

## All Published Pre-filed Amendments for HB 705

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**Wilson**

Barcode

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Amendment

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**The following amendment was  
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FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Wilson

1 Amend H.B. No. 705 (house committee report) by striking all  
2 below the enacting clause and substituting the following:

3 SECTION 1. Title 9, Occupations Code, is amended by adding  
4 Chapter 1604 to read as follows:

5 CHAPTER 1604. COSMETOLOGY LICENSURE COMPACT

6 Sec. 1604.001. COSMETOLOGY LICENSURE COMPACT. The  
7 Cosmetology Licensure Compact is enacted and entered into with all  
8 other jurisdictions that legally join the compact, which reads as  
9 follows:

10 COSMETOLOGY LICENSURE COMPACT

11 ARTICLE 1- PURPOSE

12 The purpose of this Compact is to facilitate the interstate  
13 practice and regulation of Cosmetology with the goal of improving  
14 public access to, and the safety of, Cosmetology Services and  
15 reducing unnecessary burdens related to Cosmetology licensure.  
16 Through this Compact, the Member States seek to establish a  
17 regulatory framework which provides for a new multistate licensing  
18 program. Through this new licensing program, the Member States  
19 seek to provide increased value and mobility to licensed  
20 Cosmetologists in the Member States, while ensuring the provision  
21 of safe, effective, and reliable services to the public.

22 This Compact is designed to achieve the following objectives, and  
23 the Member States hereby ratify the same intentions by subscribing  
24 hereto:

25 A. Provide opportunities for interstate practice by Cosmetologists  
26 who meet uniform requirements for multistate licensure;

27 B. Enhance the abilities of Member States to protect public health  
28 and safety, and prevent fraud and unlicensed activity within the  
29 profession;

- 1 C. Ensure and encourage cooperation between Member States in the  
2 licensure and regulation of the Practice of Cosmetology;  
3 D. Support relocating military members and their spouses;  
4 E. Facilitate the exchange of information between Member States  
5 related to the licensure, investigation, and discipline of the  
6 Practice of Cosmetology;  
7 F. Provide for the licensure and mobility of the workforce in the  
8 profession, while addressing the shortage of workers and  
9 lessening the associated burdens on the Member States.

10 ARTICLE 2- DEFINITIONS

11 As used in this Compact, and except as otherwise provided, the  
12 following definitions shall govern the terms herein:

13 A. "Active Military Member" means any person with full-time duty  
14 status in the armed forces of the United States, including  
15 members of the National Guard and Reserve.

16 B. "Adverse Action" means any administrative, civil, equitable, or  
17 criminal action permitted by a Member State's laws which is  
18 imposed by a State Licensing Authority or other regulatory body  
19 against a Cosmetologist, including actions against an  
20 individual's license or Authorization to Practice such as  
21 revocation, suspension, probation, monitoring of the Licensee,  
22 limitation of the Licensee's practice, or any other Encumbrance  
23 on a license affecting an individual's ability to participate in  
24 the Cosmetology industry, including the issuance of a cease and  
25 desist order.

26 C. "Authorization to Practice" means a legal authorization  
27 associated with a Multistate License permitting the Practice of  
28 Cosmetology in that Remote State, which shall be subject to the  
29 enforcement jurisdiction of the State Licensing Authority in  
30 that Remote State.

31 D. "Alternative Program" means a non-disciplinary monitoring or

1 prosecutorial diversion program approved by a Member State's  
2 State Licensing Authority.

3 E. "Background Check" means the submission of information for an  
4 applicant for the purpose of obtaining that applicant's criminal  
5 history record information, as further defined in 28 C.F.R. §  
6 20.3(d), from the Federal Bureau of Investigation and the agency  
7 responsible for retaining State criminal or disciplinary history  
8 in the applicant's Home State.

9 F. "Charter Member State" means Member States who have enacted  
10 legislation to adopt this Compact where such legislation  
11 predates the effective date of this Compact as defined in Article  
12 13.

13 G. "Commission" means the government agency whose membership  
14 consists of all States that have enacted this Compact, which is  
15 known as the Cosmetology Licensure Compact Commission, as  
16 defined in Article 9, and which shall operate as an  
17 instrumentality of the Member States.

18 H. "Cosmetologist" means an individual licensed in their Home State  
19 to practice Cosmetology.

20 I. "Cosmetology", "Cosmetology Services", and the "Practice of  
21 Cosmetology" mean the care and services provided by a  
22 Cosmetologist as set forth in the Member State's statutes and  
23 regulations in the State where the services are being provided.

24 J. "Current Significant Investigative Information" means:

- 25 1. Investigative Information that a State Licensing  
26 Authority, after an inquiry or investigation that  
27 complies with a Member State's due process  
28 requirements, has reason to believe is not groundless  
29 and, if proved true, would indicate a violation of that  
30 State's laws regarding fraud or the Practice of  
31 Cosmetology; or

1           2. Investigative Information that indicates that a  
2           Licensee has engaged in fraud or represents an  
3           immediate threat to public health and safety,  
4           regardless of whether the Licensee has been notified  
5           and had an opportunity to respond.

6   K. "Data System" means a repository of information about Licensees,  
7   including, but not limited to, license status, Investigative  
8   Information, and Adverse Actions.

9   L. "Disqualifying Event" means any event which shall disqualify an  
10   individual from holding a Multistate License under this Compact,  
11   which the Commission may by Rule or order specify.

12   M. "Encumbered License" means a license in which an Adverse Action  
13   restricts the Practice of Cosmetology by a Licensee, or where  
14   said Adverse Action has been reported to the Commission.

15   N. "Encumbrance" means a revocation or suspension of, or any  
16   limitation on, the full and unrestricted Practice of Cosmetology  
17   by a State Licensing Authority.

18   O. "Executive Committee" means a group of delegates elected or  
19   appointed to act on behalf of, and within the powers granted to  
20   them by, the Commission.

21   P. "Home State" means the Member State which is a Licensee's  
22   primary State of residence, and where that Licensee holds an  
23   active and unencumbered license to practice Cosmetology.

24   Q. "Investigative Information" means information, records, or  
25   documents received or generated by a State Licensing Authority  
26   pursuant to an investigation or other inquiry.

27   R. "Jurisprudence Requirement" means the assessment of an  
28   individual's knowledge of the laws and rules governing the  
29   Practice of Cosmetology in a State.

30   S. "Licensee" means an individual who currently holds a license  
31   from a Member State to practice as a Cosmetologist.

- 1 T. "Member State" means any State that has adopted this Compact.
- 2 U. "Multistate License" means a license issued by and subject to  
3 the enforcement jurisdiction of the State Licensing Authority in  
4 a Licensee's Home State, which authorizes the Practice of  
5 Cosmetology in Member States and includes Authorizations to  
6 Practice Cosmetology in all Remote States pursuant to this  
7 Compact.
- 8 V. "Remote State" means any Member State, other than the Licensee's  
9 Home State.
- 10 W. "Rule" means any rule or regulation promulgated by the  
11 Commission under this Compact which has the force of law.
- 12 X. "Single-State License" means a Cosmetology license issued by a  
13 Member State that authorizes practice of Cosmetology only within  
14 the issuing State and does not include any authorization outside  
15 of the issuing State.
- 16 Y. "State" means a State, territory, or possession of the United  
17 States and the District of Columbia.
- 18 Z. "State Licensing Authority" means a Member State's regulatory  
19 body responsible for issuing Cosmetology licenses or otherwise  
20 overseeing the Practice of Cosmetology in that State.

21 ARTICLE 3- MEMBER STATE REQUIREMENTS

22 A. To be eligible to join this Compact, and to maintain eligibility  
23 as a Member State, a State must:

- 24 1. License and regulate Cosmetology;
- 25 2. Have a mechanism or entity in place to receive and  
26 investigate complaints about Licensees practicing in  
27 that State;
- 28 3. Require that Licensees within the State pass a  
29 Cosmetology competency examination prior to being  
30 licensed to provide Cosmetology Services to the public  
31 in that State;

1       4. Require that Licensees satisfy educational or training  
2       requirements in Cosmetology prior to being licensed to  
3       provide Cosmetology Services to the public in that  
4       State;

5       5. Implement procedures for considering one or more of the  
6       following categories of information from applicants for  
7       licensure: criminal history; disciplinary history; or  
8       Background Check. Such procedures may include the  
9       submission of information by applicants for the purpose  
10      of obtaining an applicant's Background Check as defined  
11      herein;

12      6. Participate in the Data System, including through the  
13      use of unique identifying numbers;

14      7. Share information related to Adverse Actions with the  
15      Commission and other Member States, both through the  
16      Data System and otherwise;

17      8. Notify the Commission and other Member States, in  
18      compliance with the terms of the Compact and Rules of  
19      the Commission, of the existence of Investigative  
20      Information or Current Significant Investigative  
21      Information in the State's possession regarding a  
22      Licensee practicing in that State;

23      9. Comply with such Rules as may be enacted by the  
24      Commission to administer the Compact; and

25      10. Accept Licensees from other Member States as  
26      established herein.

27    B. Member States may charge a fee for granting a license to practice  
28      Cosmetology.

29    C. Individuals not residing in a Member State shall continue to be  
30      able to apply for a Member State's Single-State License as  
31      provided under the laws of each Member State. However, the

1 Single-State License granted to these individuals shall not be  
2 recognized as granting a Multistate License to provide services  
3 in any other Member State.

4 D. Nothing in this Compact shall affect the requirements  
5 established by a Member State for the issuance of a Single-State  
6 License.

7 E. A Multistate License issued to a Licensee by a Home State to a  
8 resident of that State shall be recognized by each Member State  
9 as authorizing a Licensee to practice Cosmetology in each Member  
10 State.

11 F. At no point shall the Commission have the power to define the  
12 educational or professional requirements for a license to  
13 practice Cosmetology. The Member States shall retain sole  
14 jurisdiction over the provision of these requirements.

15 ARTICLE 4- MULTISTATE LICENSE

16 A. To be eligible to apply to their Home State's State Licensing  
17 Authority for an initial Multistate License under this Compact,  
18 a Licensee must hold an active and unencumbered Single-State  
19 License to practice Cosmetology in their Home State.

20 B. Upon the receipt of an application for a Multistate License,  
21 according to the Rules of the Commission, a Member State's State  
22 Licensing Authority shall ascertain whether the applicant meets  
23 the requirements for a Multistate License under this Compact.

24 C. If an applicant meets the requirements for a Multistate License  
25 under this Compact and any applicable Rules of the Commission,  
26 the State Licensing Authority in receipt of the application  
27 shall, within a reasonable time, grant a Multistate License to  
28 that applicant, and inform all Member States of the grant of said  
29 Multistate License.

30 D. A Multistate License to practice Cosmetology issued by a Member  
31 State's State Licensing Authority shall be recognized by each

1 Member State as authorizing the practice thereof as though that  
2 Licensee held a Single-State License to do so in each Member  
3 State, subject to the restrictions herein.

4 E. A Multistate License granted pursuant to this Compact may be  
5 effective for a definite period of time, concurrent with the  
6 licensure renewal period in the Home State.

7 F. To maintain a Multistate License under this Compact, a Licensee  
8 must:

9 1. Agree to abide by the rules of the State Licensing  
10 Authority, and the State scope of practice laws  
11 governing the Practice of Cosmetology, of any Member  
12 State in which the Licensee provides services;

13 2. Pay all required fees related to the application and  
14 process, and any other fees which the Commission may by  
15 Rule require; and

16 3. Comply with any and all other requirements regarding  
17 Multistate Licenses which the Commission may by Rule  
18 provide.

19 G. A Licensee practicing in a Member State is subject to all scope  
20 of practice laws governing Cosmetology Services in that State.

21 H. The Practice of Cosmetology under a Multistate License granted  
22 pursuant to this Compact will subject the Licensee to the  
23 jurisdiction of the State Licensing Authority, the courts, and  
24 the laws of the Member State in which the Cosmetology Services  
25 are provided.

26 ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

27 A. A Licensee may hold a Multistate License, issued by their Home  
28 State, in only one Member State at any given time.

29 B. If a Licensee changes their Home State by moving between two  
30 Member States:

31 1. The Licensee shall immediately apply for the reissuance



1           of their Multistate License in their new Home State. The  
2           Licensee shall pay all applicable fees and notify the  
3           prior Home State in accordance with the Rules of the  
4           Commission.

5           2. Upon receipt of an application to reissue a Multistate  
6           License, the new Home State shall verify that the  
7           Multistate License is active, unencumbered and eligible  
8           for reissuance under the terms of the Compact and the  
9           Rules of the Commission. The Multistate License issued  
10          by the prior Home State will be deactivated and all  
11          Member States notified in accordance with the  
12          applicable Rules adopted by the Commission.

13          3. If required for initial licensure, the new Home State  
14          may require a Background Check as specified in the laws  
15          of that State, or the compliance with any Jurisprudence  
16          Requirements of the new Home State.

17          4. Notwithstanding any other provision of this Compact, if  
18          a Licensee does not meet the requirements set forth in  
19          this Compact for the reissuance of a Multistate License  
20          by the new Home State, then the Licensee shall be  
21          subject to the new Home State requirements for the  
22          issuance of a Single-State License in that State.

23          C. If a Licensee changes their primary state of residence by moving  
24          from a Member State to a non-Member State, or from a non-Member  
25          State to a Member State, then the Licensee shall be subject to  
26          the State requirements for the issuance of a Single-State  
27          License in the new Home State.

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

1 E. Nothing in this Compact shall interfere with the requirements  
2 established by a Member State for the issuance of a Single-State  
3 License.

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

6 A. Nothing in this Compact, nor any Rule or regulation of the  
7 Commission, shall be construed to limit, restrict, or in any way  
8 reduce the ability of a Member State to enact and enforce laws,  
9 regulations, or other rules related to the Practice of  
10 Cosmetology in that State, where those laws, regulations, or  
11 other rules are not inconsistent with the provisions of this  
12 Compact.

13 B. Insofar as practical, a Member State's State Licensing Authority  
14 shall cooperate with the Commission and with each entity  
15 exercising independent regulatory authority over the Practice of  
16 Cosmetology according to the provisions of this Compact.

17 C. Discipline shall be the sole responsibility of the State in  
18 which Cosmetology Services are provided. Accordingly, each  
19 Member State's State Licensing Authority shall be responsible  
20 for receiving complaints about individuals practicing  
21 Cosmetology in that State, and for communicating all relevant  
22 Investigative Information about any such Adverse Action to the  
23 other Member States through the Data System in addition to any  
24 other methods the Commission may by Rule require.

25 ARTICLE 7- ADVERSE ACTIONS

26 A. A Licensee's Home State shall have exclusive power to impose an  
27 Adverse Action against a Licensee's Multistate License issued by  
28 the Home State.

29 B. A Home State may take Adverse Action on a Multistate License  
30 based on the Investigative Information, Current Significant  
31 Investigative Information, or Adverse Action of a Remote State.

1 C. In addition to the powers conferred by State law, each Remote  
2 State's State Licensing Authority shall have the power to:

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

6 a. Only the Licensee's Home State shall have the  
7 power to take Adverse Action against the  
8 Multistate License issued by the Home State; and

9 b. For the purposes of taking Adverse Action, the  
10 Home State's State Licensing Authority shall give  
11 the same priority and effect to reported conduct  
12 received from a Remote State as it would if such  
13 conduct had occurred within the Home State. In so  
14 doing, the Home State shall apply its own State  
15 laws to determine the appropriate action.

16 2. Issue cease and desist orders or impose an Encumbrance  
17 on a Licensee's Authorization to Practice within that  
18 Member State.

19 3. Complete any pending investigations of a Licensee who  
20 changes their primary state of residence during the  
21 course of such an investigation. The State Licensing  
22 Authority shall also be empowered to report the results  
23 of such an investigation to the Commission through the  
24 Data System as described herein.

25 4. Issue subpoenas for both hearings and investigations  
26 that require the attendance and testimony of witnesses,  
27 as well as the production of evidence. Subpoenas issued  
28 by a State Licensing Authority in a Member State for the  
29 attendance and testimony of witnesses or the production  
30 of evidence from another Member State shall be enforced  
31 in the latter State by any court of competent

1           jurisdiction, according to the practice and procedure  
2           of that court applicable to subpoenas issued in  
3           proceedings before it. The issuing State Licensing  
4           Authority shall pay any witness fees, travel expenses,  
5           mileage, and other fees required by the service  
6           statutes of the State in which the witnesses or evidence  
7           are located.

8           5. If otherwise permitted by State law, recover from the  
9           affected Licensee the costs of investigations and  
10           disposition of cases resulting from any Adverse Action  
11           taken against that Licensee.

12           6. Take Adverse Action against the Licensee's  
13           Authorization to Practice in that State based on the  
14           factual findings of another Remote State.

15   D. A Licensee's Home State shall complete any pending  
16   investigation(s) of a Cosmetologist who changes their primary  
17   state of residence during the course of the investigation(s).  
18   The Home State shall also have the authority to take appropriate  
19   action(s) and shall promptly report the conclusions of the  
20   investigations to the Data System.

21   E. If an Adverse Action is taken by the Home State against a  
22   Licensee's Multistate License, the Licensee's Authorization to  
23   Practice in all other Member States shall be deactivated until  
24   all Encumbrances have been removed from the Home State license.  
25   All Home State disciplinary orders that impose an Adverse Action  
26   against a Licensee's Multistate License shall include a  
27   statement that the Cosmetologist's Authorization to Practice is  
28   deactivated in all Member States during the pendency of the  
29   order.

30   F. Nothing in this Compact shall override a Member State's  
31   authority to accept a Licensee's participation in an Alternative

1     Program in lieu of Adverse Action. A Licensee's Multistate  
2     License shall be suspended for the duration of the Licensee's  
3     participation in any Alternative Program.

4     G. Joint Investigations

5             1. In addition to the authority granted to a Member State  
6             by its respective scope of practice laws or other  
7             applicable State law, a Member State may participate  
8             with other Member States in joint investigations of  
9             Licensees.

10            2. Member States shall share any investigative,  
11            litigation, or compliance materials in furtherance of  
12            any joint or individual investigation initiated under  
13            the Compact.

14     ARTICLE 8- ACTIVE MILITARY MEMBERS AND THEIR SPOUSES

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

20     ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY LICENSURE  
21     COMPACT COMMISSION

22     A. The Compact Member States hereby create and establish a joint  
23     government agency whose membership consists of all Member States  
24     that have enacted the Compact known as the Cosmetology Licensure  
25     Compact Commission. The Commission is an instrumentality of the  
26     Compact Member States acting jointly and not an instrumentality  
27     of any one State. The Commission shall come into existence on or  
28     after the effective date of the Compact as set forth in Article  
29     13.

30     B. Membership, Voting, and Meetings

31             1. Each Member State shall have and be limited to one (1)

1           delegate selected by that Member State's State  
2           Licensing Authority.

3           2. The delegate shall be an administrator of the State  
4           Licensing Authority of the Member State or their  
5           designee.

6           3. The Commission shall by Rule or bylaw establish a term  
7           of office for delegates and may by Rule or bylaw  
8           establish term limits.

9           4. The Commission may recommend removal or suspension of  
10          any delegate from office.

11          5. A Member State's State Licensing Authority shall fill  
12          any vacancy of its delegate occurring on the Commission  
13          within 60 days of the vacancy.

14          6. Each delegate shall be entitled to one vote on all  
15          matters that are voted on by the Commission.

16          7. The Commission shall meet at least once during each  
17          calendar year. Additional meetings may be held as set  
18          forth in the bylaws. The Commission may meet by  
19          telecommunication, video conference or other similar  
20          electronic means.

21    C. The Commission shall have the following powers:

22           1. Establish the fiscal year of the Commission;

23           2. Establish code of conduct and conflict of interest  
24           policies;

25           3. Adopt Rules and bylaws;

26           4. Maintain its financial records in accordance with the  
27           bylaws;

28           5. Meet and take such actions as are consistent with the  
29           provisions of this Compact, the Commission's Rules, and  
30           the bylaws;

31           6. Initiate and conclude legal proceedings or actions in

1           the name of the Commission, provided that the standing  
2           of any State Licensing Authority to sue or be sued under  
3           applicable law shall not be affected;

4           7. Maintain and certify records and information provided  
5           to a Member State as the authenticated business records  
6           of the Commission, and designate an agent to do so on  
7           the Commission's behalf;

8           8. Purchase and maintain insurance and bonds;

9           9. Borrow, accept, or contract for services of personnel,  
10          including, but not limited to, employees of a Member  
11          State;

12          10. Conduct an annual financial review;

13          11. Hire employees, elect or appoint officers, fix  
14          compensation, define duties, grant such individuals  
15          appropriate authority to carry out the purposes of the  
16          Compact, and establish the Commission's personnel  
17          policies and programs relating to conflicts of  
18          interest, qualifications of personnel, and other  
19          related personnel matters;

20          12. As set forth in the Commission Rules, charge a fee to a  
21          Licensee for the grant of a Multistate License and  
22          thereafter, as may be established by Commission Rule,  
23          charge the Licensee a Multistate License renewal fee  
24          for each renewal period. Nothing herein shall be  
25          construed to prevent a Home State from charging a  
26          Licensee a fee for a Multistate License or renewals of a  
27          Multistate License, or a fee for the jurisprudence  
28          requirement if the Member State imposes such a  
29          requirement for the grant of a Multistate License;

30          13. Assess and collect fees;

31          14. Accept any and all appropriate gifts, donations,

grants of money, other sources of revenue, equipment,  
supplies, materials, and services, and receive,  
utilize, and dispose of the same; provided that at all  
times the Commission shall avoid any appearance of  
impropriety or conflict of interest;

15. Lease, purchase, retain, own, hold, improve, or use any  
property, real, personal, or mixed, or any undivided  
interest therein;

16. Sell, convey, mortgage, pledge, lease, exchange,  
abandon, or otherwise dispose of any property real,  
personal, or mixed;

17. Establish a budget and make expenditures;

18. Borrow money;

19. Appoint committees, including standing committees,  
composed of members, State regulators, State  
legislators or their representatives, and consumer  
representatives, and such other interested persons as  
may be designated in this Compact and the bylaws;

20. Provide and receive information from, and cooperate  
with, law enforcement agencies;

21. Elect a Chair, Vice Chair, Secretary and Treasurer and  
such other officers of the Commission as provided in the  
Commission's bylaws;

22. Establish and elect an Executive Committee, including  
a chair and a vice chair;

23. Adopt and provide to the Member States an annual  
report.

24. Determine whether a State's adopted language is  
materially different from the model Compact language  
such that the State would not qualify for participation  
in the Compact; and



1       25. Perform such other functions as may be necessary or  
2       appropriate to achieve the purposes of this Compact.

3   D. The Executive Committee

4       1. The Executive Committee shall have the power to act on  
5       behalf of the Commission according to the terms of this  
6       Compact. The powers, duties, and responsibilities of  
7       the Executive Committee shall include:

8           a. Overseeing the day-to-day activities of the  
9           administration of the Compact including  
10          compliance with the provisions of the Compact, the  
11          Commission's Rules and bylaws, and other such  
12          duties as deemed necessary;

13          b. Recommending to the Commission changes to the  
14          Rules or bylaws, changes to this Compact  
15          legislation, fees charged to Compact Member  
16          States, fees charged to Licensees, and other fees;

17          c. Ensuring Compact administration services are  
18          appropriately provided, including by contract;

19          d. Preparing and recommending the budget;

20          e. Maintaining financial records on behalf of the  
21          Commission;

22          f. Monitoring Compact compliance of Member States  
23          and providing compliance reports to the  
24          Commission;

25          g. Establishing additional committees as necessary;

26          h. Exercising the powers and duties of the  
27          Commission during the interim between Commission  
28          meetings, except for adopting or amending Rules,  
29          adopting or amending bylaws, and exercising any  
30          other powers and duties expressly reserved to the  
31          Commission by Rule or bylaw; and

- 1                   i. Other duties as provided in the Rules or bylaws of  
2                   the Commission.
- 3           2. The Executive Committee shall be composed of up to  
4           seven voting members:
- 5                   a. The chair and vice chair of the Commission and any  
6                   other members of the Commission who serve on the  
7                   Executive Committee shall be voting members of the  
8                   Executive Committee; and
- 9                   b. Other than the chair, vice-chair, secretary and  
10                  treasurer, the Commission shall elect three  
11                  voting members from the current membership of the  
12                  Commission.
- 13                  c. The Commission may elect ex-officio, nonvoting  
14                  members from a recognized national Cosmetology  
15                  professional association as approved by the  
16                  Commission. The Commission's bylaws shall  
17                  identify qualifying organizations and the manner  
18                  of appointment if the number of organizations  
19                  seeking to appoint an ex officio member exceeds  
20                  the number of members specified in this Article.
- 21           3. The Commission may remove any member of the Executive  
22           Committee as provided in the Commission's bylaws.
- 23           4. The Executive Committee shall meet at least annually.
- 24                   a. Annual Executive Committee meetings, as well as  
25                   any Executive Committee meeting at which it does  
26                   not take or intend to take formal action on a  
27                   matter for which a Commission vote would otherwise  
28                   be required, shall be open to the public, except  
29                   that the Executive Committee may meet in a closed,  
30                   non-public session of a public meeting when  
31                   dealing with any of the matters covered under

1                   Article 9.F.4.

2                   b. The Executive Committee shall give five business  
3                   days advance notice of its public meetings, posted  
4                   on its website and as determined to provide notice  
5                   to persons with an interest in the public matters  
6                   the Executive Committee intends to address at  
7                   those meetings.

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

10                   a. Meet an imminent threat to public health, safety,  
11                   or welfare;

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

14                   c. Protect public health and safety.

15 E. The Commission shall adopt and provide to the Member States an  
16 annual report.

17 F. Meetings of the Commission

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

23                   2. Notwithstanding Article 9.F.1, the Commission may  
24                   convene an emergency public meeting by providing at  
25                   least twenty-four (24) hours prior notice on the  
26                   Commission's website, and any other means as provided in  
27                   the Commission's Rules, for any of the reasons it may  
28                   dispense with notice of proposed rulemaking under  
29                   Article 11.L. The Commission's legal counsel shall  
30                   certify that one of the reasons justifying an emergency  
31                   public meeting has been met.

1       3. Notice of all Commission meetings shall provide the  
2       time, date, and location of the meeting, and if the  
3       meeting is to be held or accessible via  
4       telecommunication, video conference, or other  
5       electronic means, the notice shall include the  
6       mechanism for access to the meeting.

7       4. The Commission may convene in a closed, non-public  
8       meeting for the Commission to discuss:

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

11          b. The employment, compensation, discipline or other  
12          matters, practices or procedures related to  
13          specific employees or other matters related to the  
14          Commission's internal personnel practices and  
15          procedures;

16          c. Current or threatened discipline of a Licensee by  
17          the Commission or by a Member State's Licensing  
18          Authority;

19          d. Current, threatened, or reasonably anticipated  
20          litigation;

21          e. Negotiation of contracts for the purchase, lease,  
22          or sale of goods, services, or real estate;

23          f. Accusing any person of a crime or formally  
24          censuring any person;

25          g. Trade secrets or commercial or financial  
26          information that is privileged or confidential;

27          h. Information of a personal nature where disclosure  
28          would constitute a clearly unwarranted invasion  
29          of personal privacy;

30          i. Investigative records compiled for law  
31          enforcement purposes;

1           j. Information related to any investigative reports  
2           prepared by or on behalf of or for use of the  
3           Commission or other committee charged with  
4           responsibility of investigation or determination  
5           of compliance issues pursuant to the Compact;

6           k. Legal advice;

7           l. Matters specifically exempted from disclosure to  
8           the public by federal or Member State law; or

9           m. Other matters as promulgated by the Commission by  
10          Rule.

11          5. If a meeting, or portion of a meeting, is closed, the  
12          presiding officer shall state that the meeting will be  
13          closed and reference each relevant exempting provision,  
14          and such reference shall be recorded in the minutes.

15          6. The Commission shall keep minutes that fully and  
16          clearly describe all matters discussed in a meeting and  
17          shall provide a full and accurate summary of actions  
18          taken, and the reasons therefore, including a  
19          description of the views expressed. All documents  
20          considered in connection with an action shall be  
21          identified in such minutes. All minutes and documents  
22          of a closed meeting shall remain under seal, subject to  
23          release only by a majority vote of the Commission or  
24          order of a court of competent jurisdiction.

25          G. Financing of the Commission

26          1. The Commission shall pay, or provide for the payment  
27          of, the reasonable expenses of its establishment,  
28          organization, and ongoing activities.

29          2. The Commission may accept any and all appropriate  
30          sources of revenue, donations, and grants of money,  
31          equipment, supplies, materials, and services.

1           3. The Commission may levy on and collect an annual  
2           assessment from each Member State and impose fees on  
3           Licensees of Member States to whom it grants a  
4           Multistate License to cover the cost of the operations  
5           and activities of the Commission and its staff, which  
6           must be in a total amount sufficient to cover its annual  
7           budget as approved each year for which revenue is not  
8           provided by other sources. The aggregate annual  
9           assessment amount for Member States shall be allocated  
10          based upon a formula that the Commission shall  
11          promulgate by Rule.

12          4. The Commission shall not incur obligations of any kind  
13          prior to securing the funds adequate to meet the same;  
14          nor shall the Commission pledge the credit of any Member  
15          States, except by and with the authority of the Member  
16          State.

17          5. The Commission shall keep accurate accounts of all  
18          receipts and disbursements. The receipts and  
19          disbursements of the Commission shall be subject to the  
20          financial review and accounting procedures established  
21          under its bylaws. All receipts and disbursements of  
22          funds handled by the Commission shall be subject to an  
23          annual financial review by a certified or licensed  
24          public accountant, and the report of the financial  
25          review shall be included in and become part of the  
26          annual report of the Commission.

27   H. Qualified Immunity, Defense, and Indemnification

28          1. The members, officers, executive director, employees  
29          and representatives of the Commission shall be immune  
30          from suit and liability, both personally and in their  
31          official capacity, for any claim for damage to or loss

1 of property or personal injury or other civil liability  
2 caused by or arising out of any actual or alleged act,  
3 error, or omission that occurred, or that the person  
4 against whom the claim is made had a reasonable basis  
5 for believing occurred within the scope of Commission  
6 employment, duties or responsibilities; provided that  
7 nothing in this paragraph shall be construed to protect  
8 any such person from suit or liability for any damage,  
9 loss, injury, or liability caused by the intentional or  
10 willful or wanton misconduct of that person. The  
11 procurement of insurance of any type by the Commission  
12 shall not in any way compromise or limit the immunity  
13 granted hereunder.

14 2. The Commission shall defend any member, officer,  
15 executive director, employee, and representative of the  
16 Commission in any civil action seeking to impose  
17 liability arising out of any actual or alleged act,  
18 error, or omission that occurred within the scope of  
19 Commission employment, duties, or responsibilities, or  
20 as determined by the Commission that the person against  
21 whom the claim is made had a reasonable basis for  
22 believing occurred within the scope of Commission  
23 employment, duties, or responsibilities; provided that  
24 nothing herein shall be construed to prohibit that  
25 person from retaining their own counsel at their own  
26 expense; and provided further, that the actual or  
27 alleged act, error, or omission did not result from that  
28 person's intentional or willful or wanton misconduct.

29 3. The Commission shall indemnify and hold harmless any  
30 member, officer, executive director, employee, and  
31 representative of the Commission for the amount of any

1 settlement or judgment obtained against that person  
2 arising out of any actual or alleged act, error, or  
3 omission that occurred within the scope of Commission  
4 employment, duties, or responsibilities, or that such  
5 person had a reasonable basis for believing occurred  
6 within the scope of Commission employment, duties, or  
7 responsibilities, provided that the actual or alleged  
8 act, error, or omission did not result from the  
9 intentional or willful or wanton misconduct of that  
10 person.

11 4. Nothing herein shall be construed as a limitation on  
12 the liability of any Licensee for professional  
13 malpractice or misconduct, which shall be governed  
14 solely by any other applicable State laws.

15 5. Nothing in this Compact shall be interpreted to waive  
16 or otherwise abrogate a Member State's State action  
17 immunity or State action affirmative defense with  
18 respect to antitrust claims under the Sherman Act,  
19 Clayton Act, or any other State or federal antitrust or  
20 anticompetitive law or regulation.

21 6. Nothing in this Compact shall be construed to be a  
22 waiver of sovereign immunity by the Member States or by  
23 the Commission.

24 ARTICLE 10- DATA SYSTEM

25 A. The Commission shall provide for the development, maintenance,  
26 operation, and utilization of a coordinated database and  
27 reporting system.

28 B. The Commission shall assign each applicant for a Multistate  
29 License a unique identifier, as determined by the Rules of the  
30 Commission.

31 C. Notwithstanding any other provision of State law to the



1 contrary, a Member State shall submit a uniform data set to the  
2 Data System on all individuals to whom this Compact is applicable  
3 as required by the Rules of the Commission, including:

4 1. Identifying information;

5 2. Licensure data;

6 3. Adverse Actions against a license and information  
7 related thereto;

8 4. Non-confidential information related to Alternative  
9 Program participation, the beginning and ending dates  
10 of such participation, and other information related to  
11 such participation;

12 5. Any denial of application for licensure, and the  
13 reason(s) for such denial (excluding the reporting of  
14 any criminal history record information where  
15 prohibited by law);

16 6. The existence of Investigative Information;

17 7. The existence of Current Significant Investigative  
18 Information; and

19 8. Other information that may facilitate the  
20 administration of this Compact or the protection of the  
21 public, as determined by the Rules of the Commission.

22 D. The records and information provided to a Member State pursuant  
23 to this Compact or through the Data System, when certified by the  
24 Commission or an agent thereof, shall constitute the  
25 authenticated business records of the Commission, and shall be  
26 entitled to any associated hearsay exception in any relevant  
27 judicial, quasi-judicial or administrative proceedings in a  
28 Member State.

29 E. The existence of Current Significant Investigative Information  
30 and the existence of Investigative Information pertaining to a  
31 Licensee in any Member State will only be available to other

1     Member States.

2     F. It is the responsibility of the Member States to monitor the  
3     database to determine whether Adverse Action has been taken  
4     against such a Licensee or License applicant. Adverse Action  
5     information pertaining to a Licensee or License applicant in any  
6     Member State will be available to any other Member State.

7     G. Member States contributing information to the Data System may  
8     designate information that may not be shared with the public  
9     without the express permission of the contributing State.

10    H. Any information submitted to the Data System that is  
11    subsequently expunged pursuant to federal law or the laws of the  
12    Member State contributing the information shall be removed from  
13    the Data System.

14    ARTICLE 11- RULEMAKING

15    A. The Commission shall promulgate reasonable Rules in order to  
16    effectively and efficiently implement and administer the  
17    purposes and provisions of the Compact. A Rule shall be invalid  
18    and have no force or effect only if a court of competent  
19    jurisdiction holds that the Rule is invalid because the  
20    Commission exercised its rulemaking authority in a manner that  
21    is beyond the scope and purposes of the Compact, or the powers  
22    granted hereunder, or based upon another applicable standard of  
23    review.

24    B. The Rules of the Commission shall have the force of law in each  
25    Member State, provided however that where the Rules of the  
26    Commission conflict with the laws of the Member State that  
27    establish the Member State's scope of practice laws governing the  
28    Practice of Cosmetology as held by a court of competent  
29    jurisdiction, the Rules of the Commission shall be ineffective  
30    in that State to the extent of the conflict.

31    C. The Commission shall exercise its rulemaking powers pursuant to

1 the criteria set forth in this Article and the Rules adopted  
2 thereunder. Rules shall become binding as of the date specified  
3 by the Commission for each Rule.

4 D. If a majority of the legislatures of the Member States rejects a  
5 Rule or portion of a Rule, by enactment of a statute or  
6 resolution in the same manner used to adopt the Compact within  
7 four (4) years of the date of adoption of the Rule, then such Rule  
8 shall have no further force and effect in any Member State or to  
9 any State applying to participate in the Compact.

10 E. Rules shall be adopted at a regular or special meeting of the  
11 Commission.

12 F. Prior to adoption of a proposed Rule, the Commission shall hold a  
13 public hearing and allow persons to provide oral and written  
14 comments, data, facts, opinions, and arguments.

15 G. Prior to adoption of a proposed Rule by the Commission, and at  
16 least thirty (30) days in advance of the meeting at which the  
17 Commission will hold a public hearing on the proposed Rule, the  
18 Commission shall provide a notice of proposed rulemaking:

- 19 1. On the website of the Commission or other publicly  
20 accessible platform;
- 21 2. To persons who have requested notice of the  
22 Commission's notices of proposed rulemaking; and
- 23 3. In such other way(s) as the Commission may by Rule  
24 specify.

25 H. The notice of proposed rulemaking shall include:

- 26 1. The time, date, and location of the public hearing at  
27 which the Commission will hear public comments on the  
28 proposed Rule and, if different, the time, date, and  
29 location of the meeting where the Commission will  
30 consider and vote on the proposed Rule;
- 31 2. If the hearing is held via telecommunication, video

1           conference, or other electronic means, the Commission  
2           shall include the mechanism for access to the hearing in  
3           the notice of proposed rulemaking;

4           3. The text of the proposed Rule and the reason therefor;

5           4. A request for comments on the proposed Rule from any  
6           interested person; and

7           5. The manner in which interested persons may submit  
8           written comments.

9   I. All hearings will be recorded. A copy of the recording and all  
10   written comments and documents received by the Commission in  
11   response to the proposed Rule shall be available to the public.

12   J. Nothing in this Article shall be construed as requiring a  
13   separate hearing on each Rule. Rules may be grouped for the  
14   convenience of the Commission at hearings required by this  
15   Article.

16   K. The Commission shall, by majority vote of all members, take  
17   final action on the proposed Rule based on the rulemaking record  
18   and the full text of the Rule.

19           1. The Commission may adopt changes to the proposed Rule  
20           provided the changes do not enlarge the original  
21           purpose of the proposed Rule.

22           2. The Commission shall provide an explanation of the  
23           reasons for substantive changes made to the proposed  
24           Rule as well as reasons for substantive changes not made  
25           that were recommended by commenters.

26           3. The Commission shall determine a reasonable effective  
27           date for the Rule. Except for an emergency as provided  
28           in Article 11.L, the effective date of the Rule shall be  
29           no sooner than forty-five (45) days after the  
30           Commission issuing the notice that it adopted or  
31           amended the Rule.

1 L. Upon determination that an emergency exists, the Commission may  
2 consider and adopt an emergency Rule with five (5) days' notice,  
3 with opportunity to comment, provided that the usual rulemaking  
4 procedures provided in the Compact and in this Article shall be  
5 retroactively applied to the Rule as soon as reasonably  
6 possible, in no event later than ninety (90) days after the  
7 effective date of the Rule. For the purposes of this provision,  
8 an emergency Rule is one that must be adopted immediately to:

9 1. Meet an imminent threat to public health, safety, or  
10 welfare;

11 2. Prevent a loss of Commission or Member State funds;

12 3. Meet a deadline for the promulgation of a Rule that is  
13 established by federal law or rule; or

14 4. Protect public health and safety.

15 M. The Commission or an authorized committee of the Commission may  
16 direct revisions to a previously adopted Rule for purposes of  
17 correcting typographical errors, errors in format, errors in  
18 consistency, or grammatical errors. Public notice of any  
19 revisions shall be posted on the website of the Commission. The  
20 revision shall be subject to challenge by any person for a period  
21 of thirty (30) days after posting. The revision may be  
22 challenged only on grounds that the revision results in a  
23 material change to a Rule. A challenge shall be made in writing  
24 and delivered to the Commission prior to the end of the notice  
25 period. If no challenge is made, the revision will take effect  
26 without further action. If the revision is challenged, the  
27 revision may not take effect without the approval of the  
28 Commission.

29 N. No Member State's rulemaking requirements shall apply under this  
30 Compact.

31 ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

1 A. Oversight

2 1. The executive and judicial branches of State  
3 government in each Member State shall enforce this  
4 Compact and take all actions necessary and appropriate  
5 to implement the Compact.

6 2. Venue is proper and judicial proceedings by or against  
7 the Commission shall be brought solely and exclusively  
8 in a court of competent jurisdiction where the  
9 principal office of the Commission is located. The  
10 Commission may waive venue and jurisdictional defenses  
11 to the extent it adopts or consents to participate in  
12 alternative dispute resolution proceedings. Nothing  
13 herein shall affect or limit the selection or propriety  
14 of venue in any action against a Licensee for  
15 professional malpractice, misconduct or any such  
16 similar matter.

17 3. The Commission shall be entitled to receive service of  
18 process in any proceeding regarding the enforcement or  
19 interpretation of the Compact and shall have standing  
20 to intervene in such a proceeding for all purposes.  
21 Failure to provide the Commission service of process  
22 shall render a judgment or order void as to the  
23 Commission, this Compact, or promulgated Rules.

24 B. Default, Technical Assistance, and Termination

25 1. If the Commission determines that a Member State has  
26 defaulted in the performance of its obligations or  
27 responsibilities under this Compact or the promulgated  
28 Rules, the Commission shall provide written notice to  
29 the defaulting State. The notice of default shall  
30 describe the default, the proposed means of curing the  
31 default, and any other action that the Commission may

1           take, and shall offer training and specific technical  
2           assistance regarding the default.

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

5           3. If a State in default fails to cure the default, the  
6           defaulting State may be terminated from the Compact  
7           upon an affirmative vote of a majority of the delegates  
8           of the Member States, and all rights, privileges and  
9           benefits conferred on that State by this Compact may be  
10          terminated on the effective date of termination. A cure  
11          of the default does not relieve the offending State of  
12          obligations or liabilities incurred during the period  
13          of default.

14          4. Termination of membership in the Compact shall be  
15          imposed only after all other means of securing  
16          compliance have been exhausted. Notice of intent to  
17          suspend or terminate shall be given by the Commission to  
18          the governor, the majority and minority leaders of the  
19          defaulting State's legislature, the defaulting State's  
20          State Licensing Authority and each of the Member States'  
21          State Licensing Authority.

22          5. A State that has been terminated is responsible for all  
23          assessments, obligations, and liabilities incurred  
24          through the effective date of termination, including  
25          obligations that extend beyond the effective date of  
26          termination.

27          6. Upon the termination of a State's membership from this  
28          Compact, that State shall immediately provide notice to  
29          all Licensees who hold a Multistate License within that  
30          State of such termination. The terminated State shall  
31          continue to recognize all licenses granted pursuant to

1           this Compact for a minimum of one hundred eighty (180)  
2           days after the date of said notice of termination.

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

8           8. The defaulting State may appeal the action of the  
9           Commission by petitioning the United States District  
10          Court for the District of Columbia or the federal  
11          district where the Commission has its principal  
12          offices. The prevailing party shall be awarded all  
13          costs of such litigation, including reasonable  
14          attorney's fees.

15   C. Dispute Resolution

16          1. Upon request by a Member State, the Commission shall  
17          attempt to resolve disputes related to the Compact that  
18          arise among Member States and between Member and  
19          non-Member States.

20          2. The Commission shall promulgate a Rule providing for  
21          both mediation and binding dispute resolution for  
22          disputes as appropriate.

23   D. Enforcement

24          1. The Commission, in the reasonable exercise of its  
25          discretion, shall enforce the provisions of this  
26          Compact and the Commission's Rules.

27          2. By majority vote as provided by Commission Rule, the  
28          Commission may initiate legal action against a Member  
29          State in default in the United States District Court for  
30          the District of Columbia or the federal district where  
31          the Commission has its principal offices to enforce



1 compliance with the provisions of the Compact and its  
2 promulgated Rules. The relief sought may include both  
3 injunctive relief and damages. In the event judicial  
4 enforcement is necessary, the prevailing party shall be  
5 awarded all costs of such litigation, including  
6 reasonable attorney's fees. The remedies herein shall  
7 not be the exclusive remedies of the Commission. The  
8 Commission may pursue any other remedies available  
9 under federal or the defaulting Member State's law.

10 3. A Member State may initiate legal action against the  
11 Commission in the United States District Court for the  
12 District of Columbia or the federal district where the  
13 Commission has its principal offices to enforce  
14 compliance with the provisions of the Compact and its  
15 promulgated Rules. The relief sought may include both  
16 injunctive relief and damages. In the event judicial  
17 enforcement is necessary, the prevailing party shall be  
18 awarded all costs of such litigation, including  
19 reasonable attorney's fees.

20 4. No individual or entity other than a Member State may  
21 enforce this Compact against the Commission.

22 ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

23 A. The Compact shall come into effect on the date on which the  
24 Compact statute is enacted into law in the seventh Member State.

25 1. On or after the effective date of the Compact, the  
26 Commission shall convene and review the enactment of  
27 each of the Charter Member States to determine if the  
28 statute enacted by each such Charter Member State is  
29 materially different than the model Compact statute.

30 a. A Charter Member State whose enactment is found to  
31 be materially different from the model Compact

1           statute shall be entitled to the default process  
2           set forth in Article 12.

3           b. If any Member State is later found to be in  
4           default, or is terminated or withdraws from the  
5           Compact, the Commission shall remain in existence  
6           and the Compact shall remain in effect even if the  
7           number of Member States should be less than seven  
8           (7).

9           2. Member States enacting the Compact subsequent to the  
10           Charter Member States shall be subject to the process  
11           set forth in Article 9.C.24 to determine if their  
12           enactments are materially different from the model  
13           Compact statute and whether they qualify for  
14           participation in the Compact.

15           3. All actions taken for the benefit of the Commission or  
16           in furtherance of the purposes of the administration of  
17           the Compact prior to the effective date of the Compact  
18           or the Commission coming into existence shall be  
19           considered to be actions of the Commission unless  
20           specifically repudiated by the Commission.

21           4. Any State that joins the Compact shall be subject to the  
22           Commission's Rules and bylaws as they exist on the date  
23           on which the Compact becomes law in that State. Any  
24           Rule that has been previously adopted by the Commission  
25           shall have the full force and effect of law on the day  
26           the Compact becomes law in that State.

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

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

1           2. Withdrawal shall not affect the continuing requirement  
2           of the withdrawing State's State Licensing Authority to  
3           comply with the investigative and Adverse Action  
4           reporting requirements of this Compact prior to the  
5           effective date of withdrawal.

6           3. Upon the enactment of a statute withdrawing from this  
7           Compact, a State shall immediately provide notice of  
8           such withdrawal to all Licensees within that State.  
9           Notwithstanding any subsequent statutory enactment to  
10          the contrary, such withdrawing State shall continue to  
11          recognize all licenses granted pursuant to this Compact  
12          for a minimum of one hundred eighty (180) days after the  
13          date of such notice of withdrawal.

14   C. Nothing contained in this Compact shall be construed to  
15   invalidate or prevent any licensure agreement or other  
16   cooperative arrangement between a Member State and a non-Member  
17   State that does not conflict with the provisions of this Compact.

18   D. This Compact may be amended by the Member States. No amendment  
19   to this Compact shall become effective and binding upon any  
20   Member State until it is enacted into the laws of all Member  
21   States.

22   ARTICLE 14- CONSTRUCTION AND SEVERABILITY

23   A. This Compact and the Commission's rulemaking authority shall be  
24   liberally construed so as to effectuate the purposes, and the  
25   implementation and administration of the Compact. Provisions of  
26   the Compact expressly authorizing or requiring the promulgation  
27   of Rules shall not be construed to limit the Commission's  
28   rulemaking authority solely for those purposes.

29   B. The provisions of this Compact shall be severable and if any  
30   phrase, clause, sentence or provision of this Compact is held by  
31   a court of competent jurisdiction to be contrary to the

1 constitution of any Member State, a State seeking participation  
2 in the Compact, or of the United States, or the applicability  
3 thereof to any government, agency, person or circumstance is  
4 held to be unconstitutional by a court of competent  
5 jurisdiction, the validity of the remainder of this Compact and  
6 the applicability thereof to any other government, agency,  
7 person or circumstance shall not be affected thereby.

8 C. Notwithstanding Article 14.B, the Commission may deny a State's  
9 participation in the Compact or, in accordance with the  
10 requirements of Article 12, terminate a Member State's  
11 participation in the Compact, if it determines that a  
12 constitutional requirement of a Member State is a material  
13 departure from the Compact. Otherwise, if this Compact shall be  
14 held to be contrary to the constitution of any Member State, the  
15 Compact shall remain in full force and effect as to the remaining  
16 Member States and in full force and effect as to the Member State  
17 affected as to all severable matters.

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

19 A. Nothing herein shall prevent or inhibit the enforcement of any  
20 other law of a Member State that is not inconsistent with the  
21 Compact.

22 B. All permissible agreements between the Commission and the Member  
23 States are binding in accordance with their terms.

24 Sec. 1604.002. ADMINISTRATION OF COMPACT. The Texas  
25 Department of Licensing and Regulation is the Cosmetology Licensure  
26 Compact administrator for this state.

27 Sec. 1604.003. RULES. The Texas Commission of Licensing  
28 and Regulation may adopt rules necessary to implement this chapter.

29 SECTION 2. This Act takes effect September 1, 2026.