



# Cosmetology Licensure Compact

## Summary of Key Provisions

### Article 1: Purpose

The purpose of this Compact is to facilitate the interstate practice and regulation of cosmetology with the goal of improving public access to, and the safety of, cosmetology services and reducing unnecessary burdens related to cosmetology licensure.

This Compact is designed to achieve the following objectives:

- Provide opportunities for interstate practice by cosmetologists who meet uniform requirements for multistate licensure.
- Enhance the abilities of member states to protect public health and safety and prevent fraud and unlicensed activity within the profession.
- Ensure and encourage cooperation between member states in the licensure and regulation of the practice of cosmetology.
- Support relocating military members and their spouses.
- Facilitate the exchange of information between member states related to the licensure, investigation, and discipline of the practice of cosmetology.
- Provide for the licensure and mobility of the workforce in the profession, while addressing the shortage of workers and lessening the associated burdens on the member states.

### Article 2: Definitions

This section establishes the definitions of key terms and concepts as used throughout the compact to alleviate confusion on the part of regulatory jurisdictions and practitioners. Defined terms are capitalized throughout the document. The Cosmetology Licensure Compact uses the term “Authorization to Practice” instead of “Privilege to Practice” to describe a licensee’s permission to work in a remote state to avoid confusion with compacts that use a privilege to practice model.

### Article 3: Member State Requirements

This section establishes the foundational requirements for compact member states to be eligible to enact the compact and what is required of compact member states to continue to participate in the compact.

To enact the compact a member state must:

- License and regulate cosmetology.
- Require that applicants for licensure pass a competency examination.



- Require that applicants for licensure satisfy educational or training requirements.
- Implement procedures for considering one or more of the following categories of information from applicants for licensure: criminal history; disciplinary history; or background check.

#### Article 4: Multistate License Program

The Multistate License Program describes the requirements for a cosmetologist with an active, unencumbered license to participate in the compact. This section also obligates compact member states to accept multistate licenses from other compact member states as authorizing practice in each member state.

To participate in the compact a licensed cosmetologist must:

- Hold an active, unencumbered single-state license to practice cosmetology in their home state.
- Agree to abide by the rules of the state licensing authority, and the state scope of practice laws governing the practice of cosmetology, of the member state in which the licensee provides services.
- Pay all required fees related to the application and process, and any other fees which the Commission may by Rule require.
- Comply with other rules and requirements provided by the commission regarding Multistate Licenses.

#### Article 5: Obtaining a New Home State License Under the Multistate License Program

The Cosmetology Licensure Compact allows cosmetologists with a multistate license who move to another compact member state to transfer their multistate license to the new home state without the need for another round of primary source verification.

#### Article 6: Authority of the Compact Commission and Member State Licensing Authorities

This article describes the parameters under which the Compact Commission can create rules and specifies the powers retained by each member state to regulate the practice of cosmetology and discipline licensees who are providing services within their borders.

#### Article 7: Adverse Actions

This section clarifies that only a licensee's home state may take adverse action against a home state license.



However, remote states may take adverse action against a licensee's authorization to practice in that state and may issue enforceable subpoenas for witnesses and evidence from other member states.

Home states must take reported adverse action from any member state into account, in accordance with the home state's own laws.

If a cosmetologist changes their home state during an active investigation by their former home state, the former home state completes the investigation, takes appropriate action under its laws, and then reports its findings to the compact commission's data system. The data system administrator then notifies the licensee's new home state of any adverse action taken by the former home state.

Member states may initiate joint investigations of licensees and are required to share investigative materials in furtherance of any joint or single-state investigation of a licensee.

Member states must report any adverse action to the compact data system, which then promptly alerts the home state of this adverse action. Any member state may take adverse action based on the factual findings of a remote state. Member states retain the right to require a licensee to participate in an alternative program for health-related concerns in lieu of adverse action.

#### Article 8: Active Duty Military and their Spouses

This section allows an active duty service member, or their spouse, to designate a home state where the individual has a current license in good standing. This state then serves as the individual's home state for as long as the servicemember is on active duty.



## Article 9: Establishment of the Cosmetology Compact Commission

This section outlines the composition and powers of the compact commission and executive committee.

- Each member state is entitled to exactly one delegate, who shall be the administrator, executive director or equivalent of the member state's licensing authority or their designee.
- Each delegate has one (1) vote on commission rules and bylaws.
- The commission may establish a term of office, code of ethics, bylaws, rules, a budget and financial records in order to carry out the compact.
- The commission shall elect an executive committee composed of seven voting delegates.
- The commission may elect one ex-officio, nonvoting member of a recognized national cosmetology professional organization.
- All commission meetings shall be open to the public unless confidential or privileged information must be discussed.

## Article 10: Data System

This section requires the sharing of licensee information by all member states.

Member states shall submit a uniform dataset to the data system on all cosmetologists to whom this compact is applicable as required by the rules of the commission. This database will allow for the expedited sharing of disciplinary and investigative information.

Investigative information pertaining to a licensee in any member state will only be available to other member states.

A member state may designate information submitted to the data system that may not be shared with the public without the express permission of that member state.

## Article 11: Rulemaking

- Rules carry the force of law in all member states.
- A simple majority of member state legislatures may veto a rule of the commission.
- Changes to rules require a 30-day notice of proposed rulemaking, with an opportunity for
- a public hearing.
- If the commission takes an action that is beyond the scope of the compact, the action is invalid and has no force and effect.



### Article 12: Oversight, Dispute Resolution and Enforcement

Ensures compliance with the compact by member states and details the procedures to be followed in the event a member state fails to comply with the compact.

- A period of technical assistance in remedying the situation.
- Dispute resolution, including mediation and binding processes.
- Termination from the compact if no other means of compliance is successful.
- The commission shall attempt to resolve any compact-related disputes that may arise between states.

### Article 13: Effective Date, Withdrawal and Amendment

- The compact takes effect on the date of enactment by the seventh state.
- States that join after this date are subject to the rules of the commission as they exist on the date when the compact becomes law in that state.
- Member states may enact a law to repeal their membership in the compact. A state's withdrawal takes effect 180 days after enactment of such law.

### Article 14: Construction and Severability

The compact is to be liberally construed to effectuate its purposes.

The compact's provisions are severable, meaning that:

- If a provision is declared to conflict with the United States Constitution, all other provisions remain valid for all member states.
- If a provision is held contrary to a member state's constitution, the compact retains its full force in all other states, and all other provisions remain valid in the affected state.

### Article 15: Consistent Effect and Conflict with Other State Laws

Member states retain sovereignty over all laws, and nothing shall inhibit or prohibit enforcement of laws that are not in conflict with the compact.

Any laws, statutes, regulations or other legal requirements in a member state that conflict with the compact are superseded to the extent of the conflict.