

1-1 By: Zaffirini S.B. No. 1615
 1-2 (In the Senate - Filed March 6, 2023; March 16, 2023, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 19, 2023, reported favorably by the following vote: Yeas 11,
 1-5 Nays 0; April 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the cosmetology licensure compact.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. The cosmetology licensure compact is adopted to
 1-24 read as follows:
 1-25 COSMETOLOGY LICENSURE COMPACT
 1-26 ARTICLE 1- PURPOSE
 1-27 The purpose of this Compact is to facilitate the interstate
 1-28 practice and regulation of Cosmetology with the goal of improving
 1-29 public access to, and the safety of, Cosmetology Services and
 1-30 reducing unnecessary burdens related to Cosmetology licensure.
 1-31 Through this Compact, the member states seek to establish a
 1-32 regulatory framework which provides for a new multistate licensing
 1-33 program. Through this new licensing program, the member states seek
 1-34 to provide increased value and mobility to licensed Cosmetologists
 1-35 in the member states, while ensuring the provision of safe,
 1-36 effective, and reliable services to the public.
 1-37 This Compact is designed to achieve the following objectives,
 1-38 and the member states hereby ratify the same intentions by
 1-39 subscribing hereto:
 1-40 A. Provide opportunities for interstate practice by
 1-41 Cosmetologists who meet uniform requirements for multistate
 1-42 licensure;
 1-43 B. Enhance the abilities of Member States to protect public
 1-44 health and safety, and prevent fraud and unlicensed activity within
 1-45 the profession;
 1-46 C. Ensure and encourage cooperation between Member States
 1-47 in the licensure and regulation of the Practice of Cosmetology;
 1-48 D. Support relocating military members and their spouses;
 1-49 E. Facilitate the exchange of information between Member
 1-50 States related to the licensure, investigation, and discipline of
 1-51 the Practice of Cosmetology;
 1-52 F. Provide for meaningful dispute resolution while allowing
 1-53 a Remote State to hold a Licensee accountable under the Remote
 1-54 State's Practice Laws, even where that Licensee holds a Multistate
 1-55 License; and
 1-56 G. Provide for the licensure and mobility of the workforce
 1-57 in the profession, while addressing the shortage of workers and
 1-58 lessening the associated burdens on the Member States.
 1-59 ARTICLE 2- DEFINITIONS
 1-60 As used in this Compact, and except as otherwise provided,
 1-61 the following definitions shall govern the terms herein:

- 2-1 A. "Active Duty Military" means any individual in full-time
2-2 duty status in the active uniformed service of the United States
2-3 including members of the National Guard and Reserve.
- 2-4 B. "Adverse Action" means any administrative, civil,
2-5 equitable, or criminal action permitted by a Member State's laws
2-6 which is imposed by a Licensing Authority or other regulatory body
2-7 against a or Cosmetologist, including actions against an
2-8 individual's licensure privilege such as revocation, suspension,
2-9 probation, monitoring of the Licensee, limitation of the Licensee's
2-10 practice, or any other Encumbrance on licensure affecting an
2-11 individual's ability to participate in the Cosmetology industry,
2-12 including the issuance of a cease and desist order.
- 2-13 C. "Authorization to Practice" means a legal authorization
2-14 associated with a Multistate License permitting the Practice of
2-15 Cosmetology in a remote state.
- 2-16 D. "Alternative Program" means a non-disciplinary
2-17 monitoring or prosecutorial diversion program approved by a Member
2-18 State's Licensing Authority.
- 2-19 E. "Background Check" means the submission of information
2-20 for an applicant for the purpose of obtaining that applicant's
2-21 criminal history record information, as further defined in 28
2-22 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and the
2-23 agency responsible for retaining state criminal or disciplinary
2-24 history in the applicant's Home State.
- 2-25 F. "Commission" shall refer to the national administrative
2-26 body whose membership consists of all states that have enacted this
2-27 Compact, and which is known as the Cosmetology Licensure Compact
2-28 Commission.
- 2-29 G. "Cosmetologist" means an individual licensed in their
2-30 Home State to practice Cosmetology.
- 2-31 H. "Cosmetology", "Cosmetology Services", and the "Practice
2-32 of Cosmetology" mean the care and services provided by a
2-33 Cosmetologist as set forth in the Member State's statutes and
2-34 regulations in the State where the services are being provided.
- 2-35 I. "Current Significant Investigative Information" means:
2-36 1. Investigative Information that a Licensing
2-37 Authority, after an inquiry or investigation that complies with a
2-38 Member State's due process requirements, has reason to believe is
2-39 not groundless and, if proved true, would indicate a violation of
2-40 that State's laws regarding fraud or the Practice of Cosmetology;
2-41 or
2-42 2. Investigative Information that indicates that a
2-43 Licensee has engaged in fraud or represents an immediate threat to
2-44 public health and safety, regardless of whether the Licensee has
2-45 been notified and had an opportunity to respond.
- 2-46 J. "Data System" means a repository of information about
2-47 Licensees, including but not limited to license status,
2-48 Investigative Information, and Adverse Actions.
- 2-49 K. "Disqualifying Event" means any event which shall
2-50 disqualify an individual from holding a Multistate License under
2-51 this Compact, which the Commission may by Rule or order specify.
- 2-52 L. "Encumbered License" means a license in which an Adverse
2-53 Action restricts the Practice of Cosmetology by a Licensee, or
2-54 where said Adverse Action has been reported to the Commission.
- 2-55 M. "Encumbrance" means a revocation or suspension of, or any
2-56 limitation on, the full and unrestricted Practice of Cosmetology by
2-57 a Licensing Authority.
- 2-58 N. "Executive Committee" means a group of commissioners
2-59 elected or appointed to act on behalf of, and within the powers
2-60 granted to them by, the Commission.
- 2-61 O. "Home State" means the Member State which is a Licensee's
2-62 primary state of residence, and where that Licensee holds an active
2-63 and unencumbered license to practice Cosmetology.
- 2-64 P. "Investigative Information" means information, records,
2-65 or documents received or generated by a Licensing Authority
2-66 pursuant to an investigation or other inquiry.
- 2-67 Q. "Jurisprudence Requirement" means the assessment of an
2-68 individual's knowledge of the laws and rules governing the Practice
2-69 of Cosmetology in a State.

3-1 R. "Licensing Authority" means a Member State's regulatory
3-2 body responsible for issuing Cosmetology licenses or otherwise
3-3 overseeing the Practice of Cosmetology in that State.

3-4 S. "Licensee" means an individual who currently holds an
3-5 authorization from a Member State to practice as a Cosmetologist.

3-6 T. "Member State" means any State that has adopted this
3-7 Compact.

3-8 U. "Multistate License" means a license to practice as a
3-9 Cosmetologist in all Member States issued by the Licensing
3-10 Authority of the Licensee's Home State pursuant to this Compact.

3-11 V. "Remote State" means any Member State, other than the
3-12 Licensee's Home State.

3-13 W. "Rule" means any rule or regulation promulgated by the
3-14 Commission under this Compact which has the force of law.

3-15 X. "Single-State License" means a Cosmetology license
3-16 issued by a Member State that authorizes practice of Cosmetology
3-17 only within the issuing state and does not include any
3-18 authorization outside of the issuing state.

3-19 Y. "State" means a state, territory, or possession of the
3-20 United States and the District of Columbia.

3-21 Z. "State Practice Laws" means a Member State's laws, rules,
3-22 and regulations that govern the Practice of Cosmetology, define the
3-23 scope of such practice, and create the methods and grounds for
3-24 imposing discipline.

3-25 ARTICLE 3- MEMBER STATE REQUIREMENTS

3-26 A. To be eligible to join this Compact, and to maintain
3-27 eligibility as a Member State, a State must:

3-28 1. License and regulate Cosmetology;

3-29 2. Have a mechanism or entity in place to receive and
3-30 investigate complaints about Licensees practicing in that state;

3-31 3. Require that Licensees within the State pass a
3-32 competency examination prior to being licensed to provide
3-33 Cosmetology Services to the public in that State;

3-34 4. Require that Licensees satisfy educational or
3-35 training requirements prior to being licensed to provide
3-36 Cosmetology Services to the public in that State;

3-37 5. Implement procedures for considering one or more of
3-38 the following categories of information from applicants for
3-39 licensure: criminal history; disciplinary history; or Background
3-40 Check. Such procedures may include the submission of information by
3-41 applicants for the purpose of obtaining an applicant's Background
3-42 Check as defined herein;

3-43 6. Participate in the Data System, including through
3-44 the use of unique identifying numbers;

3-45 7. Share information related to disciplinary actions
3-46 with the Commission and other Member States, both through the Data
3-47 System and otherwise;

3-48 8. Notify the Commission and other Member States, in
3-49 compliance with the terms of the Compact and Rules of the
3-50 Commission, of any Current Significant Investigative Information
3-51 in the State's possession regarding a Licensee practicing in that
3-52 State;

3-53 9. Comply with such Rules as may be enacted by the
3-54 Commission to administer the Compact; and

3-55 10. Accept Licensees from other Member States as
3-56 established herein.

3-57 B. Member States may charge a fee for granting a license to
3-58 practice Cosmetology.

3-59 C. Individuals not residing in a Member State shall continue
3-60 to be able to apply for a Member State's Single-State License as
3-61 provided under the laws of each Member State. However, the
3-62 Single-State License granted to these individuals shall not be
3-63 recognized as granting a Multistate License to provide services in
3-64 any other Member State.

3-65 D. Nothing in this Compact shall affect the requirements
3-66 established by a Member State for the issuance of a Single-State
3-67 License.

3-68 E. A Multistate License issued to a Licensee by a Home State
3-69 to a resident of that State shall be recognized by each Member State

4-1 as authorizing a Licensee to practice Cosmetology in each Member
4-2 State.

4-3 F. At no point shall the Commission have the power to define
4-4 the educational or professional requirements for a license to
4-5 practice Cosmetology. The Member States shall retain sole
4-6 jurisdiction over the provision of these requirements.

4-7 ARTICLE 4- MULTISTATE LICENSE PROGRAM

4-8 A. A Licensee who holds an active and unencumbered license
4-9 to practice Cosmetology in their Home State shall be entitled to
4-10 apply to their Home State's Licensing Authority for a Multistate
4-11 License.

4-12 B. Upon the receipt of an application for a Multistate
4-13 License for Cosmetology, according to the Rules of the Commission,
4-14 a Member State's Licensing Authority shall ascertain whether the
4-15 applicant meets the requirements for a Multistate License under
4-16 this Compact using any and all information available to the
4-17 Licensing Authority, including, but not limited to, information
4-18 uploaded to the Data System by the applicant's Home State.

4-19 C. If an applicant meets the requirements for a Multistate
4-20 License under this Compact and any Rules of the Commission, the
4-21 Licensing Authority in receipt of the application shall, within a
4-22 reasonable time, grant a Multistate License to that applicant, and
4-23 inform all Member States of the grant of said Multistate License.

4-24 D. A Multistate License to practice Cosmetology issued by a
4-25 Member State's Licensing Authority shall be recognized by each
4-26 Member State as authorizing the practice thereof as though that
4-27 Licensee held a Single-State License to do so in each Member State,
4-28 subject to the restrictions herein.

4-29 E. A Multistate License granted pursuant to this Compact may
4-30 be effective for a definite period of time, concurrent with renewal
4-31 of the Home State License.

4-32 F. To qualify for a Multistate License under this Compact,
4-33 and to maintain eligibility for such a license, an applicant must:

4-34 1. Hold an active, unencumbered license in the
4-35 applicant's Home State;

4-36 2. Be assigned and maintain a unique identifying
4-37 number, according to the Rules of the Commission;

4-38 3. Agree to abide by the rules and requirements of the
4-39 Licensing Authority, and the State Practice Laws, of any Member
4-40 State in which the applicant provides services;

4-41 4. Pay all required fees related to the application
4-42 and certification process, and any other fees which the Commission
4-43 may by Rule require; and

4-44 5. Comply with any and all other requirements
4-45 regarding Multistate Licenses which the Commission may by Rule
4-46 provide.

4-47 G. A Licensee providing services in a Member State must
4-48 comply with the State Practice Laws of the State in which the
4-49 services are provided, and all other applicable laws of that State.

4-50 H. The Practice of Cosmetology under a Multistate License
4-51 granted pursuant to this Compact will subject the Licensee to the
4-52 jurisdiction of the Licensing Authority, the courts, and the laws
4-53 of the Member State in which the Cosmetology Services are provided.

4-54 ARTICLE 5- OBTAINING A NEW HOME STATE LICENSE UNDER THE MULTISTATE
4-55 LICENSE

4-56 A. Under the Multistate Licensure Program in Article 4, a
4-57 Licensee may hold a Home State License in only one Member State at
4-58 any given time.

4-59 B. If a Licensee changes their Primary State of Residence by
4-60 moving between two Member States:

4-61 1. The Licensee shall file an application for
4-62 obtaining a new Home State License under the Multistate Licensure
4-63 Program pursuant to Article 4, pay all applicable fees, and notify
4-64 the current and new Home States in accordance with the Rules of the
4-65 Commission.

4-66 2. Upon receipt of an application for obtaining a new
4-67 Home State License under the Multistate Licensure Program, the new
4-68 Home State shall verify that the Licensee meets the criteria
4-69 outlined in Article 4 via the Data System, without the need for

5-1 primary source verification.

5-2 3. If required for initial licensure in that State, a
5-3 Member State may require an additional Background Check as
5-4 specified in the laws of that State, or the compliance with any
5-5 Jurisprudence Requirements of the new Home State.

5-6 4. A Licensee may hold a Multistate License, as issued
5-7 by their Home State, in only one Member State at a time.

5-8 5. If a Licensee holding a Multistate License changes
5-9 their primary state of residence by moving between two Member
5-10 States, the Licensee shall apply for licensure in the new Home
5-11 State, and the Multistate License issued by the prior Home State
5-12 will be deactivated in accordance with the applicable Rules adopted
5-13 by the Commission.

5-14 6. Notwithstanding any other provision of this
5-15 Compact, if a Licensee cannot meet the criteria set out in Article
5-16 4, then the new Home State shall use the applicable requirements for
5-17 a Single-State License in that State.

5-18 7. A Licensee shall pay all applicable fees to the new
5-19 Home State in order to be issued a new Home State license.

5-20 C. If a Licensee changes their Primary State of Residence by
5-21 moving from a Member State to a non-Member State, or from a
5-22 non-Member State to a Member State, then the State criteria shall
5-23 apply for the issuance of a Single-State License in the new Home
5-24 State.

5-25 D. Nothing in this Compact shall interfere with a Licensee's
5-26 ability to hold a Single-State License in multiple States; however,
5-27 for the purposes of this Compact, a Licensee shall have only one
5-28 Home State, and only one Multistate License.

5-29 E. Nothing in this Compact shall interfere with the
5-30 requirements established by a Member State for the issuance of a
5-31 Single-State License.

5-32 ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE
5-33 LICENSING AUTHORITIES

5-34 A. Nothing in this Compact, nor any Rule or regulation of
5-35 the Commission, shall be construed to limit, restrict, or in any way
5-36 reduce the ability of a Member State to enact and enforce laws,
5-37 regulations, or other rules related to the Practice of Cosmetology
5-38 in that State, where those laws, regulations, or other rules are not
5-39 inconsistent with the provisions of this Compact.

5-40 B. Insofar as practical, a Member State's Licensing
5-41 Authority shall cooperate with the Commission and with each entity
5-42 exercising independent regulatory authority over the Practice of
5-43 Cosmetology according to the provisions of this Compact.

5-44 C. Licensees operating in a Member State under a Multistate
5-45 License shall be subject to both the Rules and requirements of the
5-46 Commission and those of the Member State in which Cosmetology
5-47 Services are being provided.

5-48 D. An Adverse Action by a Member State's Licensing Authority
5-49 against a Licensee shall in no way limit another Member State's
5-50 authority to grant a Single-State License to that Licensee, or to
5-51 regulate such Single-State Licenses.

5-52 E. Discipline shall be the sole responsibility of the State
5-53 in which Cosmetology Services are provided. Accordingly, each
5-54 Member State's Licensing Authority shall be responsible for
5-55 receiving complaints about individuals practicing Cosmetology in
5-56 that State, and for communicating all relevant Investigative
5-57 Information about any such Adverse Action to the other Member
5-58 States through the Data System in addition to any other methods the
5-59 Commission may by Rule require.

5-60 ARTICLE 7- ADVERSE ACTIONS

5-61 A. A Licensee's Home State shall have exclusive power to
5-62 impose an Adverse Action against Licensee's Multistate License
5-63 issued by the Home State.

5-64 B. In addition to the powers conferred by state law, each
5-65 Member State's Licensing Authority shall have the power to:

5-66 1. Take Adverse Action against a Licensee's
5-67 Authorization to Practice Cosmetology through the Multistate
5-68 License in the Member State, provided that:

5-69 a. Only the Licensee's Home State shall have the

6-1 power to take Adverse Action against the license issued by the Home
6-2 State; and

6-3 b. For the purposes of taking Adverse Action, the
6-4 Home State's Licensing Authority shall give the same priority and
6-5 effect to reported conduct received from a Remote State as it would
6-6 if such conduct had occurred within the Home State. In so doing, the
6-7 Home State shall apply its own state laws to determine the
6-8 appropriate action.

6-9 2. Issue cease and desist orders or impose an
6-10 Encumbrance on a Licensee's Authorization to Practice within that
6-11 Member State.

6-12 3. Complete any pending investigations of a Licensee
6-13 who changes their Primary State of Residence during the course of
6-14 such an investigation. The Licensing Authority shall also be
6-15 empowered to report the results of such an investigation to the
6-16 Commission through the Data System as described herein.

6-17 4. Issue subpoenas for both hearings and
6-18 investigations that require the attendance and testimony of
6-19 witnesses, as well as the production of evidence. Subpoenas issued
6-20 by a Licensing Authority in a Member State for the attendance and
6-21 testimony of witnesses or the production of evidence from another
6-22 Member State shall be enforced in the latter state by any court of
6-23 competent jurisdiction, according to the practice and procedure of
6-24 that court applicable to subpoenas issued in proceedings before it.
6-25 The issuing Licensing Authority shall pay any witness fees, travel
6-26 expenses, mileage, and other fees required by the service statutes
6-27 of the State in which the witnesses or evidence are located.

6-28 5. If otherwise permitted by state law, recover from
6-29 the affected Licensee the costs of investigations and disposition
6-30 of cases resulting from any Adverse Action taken against that
6-31 Licensee.

6-32 6. Take Adverse Action based on the factual findings
6-33 of a Remote State, provided that the Licensing Authority follows
6-34 its own procedures for taking such Adverse Action.

6-35 C. A Licensee's Home State shall complete any pending
6-36 investigation(s) of a Cosmetologist who changes their Primary State
6-37 of Residence during the course of the investigation(s). The Home
6-38 State, shall also have the authority to take appropriate action(s)
6-39 and shall promptly report the conclusions of the investigations to
6-40 the Data System.

6-41 D. If an Adverse Action is taken by the Home State against
6-42 Licensee's Multistate License, the Licensee's Authorization to
6-43 Practice in all other Member States shall be deactivated until all
6-44 Encumbrances have been removed from the Home State license. All
6-45 Home State disciplinary orders that impose an Adverse Action
6-46 against a Licensee's Multistate License shall include a statement
6-47 that the Cosmetologist's Authorization to Practice is deactivated
6-48 in all Member States during the pendency of the order.

6-49 E. Nothing in this Compact shall override a Member State's
6-50 authority to accept a Licensee's participation in an Alternative
6-51 Program in lieu of Adverse Action. A Licensee's Multistate License
6-52 shall be suspended for the duration of the Licensee's participation
6-53 in any Alternative Program.

6-54 ARTICLE 8- ACTIVE DUTY MILITARY AND THEIR SPOUSES

6-55 Active Duty Military personnel, or their spouses, shall designate a
6-56 Home State where the individual has a current license in good
6-57 standing. The individual may retain their Home State designation
6-58 during any period of service when that individual is on active duty
6-59 assignment.

6-60 ARTICLE 9- ESTABLISHMENT OF THE COSMETOLOGY LICENSURE COMPACT
6-61 COMMISSION

6-62 A. The Compact Member States hereby create and establish a
6-63 joint government agency whose membership consists of all member
6-64 states that have enacted the compact known as the Cosmetology
6-65 Compact Commission. The Commission is an instrumentality of the
6-66 Compact States acting jointly and not an instrumentality of any one
6-67 state.

6-68 B. Membership, Voting, and Meetings

6-69 1. Each Member State shall have and be limited to one

- 7-1 (1) delegate selected by that Member State's State Licensing
7-2 Authority.
- 7-3 2. The delegate shall be an administrator of the
7-4 Licensing Authority of the Member State or their designee.
- 7-5 3. The Commission shall by Rule or bylaw establish a
7-6 term of office for delegates and may by Rule or bylaw establish term
7-7 limits.
- 7-8 4. The Commission may recommend removal or suspension
7-9 any delegate from office.
- 7-10 5. A Member State's State Licensing Authority shall
7-11 fill any vacancy of its delegate occurring on the Commission within
7-12 60 days of the vacancy.
- 7-13 6. Each delegate shall be entitled to one vote on all
7-14 matters before the Commission requiring a vote by Commission
7-15 delegates.
- 7-16 7. A delegate shall vote in person or by such other
7-17 means as provided in the bylaws. The bylaws may provide for
7-18 delegates to meet by telecommunication, videoconference, or other
7-19 means of communication.
- 7-20 8. The Commission shall meet at least once during each
7-21 calendar year. Additional meetings may be held as set forth in the
7-22 bylaws. The Commission may meet by telecommunication, video
7-23 conference or other similar electronic means.
- 7-24 C. The Commission shall have the following powers:
- 7-25 1. Establish the fiscal year of the Commission;
7-26 2. Establish code of conduct and conflict of interest
7-27 policies;
- 7-28 3. Establish and amend Rules and bylaws;
7-29 4. Maintain its financial records in accordance with
7-30 the bylaws;
- 7-31 5. Meet and take such actions as are consistent with
7-32 the provisions of this Compact, the Commission's Rules, and the
7-33 bylaws;
- 7-34 6. Initiate and conclude legal proceedings or actions
7-35 in the name of the Commission, provided that the standing of any
7-36 State Licensing Board to sue or be sued under applicable law shall
7-37 not be affected;
- 7-38 7. Purchase and maintain insurance and bonds;
7-39 8. Borrow, accept, or contract for services of
7-40 personnel, including, but not limited to, employees of a Member
7-41 State;
- 7-42 9. Conduct an annual financial review
7-43 10. Hire employees, elect or appoint officers, fix
7-44 compensation, define duties, grant such individuals appropriate
7-45 authority to carry out the purposes of the Compact, and establish
7-46 the Commission's personnel policies and programs relating to
7-47 conflicts of interest, qualifications of personnel, and other
7-48 related personnel matters;
- 7-49 11. Assess and collect fees;
7-50 12. Accept any and all appropriate gifts, donations,
7-51 grants of money, other sources of revenue, equipment, supplies,
7-52 materials, and services, and to receive, utilize, and dispose of
7-53 the same; provided that at all times the Commission shall avoid any
7-54 appearance of impropriety or conflict of interest;
- 7-55 13. Lease, purchase, retain, own, hold, improve, or
7-56 use any property, real, personal, or mixed, or any undivided
7-57 interest therein;
- 7-58 14. Sell, convey, mortgage, pledge, lease, exchange,
7-59 abandon, or otherwise dispose of any property real, personal, or
7-60 mixed;
- 7-61 15. Establish a budget and make expenditures;
7-62 16. Borrow money;
- 7-63 17. Appoint committees, including standing
7-64 committees, composed of members, State regulators, State
7-65 legislators or their representatives, and consumer
7-66 representatives, and such other interested persons as may be
7-67 designated in this Compact and the bylaws;
- 7-68 18. Provide and receive information from, and
7-69 cooperate with, law enforcement agencies;

8-1 19. Establish and elect an Executive Committee,
8-2 including a chair and a vice chair;
8-3 20. Determine whether a State's adopted language is
8-4 materially different from the model compact language such that the
8-5 State would not qualify for participation in the Compact; and
8-6 21. Perform such other functions as may be necessary
8-7 or appropriate to achieve the purposes of this Compact.
8-8 D. The Executive Committee
8-9 1. The Executive Committee shall have the power to act
8-10 on behalf of the Commission according to the terms of this Compact.
8-11 The powers, duties, and responsibilities of the Executive Committee
8-12 shall include:
8-13 a. Oversee the day-to-day activities of the
8-14 administration of the compact including enforcement and compliance
8-15 with the provisions of the compact, its Rules and bylaws, and other
8-16 such duties as deemed necessary;
8-17 b. Recommend to the Commission changes to the
8-18 Rules or bylaws, changes to this Compact legislation, fees charged
8-19 to Compact Member States, fees charged to licensees, and other
8-20 fees;
8-21 c. Ensure Compact administration services are
8-22 appropriately provided, including by contract;
8-23 d. Prepare and recommend the budget;
8-24 e. Maintain financial records on behalf of the
8-25 Commission;
8-26 f. Monitor Compact compliance of Member States
8-27 and provide compliance reports to the Commission;
8-28 g. Establish additional committees as necessary;
8-29 h. Exercise the powers and duties of the
8-30 Commission during the interim between Commission meetings, except
8-31 for adopting or amending Rules, adopting or amending bylaws, and
8-32 exercising any other powers and duties expressly reserved to the
8-33 Commission by Rule or bylaw; and
8-34 i. Other duties as provided in the Rules or
8-35 bylaws of the Commission.
8-36 2. The Executive Committee shall be composed of seven
8-37 members:
8-38 a. The chair and vice chair of the Commission
8-39 shall be voting members of the Executive Committee; and
8-40 b. The Commission shall elect seven voting
8-41 members from the current membership of the Commission.
8-42 c. The Commission may elect ex-officio,
8-43 nonvoting members from a recognized national Cosmetology
8-44 professional association as approved by the Commission. The
8-45 Commission's bylaws shall identify qualifying organizations and
8-46 the manner of appointment if the number of organizations seeking to
8-47 appoint an ex officio member exceeds the number of members
8-48 specified in this section.
8-49 3. The Commission may remove any member of the
8-50 Executive Committee as provided in the Commission's bylaws.
8-51 4. The Executive Committee shall meet at least
8-52 annually.
8-53 a. Executive Committee meetings shall be open to
8-54 the public, except that the Executive Committee may meet in a
8-55 closed, non-public meeting as provided in subsection E.2 below.
8-56 b. The Executive Committee shall give ten days'
8-57 notice of its meetings, posted on its website and as determined to
8-58 provide notice to persons with an interest in the business of the
8-59 Commission.
8-60 c. The Executive Committee may hold a special
8-61 meeting in accordance with subsection E.1.b. below.
8-62 E. The Commission shall adopt and provide to the Member
8-63 States an annual report.
8-64 F. Meetings of the Commission
8-65 1. All meetings shall be open to the public, except
8-66 that the Commission may meet in a closed, non-public meeting as
8-67 provided in subsection F.2 below.
8-68 a. Public notice for all meetings of the full
8-69 Commission of meetings shall be given in the same manner as required

9-1 under the Rulemaking provisions in Section 11, except that the
9-2 Commission may hold a special meeting as provided in subsection
9-3 F.1.b below.

9-4 b. The Commission may hold a special meeting when
9-5 it must meet to conduct emergency business by giving [24, 48, or
9-6 other] hours' notice to all commissioners, on the Commission's
9-7 website, and other means as provided in the Commission's rules. The
9-8 Commission's legal counsel shall certify that the Commission's need
9-9 to meet qualifies as an emergency.

9-10 2. The Commission or the Executive Committee or other
9-11 committees of the Commission may convene in a closed, non-public
9-12 meeting for the Commission or Executive Committee or other
9-13 committees of the Commission to receive legal advice or to discuss:

9-14 a. Non-compliance of a Member State with its
9-15 obligations under the Compact;

9-16 b. The employment, compensation, discipline or
9-17 other matters, practices or procedures related to specific
9-18 employees;

9-19 c. Current or threatened discipline of a Licensee
9-20 or by the Commission or by a Member State's Licensing Board;

9-21 d. Current, threatened, or reasonably
9-22 anticipated litigation;

9-23 e. Negotiation of contracts for the purchase,
9-24 lease, or sale of goods, services, or real estate;

9-25 f. Accusing any person of a crime or formally
9-26 censuring any person;

9-27 g. Trade secrets or commercial or financial
9-28 information that is privileged or confidential;

9-29 h. Information of a personal nature where
9-30 disclosure would constitute a clearly unwarranted invasion of
9-31 personal privacy;

9-32 i. Investigative records compiled for law
9-33 enforcement purposes;

9-34 j. Information related to any investigative
9-35 reports prepared by or on behalf of or for use of the Commission or
9-36 other committee charged with responsibility of investigation or
9-37 determination of compliance issues pursuant to the Compact;

9-38 k. Matters specifically exempted from disclosure
9-39 by federal or Member State law; or

9-40 l. Other matters as promulgated by the Commission
9-41 by Rule.

9-42 3. If a meeting, or portion of a meeting, is closed,
9-43 the presiding officer shall state that the meeting will be closed
9-44 and reference each relevant exempting provision, and such reference
9-45 shall be recorded in the minutes.

9-46 4. The Commission shall keep minutes that fully and
9-47 clearly describe all matters discussed in a meeting and shall
9-48 provide a full and accurate summary of actions taken, and the
9-49 reasons therefore, including a description of the views expressed.
9-50 All documents considered in connection with an action shall be
9-51 identified in such minutes. All minutes and documents of a closed
9-52 meeting shall remain under seal, subject to release only by a
9-53 majority vote of the Commission or order of a court of competent
9-54 jurisdiction.

9-55 G. Financing of the Commission

9-56 1. The Commission shall pay, or provide for the
9-57 payment of, the reasonable expenses of its establishment,
9-58 organization, and ongoing activities.

9-59 2. The Commission may accept any and all appropriate
9-60 revenue sources as provided in C(12).

9-61 3. The Commission may levy on and collect an annual
9-62 assessment from each Member State and impose fees on licensees of
9-63 Member States to whom it grants a Multistate License to cover the
9-64 cost of the operations and activities of the Commission and its
9-65 staff, which must be in a total amount sufficient to cover its
9-66 annual budget as approved each year for which revenue is not
9-67 provided by other sources. The aggregate annual assessment amount
9-68 for Member States shall be allocated based upon a formula that the
9-69 Commission shall promulgate by Rule.

10-1 4. The Commission shall not incur obligations of any
 10-2 kind prior to securing the funds adequate to meet the same; nor
 10-3 shall the Commission pledge the credit of any of the Member States,
 10-4 except by and with the authority of the Member State.

10-5 5. The Commission shall keep accurate accounts of all
 10-6 receipts and disbursements. The receipts and disbursements of the
 10-7 Commission shall be subject to the financial review and accounting
 10-8 procedures established under its bylaws. However, all receipts and
 10-9 disbursements of funds handled by the Commission shall be subject
 10-10 to an annual financial review by a certified or licensed public
 10-11 accountant, and the report of the financial review shall be
 10-12 included in and become part of the annual report of the Commission.

10-13 H. Qualified Immunity, Defense, and Indemnification

10-14 1. The members, officers, executive director,
 10-15 employees and representatives of the Commission shall be immune
 10-16 from suit and liability, both personally and in their official
 10-17 capacity, for any claim for damage to or loss of property or
 10-18 personal injury or other civil liability caused by or arising out of
 10-19 any actual or alleged act, error, or omission that occurred, or that
 10-20 the person against whom the claim is made had a reasonable basis for
 10-21 believing occurred within the scope of Commission employment,
 10-22 duties or responsibilities; provided that nothing in this paragraph
 10-23 shall be construed to protect any such person from suit or liability
 10-24 for any damage, loss, injury, or liability caused by the
 10-25 intentional or willful or wanton misconduct of that person. The
 10-26 procurement of insurance of any type by the Commission shall not in
 10-27 any way compromise or limit the immunity granted hereunder.

10-28 2. The Commission shall defend any member, officer,
 10-29 executive director, employee, and representative of the Commission
 10-30 in any civil action seeking to impose liability arising out of any
 10-31 actual or alleged act, error, or omission that occurred within the
 10-32 scope of Commission employment, duties, or responsibilities, or as
 10-33 determined by the commission that the person against whom the claim
 10-34 is made had a reasonable basis for believing occurred within the
 10-35 scope of Commission employment, duties, or responsibilities;
 10-36 provided that nothing herein shall be construed to prohibit that
 10-37 person from retaining their own counsel at their own expense; and
 10-38 provided further, that the actual or alleged act, error, or
 10-39 omission did not result from that person's intentional or willful
 10-40 or wanton misconduct.

10-41 3. The Commission shall indemnify and hold harmless
 10-42 any member, officer, executive director, employee, and
 10-43 representative of the Commission for the amount of any settlement
 10-44 or judgment obtained against that person arising out of any actual
 10-45 or alleged act, error, or omission that occurred within the scope of
 10-46 Commission employment, duties, or responsibilities, or that such
 10-47 person had a reasonable basis for believing occurred within the
 10-48 scope of Commission employment, duties, or responsibilities,
 10-49 provided that the actual or alleged act, error, or omission did not
 10-50 result from the intentional or willful or wanton misconduct of that
 10-51 person.

10-52 4. Nothing herein shall be construed as a limitation
 10-53 on the liability of any licensee for professional malpractice or
 10-54 misconduct, which shall be governed solely by any other applicable
 10-55 state laws.

10-56 5. Nothing in this Compact shall be interpreted to
 10-57 waive or otherwise abrogate a Member State's state action immunity
 10-58 or state action affirmative defense with respect to antitrust
 10-59 claims under the Sherman Act, Clayton Act, or any other state or
 10-60 federal antitrust or anticompetitive law or regulation.

10-61 6. Nothing in this Compact shall be construed to be a
 10-62 waiver of sovereign immunity by the Member States or by the
 10-63 Commission.

10-64 ARTICLE 10- DATA SYSTEM

10-65 A. The Commission shall provide for the development,
 10-66 maintenance, operation, and utilization of a coordinated database
 10-67 and reporting system containing licensure, Adverse Action, and the
 10-68 presence of Current Significant Investigative Information on all
 10-69 licensed individuals in Member States.

11-1 B. Notwithstanding any other provision of State law to the
11-2 contrary, a Member State shall submit a uniform data set to the Data
11-3 System on all individuals to whom this Compact is applicable as
11-4 required by the Rules of the Commission, including:
11-5 1. Identifying information;
11-6 2. Licensure data;
11-7 3. Adverse Actions against a license or Privilege to
11-8 Practice [and information related thereto];
11-9 4. Non-confidential information related to
11-10 Alternative Program participation, the beginning and ending dates
11-11 of such participation, and other information related to such
11-12 participation not made confidential under Member State law;
11-13 5. Any denial of application for licensure, and the
11-14 reason(s) for such denial;
11-15 6. The presence of Current Significant Investigative
11-16 Information; and
11-17 7. Other information that may facilitate the
11-18 administration of this Compact or the protection of the public, as
11-19 determined by the Rules of the Commission.

11-20 C. The information contained in the data system shall be
11-21 considered authentic and not hearsay in any civil action involving
11-22 the Commission when accompanied by a certification by the
11-23 Commission's data system manager concerning the authenticity of the
11-24 data.

11-25 D. Current Significant Investigative Information and
11-26 Investigative Information pertaining to a Licensee in any Member
11-27 State will only be available to other Member States.

11-28 E. It is the responsibility of the Member States to report
11-29 any Adverse Action against a Licensee. Adverse Action information
11-30 pertaining to a Licensee in any Member State will be available to
11-31 any other Member State.

11-32 F. Member States contributing information to the Data
11-33 System may designate information that may not be shared with the
11-34 public without the express permission of the contributing State.

11-35 G. Any information submitted to the Data System that is
11-36 subsequently expunged pursuant to federal law or the laws of the
11-37 Member State contributing the information shall be removed from the
11-38 Data System.

11-39 ARTICLE 11- RULEMAKING

11-40 A. The Commission shall promulgate reasonable Rules in
11-41 order to effectively and efficiently implement and administer the
11-42 purposes and provisions of the Compact. In addition to any other
11-43 applicable standard of review, in the event a court of competent
11-44 jurisdiction holds that the Commission exercised its Rulemaking
11-45 authority in a manner that is beyond the scope of the purposes of
11-46 the Compact, or the powers granted hereunder, then such an action by
11-47 the Commission shall be invalid and have no force or effect.

11-48 B. The Rules of the Commission shall have the force of law in
11-49 each Member State, provided however that where the Rules of the
11-50 Commission conflict with the State Practice Laws of a Member State
11-51 as held by a court of competent jurisdiction, the Rules of the
11-52 Commission shall be ineffective in that State to the extent of the
11-53 conflict.

11-54 C. The Commission shall exercise its Rulemaking powers
11-55 pursuant to the criteria set forth in this Section and the Rules
11-56 adopted thereunder. Rules and amendments shall become binding as of
11-57 the date specified in each Rule or amendment.

11-58 D. If a majority of the legislatures of the Member States
11-59 rejects a Rule or portion of a Rule, by enactment of a statute or
11-60 resolution in the same manner used to adopt the Compact within four
11-61 (4) years of the date of adoption of the Rule, then such Rule shall
11-62 have no further force and effect in any Member State.

11-63 E. Rules or amendments to the Rules shall be adopted at a
11-64 regular or special meeting of the Commission.

11-65 F. Prior to adoption of a proposed Rule, the Commission
11-66 shall hold a public hearing and allow persons to give oral testimony
11-67 and submit written data, facts, opinions, and arguments.

11-68 G. Prior to adoption of a proposed Rule by the Commission,
11-69 and at least thirty (30) days in advance of the meeting at which the

12-1 Commission will hold a public hearing on the proposed Rule, the
12-2 Commission shall provide a Notice of Proposed Rulemaking:
12-3 1. On the website of the Commission or other publicly
12-4 accessible platform;
12-5 2. To persons who have requested notice of the
12-6 Commission's notices of proposed rulemaking, and
12-7 3. In such other way(s) as the Commission may by Rule
12-8 specify.
12-9 H. The Notice of Proposed Rulemaking shall include:
12-10 1. The time, date, and location of the public hearing
12-11 at which the Commission will hear testimony on the proposed Rule
12-12 and, if different, the time, date, and location of the meeting where
12-13 the Commission will consider and vote on the proposed Rule;
12-14 2. If the hearing is held via telecommunication, video
12-15 conference, or other electronic means, the Commission shall include
12-16 the mechanism for access to the hearing in the Notice of Proposed
12-17 Rulemaking;
12-18 3. The text of the proposed Rule and the reason
12-19 therefor;
12-20 4. A request for comments on the proposed Rule from any
12-21 interested person; and
12-22 5. The manner in which interested persons may submit
12-23 written comments.
12-24 I. Prior to adoption of a proposed Rule, the Commission
12-25 shall allow persons to submit written data, facts, opinions, and
12-26 arguments, which shall be made available to the public.
12-27 J. The Commission shall grant an opportunity for a public
12-28 hearing before it adopts a Rule or amendment if a hearing is
12-29 requested by:
12-30 1. At least twenty-five (25) persons;
12-31 2. A State or federal governmental subdivision or
12-32 agency; or
12-33 3. An association or organization having at least
12-34 twenty-five (25) members.
12-35 K. If a hearing is held on the proposed Rule or amendment,
12-36 the Commission shall publish the place, time, and date of the
12-37 scheduled public hearing. If the hearing is held via electronic
12-38 means, the Commission shall publish the mechanism for access to the
12-39 electronic hearing.
12-40 1. All persons wishing to be heard at the hearing shall
12-41 notify the executive director of the Commission or other designated
12-42 member in writing of their desire to appear and testify at the
12-43 hearing not less than five (5) business days before the scheduled
12-44 date of the hearing.
12-45 2. Hearings shall be conducted in a manner providing
12-46 each person who wishes to comment a fair and reasonable opportunity
12-47 to commend orally or in writing.
12-48 3. All hearings will be recorded. A copy of the
12-49 recording will be made available on request.
12-50 4. Nothing in this section shall be construed as
12-51 requiring a separate hearing on each Rule. Rules may be grouped for
12-52 the convenience of the Commission at hearings required by this
12-53 section.
12-54 L. Following the scheduled hearing date, or by the close of
12-55 business on the scheduled hearing date if the hearing was not held,
12-56 the Commission shall consider all written and oral comments
12-57 received.
12-58 M. If no written notice of intent to attend the public
12-59 hearing by interested parties is received, the Commission may
12-60 proceed with promulgation of the proposed Rule without a public
12-61 hearing.
12-62 N. The Commission shall, by majority vote of all members,
12-63 take final action on the proposed Rule and shall determine the
12-64 effective date of the Rule, if any, based on the Rulemaking record
12-65 and the full text of the Rule.
12-66 O. Upon determination that an emergency exists, the
12-67 Commission may consider and adopt an emergency Rule without prior
12-68 notice, opportunity for comment, or hearing, provided that the
12-69 usual Rulemaking procedures provided in the Compact and in this

13-1 Article shall be retroactively applied to the Rule as soon as
 13-2 reasonably possible, in no event later than ninety (90) days after
 13-3 the effective date of the Rule. For the purposes of this provision,
 13-4 an emergency Rule is one that must be adopted immediately in order
 13-5 to:

- 13-6 1. Meet an imminent threat to public health, safety,
 13-7 or welfare;
- 13-8 2. Prevent a loss of Commission or Member State funds;
- 13-9 3. Meet a deadline for the promulgation of an
 13-10 administrative Rule that is established by federal law or Rule; or
- 13-11 4. Protect public health and safety.

13-12 P. The Commission or authorized committee of the Commission
 13-13 may direct revisions to a previously adopted Rule or amendment for
 13-14 purposes of correcting typographical errors, errors in format,
 13-15 errors in consistency, or grammatical errors. Public notice of any
 13-16 revisions shall be posted on the website of the Commission. The
 13-17 revision shall be subject to challenge by any person for a period of
 13-18 thirty (30) days after posting. The revision may be challenged only
 13-19 on grounds that the revision results in a material change to a Rule.
 13-20 A challenge shall be made in writing and delivered to the chair of
 13-21 the Commission prior to the end of the notice period. If not
 13-22 challenge is made, the revision will take effect without further
 13-23 action. If the revision is challenged, the revision may not take
 13-24 effect with the approval of the Commission.

13-25 ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

13-26 A. Oversight

13-27 1. The executive, legislative, and judicial branches
 13-28 of State government in each Member State shall enforce this Compact
 13-29 and take all actions necessary and appropriate to effectuate the
 13-30 Compact's purposes and intent. The provisions of this Compact and
 13-31 the Rules promulgated hereunder shall have standing as statutory
 13-32 law.

13-33 2. All courts shall take judicial notice of the
 13-34 Compact and the Rules in any judicial or administrative proceeding
 13-35 in a Member State pertaining to the subject matter of this Compact
 13-36 which may affect the powers, responsibilities, or actions of the
 13-37 Commission.

13-38 3. The Commission shall be entitled to receive service
 13-39 of process in any such proceeding, and shall have standing to
 13-40 intervene in such a proceeding for all purposes. Failure to provide
 13-41 service of process to the Commission shall render a judgment or
 13-42 order void as to the Commission, this Compact, or promulgated
 13-43 Rules.

13-44 B. Default, Technical Assistance, and Termination

13-45 1. If the Commission determines that a Member State
 13-46 has defaulted in the performance of its obligations or
 13-47 responsibilities under this Compact or the promulgated Rules, the
 13-48 Commission shall:

13-49 a. Provide written notice to the defaulting State
 13-50 and other Member States of the nature of the default, the proposed
 13-51 means or curing the default and any other action to be taken by the
 13-52 Commission; and

13-53 b. Provide remedial training and specific
 13-54 technical assistance regarding the default.

13-55 2. If a State in default fails to cure the default, the
 13-56 defaulting State may be terminated from this Compact upon an
 13-57 affirmative vote of a majority of the Member States, and all rights,
 13-58 privileges and benefits conferred by this Compact may be terminated
 13-59 on the effective date of termination. A cure of the default does not
 13-60 relieve the offending State of obligations or liabilities incurred
 13-61 during the period of default.

13-62 3. Termination of membership in the Compact shall be
 13-63 imposed only after all other means of securing compliance have been
 13-64 exhausted. Notice of intent to suspend or terminate shall be given
 13-65 by the Commission to the governor, the majority and minority
 13-66 leaders of the defaulting State's legislature, and each of the
 13-67 Member States.

13-68 4. A State that has been terminated is responsible for
 13-69 all assessments, obligations, and liabilities incurred through the

14-1 effective date of termination, including obligations that extend
 14-2 beyond the effective date of termination.

14-3 5. The Commission shall not bear any costs related to a
 14-4 State that is found to be in default or that has been terminated
 14-5 from the Compact, unless agreed upon in writing between the
 14-6 Commission and the defaulting State.

14-7 6. The defaulting State may appeal the action of the
 14-8 Commission by petitioning the U.S. District Court for the District
 14-9 of Columbia or the federal district where the Commission has its
 14-10 principal offices. The prevailing member shall be awarded all costs
 14-11 of such litigation, including attorney's fees.

14-12 C. Dispute Resolution

14-13 1. Upon request by a Member State, the Commission
 14-14 shall attempt to resolve disputes related to the Compact that arise
 14-15 among Member States and between member and non-member States.

14-16 2. The Commission shall promulgate a Rule providing
 14-17 for both mediation and binding dispute resolution for disputes as
 14-18 appropriate.

14-19 D. Enforcement

14-20 1. The Commission, in the reasonable exercise of its
 14-21 discretion, shall enforce the provisions and Rules of this Compact.

14-22 2. By majority vote, the Commission may initiate legal
 14-23 action in the United States District Court for the District of
 14-24 Columbia or the federal district where the Commission has its
 14-25 principal offices against a Member State in default to enforce
 14-26 compliance with the provisions of the Compact and its promulgated
 14-27 Rules and bylaws. The relief sought may include both injunctive
 14-28 relief and damages. In the event judicial enforcement is necessary,
 14-29 the prevailing member shall be awarded costs of such litigation,
 14-30 including attorney's fees.

14-31 3. The remedies herein shall not be the exclusive
 14-32 remedies of the Commission. The Commission may pursue any other
 14-33 remedies available under federal or State law.

14-34 ARTICLE 13- DATE OF IMPLEMENTATION OF THE COSMETOLOGY LICENSURE
 14-35 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

14-36 A. The Compact shall come into effect on the date on which
 14-37 the Compact statute is enacted into law in the tenth Member State.
 14-38 The provisions, which become effective at that time, shall be
 14-39 limited to the powers granted to the Commission relating to
 14-40 assembly and the promulgation or Rules. Thereafter, the Commission
 14-41 shall meet and exercise Rulemaking powers necessary to the
 14-42 implementation and administration of this Compact.

14-43 B. Any State that joins the Compact subsequent to the
 14-44 Commission's initial adoption of the Rules shall be subject to the
 14-45 Rules as they exist on the date on which the Compact becomes law in
 14-46 that State. Any Rule that has been previously adopted by the
 14-47 Commission shall have the full force and effect of law on the day
 14-48 the Compact becomes law in that State.

14-49 C. Any Member State may withdraw from this Compact by
 14-50 enacting a statute repealing the same.

14-51 1. A Member State's withdrawal shall not take effect
 14-52 until six (6) months after the enactment of the repealing statute.

14-53 2. Withdrawal shall not affect the continuing
 14-54 requirement of the withdrawing State's Licensing Authority to
 14-55 comply with the investigative and Adverse Action reporting
 14-56 requirements of this Compact prior to the effective date of
 14-57 withdrawal.

14-58 D. Nothing contained in this Compact shall be construed to
 14-59 invalidate or prevent any Cosmetology licensure agreement or other
 14-60 cooperative agreement between a Member State and a non-member State
 14-61 that does not conflict with the provisions of this Compact.

14-62 E. This Compact may be amended by the Member States. No
 14-63 amendment to this Compact shall become effective and binding upon
 14-64 any Member State until it is enacted into the laws of all Member
 14-65 States.

14-66 ARTICLE 14- CONSTRUCTION AND SEVERABILITY

14-67 This Compact shall be liberally construed so as to effectuate the
 14-68 purposes thereof. The provisions of this Compact shall be severable
 14-69 and if any phrase, clause, sentence, or provision of this Compact is

15-1 declared to be contrary to the constitution of any Member State or
15-2 of the United States or the applicability thereof to any
15-3 government, agency, person, or circumstance is held invalid, the
15-4 validity of the remainder of this Compact and the applicability
15-5 thereof to any government, agency, person, or circumstance shall
15-6 not be affected thereby. If this Compact shall be held contrary to
15-7 the constitution of any Member State, the Compact shall remain in
15-8 full force and effect as to the remaining Member States and in full
15-9 force and effect as to the Member State affected as to all severable
15-10 matters.

15-11 ARTICLE 15- BINDING EFFECT OF COMPACT AND OTHER LAWS

15-12 A. A Licensee providing Cosmetology Services in a Remote
15-13 State under a Multistate License shall function within the laws and
15-14 regulations of the Remote State.

15-15 B. Nothing herein prevents the enforcement of any other law
15-16 of a Member State that is not inconsistent with this Compact.

15-17 C. Any laws in a Member State in conflict with this Compact
15-18 are superseded to the extent of the conflict.

15-19 D. Any lawful actions by the Commission, including all Rules
15-20 and bylaws promulgated by the Commission, are binding upon the
15-21 Member States.

15-22 E. All agreements between the Commission and the Member
15-23 States are binding in accordance with their terms.

15-24 F. In the event any provision of the Compact exceeds the
15-25 constitutional limits imposed on the legislature of any Member
15-26 State, the provision shall be ineffective to the extent of the
15-27 conflict with the constitutional provision in question in that
15-28 Member State.

15-29 * * * * *