACTICE OF COSMETOLOGY AS HELD BY A COURT OF COMPETENT JURISDICTION, THE
5 COMMISSION RULES ARE INEFFECTIVE IN THAT STATE TO THE EXTENT OF THE
6 CONFLICT.

7 C. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS PURSUANT TO
8 THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED PURSUANT TO
9 THIS SECTION. RULES BECOME BINDING AS OF THE DATE SPECIFIED BY THE
10 COMMISSION FOR EACH RULE.

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

16 E. RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF THE
17 COMMISSION.

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

21 G. BEFORE ADOPTING A PROPOSED RULE, AND AT LEAST THIRTY DAYS BEFORE
22 THE MEETING AT WHICH THE COMMISSION WILL HOLD A PUBLIC HEARING ON THE
23 PROPOSED RULE, THE COMMISSION SHALL PROVIDE A NOTICE OF PROPOSED RULEMAKING
24 AS FOLLOWS:

25 1. ON THE COMMISSION'S WEBSITE OR OTHER PUBLICLY ACCESSIBLE
26 PLATFORM.

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

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

30 H. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

31 1. THE TIME, DATE AND LOCATION OF THE PUBLIC HEARING AT WHICH THE
32 COMMISSION WILL HEAR PUBLIC COMMENTS ON THE PROPOSED RULE AND, IF

1 DIFFERENT, THE TIME, DATE AND LOCATION OF THE MEETING AT WHICH THE
2 COMMISSION WILL CONSIDER AND VOTE ON THE PROPOSED RULE.

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

6 3. THE TEXT OF THE PROPOSED RULE AND THE REASON FOR THE PROPOSED
7 RULE.

8 4. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED
9 PERSON.

10 5. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT WRITTEN
11 COMMENTS.

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

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

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

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

23 M. THE COMMISSION SHALL PROVIDE AN EXPLANATION OF THE REASONS FOR
24 SUBSTANTIVE CHANGES THAT ARE MADE TO THE PROPOSED RULE AS WELL AS REASONS
25 FOR SUBSTANTIVE CHANGES THAT ARE NOT MADE BUT THAT WERE RECOMMENDED BY
26 COMMENTERS.

27 N. THE COMMISSION SHALL DETERMINE A REASONABLE EFFECTIVE DATE FOR
28 THE RULE. EXCEPT FOR AN EMERGENCY RULE AS PROVIDED IN SUBSECTION O OF THIS
29 SECTION, THE EFFECTIVE DATE OF THE RULE SHALL BE AT LEAST FORTY-FIVE DAYS
30 AFTER THE COMMISSION ISSUES THE NOTICE THAT THE COMMISSION ADOPTED OR
31 AMENDED THE RULE.

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

- 8 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.
- 9 2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE MONIES.
- 10 3. MEET A DEADLINE THAT IS ESTABLISHED BY FEDERAL LAW TO ADOPT A
11 RULE.
- 12 4. PROTECT PUBLIC HEALTH AND SAFETY.

13 P. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY
14 DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE FOR PURPOSES OF CORRECTING
15 TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY OR
16 GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON THE
17 COMMISSION'S WEBSITE. THE REVISION IS SUBJECT TO CHALLENGE BY ANY PERSON
18 FOR A PERIOD OF THIRTY DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED
19 ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO A RULE.
20 A CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED TO THE COMMISSION BEFORE
21 THE END OF THE NOTICE PERIOD. IF A CHALLENGE IS NOT MADE, THE REVISION
22 TAKES EFFECT WITHOUT FURTHER ACTION. IF THE REVISION IS CHALLENGED, THE
23 REVISION MAY NOT TAKE EFFECT WITHOUT THE COMMISSION'S APPROVAL.

24 Q. A MEMBER STATE'S RULEMAKING REQUIREMENTS DO NOT APPLY UNDER THIS
25 COMPACT.

26 32-595. Oversight, dispute resolution and enforcement;
27 defaulting states; termination from compact

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

31 B. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE
32 COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT

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

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

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

18 E. THE COMMISSION SHALL PROVIDE A COPY OF THE NOTICE OF DEFAULT TO
19 THE OTHER MEMBER STATES.

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

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

1 H. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
2 ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE
3 DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE EFFECTIVE
4 DATE OF TERMINATION.

5 I. ON THE TERMINATION OF A STATE'S MEMBERSHIP FROM THIS COMPACT, THE
6 STATE SHALL IMMEDIATELY PROVIDE NOTICE OF THE TERMINATION TO ALL LICENSEES
7 WHO HOLD A MULTISTATE LICENSE WITHIN THAT STATE. THE TERMINATED STATE
8 SHALL CONTINUE TO RECOGNIZE ALL LICENSES GRANTED PURSUANT TO THIS COMPACT
9 FOR AT LEAST ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF THE NOTICE OF
10 TERMINATION.

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

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

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

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

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

27 O. BY MAJORITY VOTE AS PROVIDED BY COMMISSION RULE, THE COMMISSION
28 MAY INITIATE LEGAL ACTION AGAINST A DEFAULTING MEMBER STATE IN THE UNITED
29 STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT
30 WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES TO ENFORCE COMPLIANCE WITH
31 THIS COMPACT AND ITS ADOPTED RULES. THE RELIEF SOUGHT MAY INCLUDE BOTH
32 INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS NECESSARY, THE

1 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF THE LITIGATION, INCLUDING
2 REASONABLE ATTORNEY FEES. THE REMEDIES DESCRIBED IN THIS SUBSECTION ARE
3 NOT THE EXCLUSIVE REMEDIES OF THE COMMISSION. THE COMMISSION MAY PURSUE
4 ANY OTHER REMEDIES AVAILABLE UNDER FEDERAL LAW OR THE DEFAULTING MEMBER
5 STATE'S LAW.

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

13 Q. ONLY A MEMBER STATE MAY ENFORCE THIS COMPACT AGAINST THE
14 COMMISSION.

15 32-596. Effective date and amendment of compact; withdrawal of
16 member state

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

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

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

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

1 E. MEMBER STATES ENACTING THIS COMPACT SUBSEQUENT TO THE CHARTER
2 MEMBER STATES ARE SUBJECT TO THE COMMISSION'S APPROVAL THAT THEIR
3 ENACTMENTS ARE NOT MATERIALLY DIFFERENT FROM THE MODEL COMPACT STATUTE AND
4 THAT THEY QUALIFY FOR PARTICIPATION IN THIS COMPACT.

5 F. ALL ACTIONS TAKEN FOR THE COMMISSION'S BENEFIT OR IN FURTHERANCE
6 OF THE PURPOSES OF THE ADMINISTRATION OF THIS COMPACT BEFORE THE EFFECTIVE
7 DATE OF THIS COMPACT OR THE EFFECTIVE DATE OF THE COMMISSION COMING INTO
8 EXISTENCE ARE CONSIDERED TO BE ACTIONS OF THE COMMISSION UNLESS
9 SPECIFICALLY REPUDIATED BY THE COMMISSION.

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

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

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

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

4 32-597. Construction and severability

5 A. THE COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY SHALL BE
6 LIBERALLY CONSTRUED TO EFFECTUATE THE PURPOSES, IMPLEMENTATION AND
7 ADMINISTRATION OF THIS COMPACT. PROVISIONS OF THIS COMPACT EXPRESSLY
8 AUTHORIZING OR REQUIRING THE ADOPTION OF RULES DO NOT LIMIT THE
9 COMMISSION'S RULEMAKING AUTHORITY SOLELY FOR THOSE PURPOSES.

10 B. THE PROVISIONS OF THIS COMPACT ARE SEVERABLE, AND IF ANY PHRASE,
11 CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS HELD BY A COURT OF
12 COMPETENT JURISDICTION TO BE CONTRARY TO THE CONSTITUTION OF ANY MEMBER
13 STATE, OF A STATE SEEKING PARTICIPATION IN THIS COMPACT OR OF THE UNITED
14 STATES, OR THE APPLICABILITY TO ANY GOVERNMENT, AGENCY, PERSON OR
15 CIRCUMSTANCE IS HELD TO BE UNCONSTITUTIONAL BY A COURT OF COMPETENT
16 JURISDICTION, THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE
17 APPLICABILITY TO ANY OTHER GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE IS
18 NOT AFFECTED.

19 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE COMMISSION MAY
20 DENY A STATE'S PARTICIPATION IN THE COMPACT OR, IN ACCORDANCE WITH SECTION
21 32-595, MAY TERMINATE A MEMBER STATE'S PARTICIPATION IN THE COMPACT IF THE
22 COMMISSION DETERMINES THAT A CONSTITUTIONAL REQUIREMENT OF A MEMBER STATE
23 IS A MATERIAL DEPARTURE FROM THIS COMPACT. OTHERWISE, IF THIS COMPACT IS
24 HELD TO BE CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, THIS COMPACT
25 SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING MEMBER STATES AND
26 IN FULL FORCE AND EFFECT AS TO THE MEMBER STATE AFFECTED AS TO ALL
27 SEVERABLE MATTERS.

28 32-598. Consistent effect and conflict with other states

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

31 B. ANY LAWS IN A MEMBER STATE THAT CONFLICT WITH THIS COMPACT ARE
32 SUPERSEDED TO THE EXTENT OF THE CONFLICT.

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

3 32-599. Applicability

4 THIS ARTICLE APPLIES ONLY IF AT LEAST SEVEN STATES ENACT LANGUAGE
5 THAT IS SUBSTANTIALLY SIMILAR TO THIS ARTICLE.

6 Sec. 2. Purpose; objectives; definitions

7 A. The purpose of this act is to facilitate the interstate practice
8 and regulation of cosmetology with the goal of improving public access to,
9 and the safety of, cosmetology services and reducing unnecessary burdens
10 related to cosmetology licensure. Through this compact, the member states
11 seek to establish a regulatory framework that provides for a new multistate
12 licensing program. Through this new licensing program, the member states
13 seek to provide increased value and mobility to licensed cosmetologists in
14 the member states while ensuring the provision of safe, effective and
15 reliable services to the public.

16 B. The compact is designed to achieve the following objectives and
17 the member states ratify the same intentions by subscribing to the
18 following:

19 1. Provide opportunities for interstate practice by cosmetologists
20 who meet uniform requirements for multistate licensure.

21 2. Enhance the abilities of member states to protect public health
22 and safety and prevent fraud and unlicensed activity within the profession.

23 3. Ensure and encourage cooperation between member states in the
24 licensure and regulation of the practice of cosmetology.

25 4. Support relocating military members and their spouses.

26 5. Facilitate the exchange of information between member states
27 related to the licensure, investigation and discipline of the practice of
28 cosmetology.

29 6. Provide for the licensure and mobility of the workforce in the
30 profession, while addressing the shortage of workers and lessening the
31 associated burdens on the member states.

- 1 C. For the purposes of this section:
- 2 1. "Compact" means the compact established by title 32, chapter 5,
- 3 article 7, Arizona Revised Statutes, as added by this act.
- 4 2. "Cosmetology" has the same meaning prescribed in section 32-581,
- 5 Arizona Revised Statutes, as added by this act.
- 6 3. "Member states" has the same meaning prescribed in section
- 7 32-581, Arizona Revised Statutes, as added by this act.
- 8 Sec. 3. Effective date
- 9 This act is effective from and after June 30, 2024."

10 Amend title to conform

STEVE KAISER

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