



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-2939/1

MED:emw

2025 SENATE BILL 335

June 19, 2025 - Introduced by Senator JACQUE, cosponsored by Representatives GOEBEN, FRANKLIN, BRILL, JOHNSON, KREIBICH, KNODL, MURPHY, O'CONNOR, PRADO and SNODGRASS. Referred to Committee on Licensing, Regulatory Reform, State and Federal Affairs.

1 **AN ACT** *to renumber and amend* 454.04 (1) (a), 454.04 (1) (b), 454.04 (1) (d)
2 and 454.06 (8m) (a); *to amend* 454.04 (2) (a), 454.04 (2) (b), 454.04 (2) (d),
3 454.06 (8), 454.125 (1), 454.15 (2) (intro.), 454.20 (10) and 454.22 (2); *to create*
4 14.837, 440.03 (11m) (c) 2rm., 454.01 (4), 454.01 (6), 454.01 (14g), 454.01 (14r),
5 454.04 (1) (a) 2., 454.04 (1) (b) 2., 454.04 (1) (d) 2., 454.06 (6m), 454.06 (8m) (a)
6 2., 454.22 (1) (k) and subchapter III of chapter 454 [precedes 454.50] of the
7 statutes; **relating to:** ratification of the Cosmetology Licensure Compact.

Analysis by the Legislative Reference Bureau

This bill ratifies and enters Wisconsin into the Cosmetology Licensure Compact, which provides for the ability of a cosmetologist to become eligible to practice in other compact states. Significant provisions of the compact include the following:

1. The creation of a Cosmetology Licensure Compact Commission, which includes one administrator of the cosmetology licensure authority of each member state. The commission has various powers and duties granted in the compact, including adopting bylaws, promulgating binding rules for the compact, appointing

SENATE BILL 335**SECTION 1**

officers and hiring employees, and establishing and electing an executive committee. The commission may levy on and collect an annual assessment from each member state or impose fees on licensees who receive multistate licenses to cover the cost of the operations and activities of the commission and its staff.

2. The ability for a cosmetologist to obtain a “multistate license,” which allows a cosmetologist who satisfies certain criteria to practice cosmetology in other member states (remote states) under the remote state’s scope of practice laws and rules of the remote state’s licensing authority. The compact specifies a number of requirements in order for a cosmetologist to obtain a multistate license, including holding an unencumbered cosmetology license in his or her primary state of residence (home state) and paying any required fees. A remote state may, in accordance with that state’s laws, take adverse action against a cosmetologist’s authorization to practice cosmetology in the remote state. If a cosmetologist’s home state takes adverse action against the cosmetologist’s license, the cosmetologist’s authorization to practice in all other member states is deactivated until all encumbrances have been removed from the home state license.

3. The ability of member states to issue subpoenas that are enforceable in other states.

4. The creation of a coordinated database and reporting system containing licensure, adverse action, and the reporting of the existence of investigative information on a) cosmetologists and b) applicants denied a cosmetologist license. The compact requires information related to adverse actions to be shared with the commission and other member states, through the data system and otherwise. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable as required by the rules of the commission.

5. Provisions regarding resolutions of disputes among member states and between member and nonmember states, including a process for termination of a state’s membership in the compact if the state defaults on its obligations under the compact.

The compact becomes effective upon enactment by seven states. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides that a withdrawal does not take effect until 180 days after the enactment of that repeal.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 14.837 of the statutes is created to read:

2 **14.837 Cosmetology licensure compact.** There is created a cosmetology

SENATE BILL 335**SECTION 1**

1 licensure compact commission as specified in s. 454.50. The delegate on the
2 commission representing this state shall be appointed by the cosmetology
3 examining board as provided in s. 454.50 (9) (b) 1. and shall be an individual
4 described in s. 454.50 (9) (b) 2. The commission has the powers and duties granted
5 and imposed under s. 454.50.

6 **SECTION 2.** 440.03 (11m) (c) 2rm. of the statutes is created to read:

7 440.03 (11m) (c) 2rm. The coordinated database and reporting system under
8 s. 454.50 (10), if such disclosure is required under the cosmetology licensure
9 compact under s. 454.50.

10 **SECTION 3.** 454.01 (4) of the statutes is created to read:

11 454.01 (4) “Authorization to practice” means the authorization to practice, as
12 defined in s. 454.50 (2) (c), of an individual in this state under a multistate license
13 granted by another state that is a party to the compact.

14 **SECTION 4.** 454.01 (6) of the statutes is created to read:

15 454.01 (6) “Compact” means the cosmetology licensure compact under s.
16 454.50.

17 **SECTION 5.** 454.01 (14g) of the statutes is created to read:

18 454.01 (14g) “Multistate license” has the meaning given in s. 454.50 (2) (u).

19 **SECTION 6.** 454.01 (14r) of the statutes is created to read:

20 454.01 (14r) “Single-state license” means a single-state license, as defined in
21 s. 454.50 (2) (x), to practice cosmetology granted by the examining board under s.
22 454.06 (2) or 454.13.

SENATE BILL 335**SECTION 7**

SECTION 7. 454.04 (1) (a) of the statutes is renumbered 454.04 (1) (a) (intro.) and amended to read:

454.04 (1) (a) (intro.) Except as permitted under pars. (b) and (d), sub. (1m), and subch. II, no person may engage in cosmetology unless ~~the~~ any of the following applies:

1. The person has received training in the areas of service provided and holds a current cosmetologist license issued by the examining board that is not an inactive license ~~or~~.

3. The person has received training in the areas of service provided and holds a temporary permit issued by the examining board ~~or~~.

4. The person is an apprentice under s. 454.10 ~~or~~.

5. The person is a student in a cosmetology course of instruction.

SECTION 8. 454.04 (1) (a) 2. of the statutes is created to read:

454.04 (1) (a) 2. The person has received training in the areas of service provided and holds a multistate license granted in another state that is a party to the compact.

SECTION 9. 454.04 (1) (b) of the statutes is renumbered 454.04 (1) (b) (intro.) and amended to read:

454.04 (1) (b) (intro.) No person may engage in aesthetics unless ~~the~~ any of the following applies:

1. The person has received training in the areas of service provided and holds a current aesthetician license or cosmetologist license issued by the examining board that is not an inactive license ~~or~~.

SENATE BILL 335**SECTION 9**

1 3. The person has received training in the areas of service provided and holds
2 a temporary permit or training permit issued by the examining board ~~or~~.

3 4. The person is an apprentice under s. 454.10 ~~or~~.

4 5. The person is a student in an aesthetics or cosmetology course of
5 instruction.

6 **SECTION 10.** 454.04 (1) (b) 2. of the statutes is created to read:

7 454.04 (1) (b) 2. The person has received training in the areas of service
8 provided and holds a multistate license granted in another state that is a party to
9 the compact.

10 **SECTION 11.** 454.04 (1) (d) of the statutes is renumbered 454.04 (1) (d) (intro.)
11 and amended to read:

12 454.04 (1) (d) (intro.) No person may engage in manicuring unless ~~the~~ any of
13 the following applies:

14 1. The person has received training in the areas of service provided and holds
15 a current manicurist license or cosmetologist license issued by the examining board
16 that is not an inactive license ~~or~~.

17 3. The person has received training in the areas of service provided and holds
18 a temporary permit or training permit issued by the examining board ~~or~~.

19 4. The person is an apprentice under s. 454.10 ~~or~~.

20 5. The person is a student in a manicuring or cosmetology course of
21 instruction.

22 **SECTION 12.** 454.04 (1) (d) 2. of the statutes is created to read:

23 454.04 (1) (d) 2. The person has received training in the areas of service

SENATE BILL 335**SECTION 12**

1 provided and holds a multistate license granted in another state that is a party to
2 the compact.

3 **SECTION 13.** 454.04 (2) (a) of the statutes is amended to read:

4 454.04 (2) (a) No person may use the title “cosmetologist” or any other similar
5 title unless the person holds a current cosmetologist license issued by the
6 examining board that is not an inactive license or holds a multistate license granted
7 in another state that is a party to the compact.

8 **SECTION 14.** 454.04 (2) (b) of the statutes is amended to read:

9 454.04 (2) (b) No person may use the title “aesthetician” or any other similar
10 title unless the person holds a current aesthetician license or cosmetologist license
11 issued by the examining board that is not an inactive license or holds a multistate
12 license granted in another state that is a party to the compact.

13 **SECTION 15.** 454.04 (2) (d) of the statutes is amended to read:

14 454.04 (2) (d) No person may use the title “manicurist” or any other similar
15 title unless the person holds a current manicurist license or cosmetologist license
16 issued by the examining board that is not an inactive license or holds a multistate
17 license granted in another state that is a party to the compact.

18 **SECTION 16.** 454.06 (6m) of the statutes is created to read:

19 454.06 (6m) MULTISTATE LICENSE. The examining board shall grant a
20 multistate license to any of the following:

21 (a) A person who holds a single-state license, satisfies the conditions in sub.
22 (1), and satisfies the applicable requirements under s. 454.50 (4).

23 (b) A person who holds a multistate license granted in another state that is a

SENATE BILL 335**SECTION 16**

1 party to the compact, changes his or her primary state of residence to this state,
2 satisfies the conditions in sub. (1), and satisfies the applicable requirements under
3 s. 454.50 (5).

4 **SECTION 17.** 454.06 (8) of the statutes is amended to read:

5 454.06 (8) EXPIRATION AND RENEWAL. The renewal date for licenses issued
6 under subs. (2) to ~~(6)~~ (6m) is specified under s. 440.08 (2) (a), and the renewal fees
7 for such licenses are determined by the department under s. 440.03 (9) (a). The
8 examining board may not renew a license issued to a person under subs. (2) to ~~(6)~~
9 (6m) unless the person certifies to the examining board that the person has
10 reviewed the current digest under s. 454.125.

11 **SECTION 18.** 454.06 (8m) (a) of the statutes is renumbered 454.06 (8m) (a) 1.

12 and amended to read:

13 454.06 (8m) (a) 1. ~~Any~~ Except as provided in subd. 2., a person who has been
14 issued a license under subs. (2) to (6) may apply to the examining board to classify
15 that license as inactive. Upon application under this ~~paragraph~~ subdivision, the
16 examining board may classify a license as inactive if the examining board
17 determines that the person who holds that license is in good standing with the
18 examining board and intends to refrain from the practice that is authorized under
19 the license during the period that the license is an inactive license.

20 **SECTION 19.** 454.06 (8m) (a) 2. of the statutes is created to read:

21 454.06 (8m) (a) 2. A multistate license may not be classified as inactive under
22 subd. 1. The examining board may allow a person who holds a multistate license to
23 convert his or her license to a single-state license for the purpose of classifying the
24 license as inactive under subd. 1.

SENATE BILL 335**SECTION 20**

SECTION 20. 454.125 (1) of the statutes is amended to read:

454.125 (1) At the time the department gives notice of renewal under s. 440.08 (1), the department shall send, by electronic mail, to each person granted a license under s. 454.06 (2) to ~~(6)~~ (6m) a digest that describes changes to statutes and rules that affect the practice of cosmetology, aesthetics, manicuring, or electrology.

SECTION 21. 454.15 (2) (intro.) of the statutes is amended to read:

454.15 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1) and this subchapter, the examining board may revoke, limit, suspend, or refuse to issue or renew, in accordance with the severity of the violation, a license or permit issued under this subchapter or an authorization to practice or reprimand the holder of a license or permit issued under this subchapter or an individual who is exercising an authorization to practice if it finds that the holder ~~or~~ applicant, or individual has done any of the following:

SECTION 22. 454.20 (10) of the statutes is amended to read:

454.20 (10) “Licensed cosmetologist” means a person licensed by the cosmetology examining board under s. 454.06 (2) or (6m) whose license is not an inactive license under s. 454.06 (8m).

SECTION 23. 454.22 (1) (k) of the statutes is created to read:

454.22 (1) (k) An individual who is exercising an authorization to practice, as defined in s. 454.01 (4).

SECTION 24. 454.22 (2) of the statutes is amended to read:

454.22 (2) No person may use the title “barber” or “hairstylist” or any other

SENATE BILL 335**SECTION 24**

1 similar title unless the person is a ~~licensed barber or licensed cosmetologist~~ person
2 specified in sub. (1) (a), (f), or (k).

3 **SECTION 25.** Subchapter III of chapter 454 [precedes 454.50] of the statutes is
4 created to read:

5 **CHAPTER 454**

6 **SUBCHAPTER III**

7 **COSMETOLOGY LICENSURE COMPACT**

8 **454.50 Cosmetology licensure compact.** (1) ARTICLE 1 - PURPOSE. The
9 purpose of this compact is to facilitate the interstate practice and regulation of
10 cosmetology with the goal of improving public access to, and the safety of,
11 cosmetology services and reducing unnecessary burdens related to cosmetology
12 licensure. Through this compact, the member states seek to establish a regulatory
13 framework which provides for a new multistate licensing program. Through this
14 new licensing program, the member states seek to provide increased value and
15 mobility to licensed cosmetologists in the member states, while ensuring the
16 provision of safe, effective, and reliable services to the public. This compact is
17 designed to achieve the following objectives, and the member states hereby ratify
18 the same intentions by subscribing hereto:

19 (a) Provide opportunities for interstate practice by cosmetologists who meet
20 uniform requirements for multistate licensure;

21 (b) Enhance the abilities of member states to protect public health and safety,
22 and prevent fraud and unlicensed activity within the profession;

SENATE BILL 335**SECTION 25**

1 (c) Ensure and encourage cooperation between member states in the licensure
2 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 related to
5 the licensure, investigation, and discipline of the practice of cosmetology;

6 (f) Provide for the licensure and mobility of the workforce in the profession,
7 while addressing the shortage of workers and lessening the associated burdens on
8 the member states.

9 **(2) ARTICLE 2 - DEFINITIONS.** As used in this compact, and except as otherwise
10 provided, the following definitions shall govern the terms:

11 (a) "Active duty military" means any individual in full-time duty status in the
12 active uniformed service of the United States including members of the national
13 guard and reserve.

14 (b) "Adverse action" means any administrative, civil, equitable, or criminal
15 action permitted by a member state's laws which is imposed by a state licensing
16 authority or other regulatory body against a cosmetologist, including actions
17 against an individual's license or authorization to practice such as revocation,
18 suspension, probation, monitoring of the licensee, limitation of the licensee's
19 practice, or any other encumbrance on a license affecting an individual's ability to
20 participate in the cosmetology industry, including the issuance of a cease and desist
21 order.

22 (c) "Authorization to practice" means a legal authorization associated with a
23 multistate license permitting the practice of cosmetology in that remote state,

SENATE BILL 335**SECTION 25**

1 which shall be subject to the enforcement jurisdiction of the state licensing
2 authority in that remote state.

3 (d) “Alternative program” means a monitoring or prosecutorial diversion
4 program approved by a member state’s state licensing authority.

5 (e) “Background check” means the submission of information for an applicant
6 for the purpose of obtaining that applicant’s criminal history record information, as
7 further defined in 28 CFR 20.3 (d), from the federal bureau of investigation and the
8 agency responsible for retaining state criminal or disciplinary history in the
9 applicant’s home state.

10 (f) “Charter member state” means member states who have enacted
11 legislation to adopt this compact where such legislation predates the effective date
12 of this compact as defined in sub. (13).

13 (g) “Commission” means the government agency whose membership consists
14 of all states that have enacted this compact, which is known as the cosmetology
15 licensure compact commission, as defined in sub. (9), and which shall operate as an
16 instrumentality of the member states.

17 (h) “Cosmetologist” means an individual licensed in their home state to
18 practice cosmetology.

19 (i) “Cosmetology,” “cosmetology services,” and the “practice of cosmetology”
20 mean the care and services provided by a cosmetologist as set forth in the member
21 state’s statutes and regulations in the state where the services are being provided.

22 (j) “Current significant investigative information” means:

23 1. Investigative information that a state licensing authority, after an inquiry

SENATE BILL 335**SECTION 25**

1 or investigation that complies with a member state's due process requirements, has
2 reason to believe is not groundless and, if proved true, would indicate a violation of
3 that state's laws regarding fraud or the practice of cosmetology; or

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

7 (k) "Data system" means a repository of information about licensees,
8 including, but not limited to, license status, investigative information, and adverse
9 actions.

10 (L) "Disqualifying event" means any event which shall disqualify an
11 individual from holding a multistate license under this compact, which the
12 commission may by rule or order specify.

13 (m) "Encumbered license" means a license in which an adverse action
14 restricts the practice of cosmetology by a licensee, or where said adverse action has
15 been reported to the commission.

16 (n) "Encumbrance" means a revocation or suspension of, or any limitation on,
17 the full and unrestricted practice of cosmetology by a state licensing authority.

18 (o) "Executive committee" means a group of delegates elected or appointed to
19 act on behalf of, and within the powers granted to them by, the commission.

20 (p) "Home state" means the member state which is a licensee's primary state
21 of residence, and where that licensee holds an active and unencumbered license to
22 practice cosmetology.

23 (q) "Investigative information" means information, records, or documents

SENATE BILL 335**SECTION 25**

1 received or generated by a state licensing authority pursuant to an investigation or
2 other inquiry.

3 (r) "Jurisprudence requirement" means the assessment of an individual's
4 knowledge of the laws and rules governing the practice of cosmetology in a state.

5 (s) "Licensee" means an individual who currently holds a license from a
6 member state to practice as a cosmetologist.

7 (t) "Member state" means any state that has adopted this compact.

8 (u) "Multistate license" means a license issued by and subject to the
9 enforcement jurisdiction of the state licensing authority in a licensee's home state,
10 which authorizes the practice of cosmetology in member states and includes
11 authorizations to practice cosmetology in all remote states pursuant to this
12 compact.

13 (v) "Remote state" means any member state, other than the licensee's home
14 state.

15 (w) "Rule" means any rule or regulation promulgated by the commission
16 under this compact which has the force of law.

17 (x) "Single-state license" means a cosmetology license issued by a member
18 state that authorizes practice of cosmetology only within the issuing state and does
19 not include any authorization outside of the issuing state.

20 (y) "State" means a state, territory, or possession of the United States and the
21 District of Columbia.

22 (z) "State licensing authority" means a member state's regulatory body

SENATE BILL 335**SECTION 25**

1 responsible for issuing cosmetology licenses or otherwise overseeing the practice of
2 cosmetology in that state.

3 (3) ARTICLE 3 - MEMBER STATE REQUIREMENTS. (a) To be eligible to join this
4 compact, and to maintain eligibility as a member state, a state must:

5 1. License and regulate cosmetology;

6 2. Have a mechanism or entity in place to receive and investigate complaints
7 about licensees practicing in that state;

8 3. Require that licensees within the state pass a cosmetology competency
9 examination prior to being licensed to provide cosmetology services to the public in
10 that state;

11 4. Require that licensees satisfy educational or training requirements in
12 cosmetology prior to being licensed to provide cosmetology services to the public in
13 that state;

14 5. Implement procedures for considering one or more of the following
15 categories of information from applicants for licensure: criminal history;
16 disciplinary history; or background check. Such procedures may include the
17 submission of information by applicants for the purpose of obtaining an applicant's
18 background check as defined;

19 6. Participate in the data system, including through the use of unique
20 identifying numbers;

21 7. Share information related to adverse actions with the commission and
22 other member states, both through the data system and otherwise;

23 8. Notify the commission and other member states, in compliance with the

SENATE BILL 335**SECTION 25**

1 terms of the compact and rules of the commission, of the existence of investigative
2 information or current significant investigative information in the state's
3 possession regarding a licensee practicing in that state;

4 9. Comply with such rules as may be enacted by the commission to administer
5 the compact; and

6 10. Accept licensees from other member states as established herein.

7 (b) Member states may charge a fee for granting a license to practice
8 cosmetology.

9 (c) Individuals not residing in a member state shall continue to be able to
10 apply for a member state's single-state license as provided under the laws of each
11 member state. However, the single-state license granted to these individuals shall
12 not be recognized as granting a multistate license to provide services in any other
13 member state.

14 (d) Nothing in this compact shall affect the requirements established by a
15 member state for the issuance of a single-state license.

16 (e) A multistate license issued to a licensee by a home state to a resident of
17 that state shall be recognized by each member state as authorizing a licensee to
18 practice cosmetology in each member state.

19 (f) At no point shall the commission have the power to define the educational
20 or professional requirements for a license to practice cosmetology. The member
21 states shall retain sole jurisdiction over the provision of these requirements.

22 (4) ARTICLE 4 - MULTISTATE LICENSE. (a) To be eligible to apply to their home
23 state's state licensing authority for an initial multistate license under this compact,

SENATE BILL 335**SECTION 25**

1 a licensee must hold an active and unencumbered single-state license to practice
2 cosmetology in their home state.

3 (b) Upon the receipt of an application for a multistate license, according to the
4 rules of the commission, a member state's state licensing authority shall ascertain
5 whether the applicant meets the requirements for a multistate license under this
6 compact.

7 (c) If an applicant meets the requirements for a multistate license under this
8 compact and any applicable rules of the commission, the state licensing authority in
9 receipt of the application shall, within a reasonable time, grant a multistate license
10 to that applicant, and inform all member states of the grant of said multistate
11 license.

12 (d) A multistate license to practice cosmetology issued by a member state's
13 state licensing authority shall be recognized by each member state as authorizing
14 the practice thereof as though that licensee held a single-state license to do so in
15 each member state, subject to the restrictions herein.

16 (e) A multistate license granted pursuant to this compact may be effective for
17 a definite period of time, concurrent with the licensure renewal period in the home
18 state.

19 (f) To maintain a multistate license under this compact, a licensee must:

20 1. Agree to abide by the rules of the state licensing authority, and the state
21 scope of practice laws governing the practice of cosmetology, of any member state in
22 which the licensee provides services;

SENATE BILL 335**SECTION 25**

1 2. Pay all required fees related to the application and process, and any other
2 fees which the commission may by rule require; and

3 3. Comply with any and all other requirements regarding multistate licenses
4 which the commission may by rule provide.

5 (g) A licensee practicing in a member state is subject to all scope of practice
6 laws governing cosmetology services in that state.

7 (h) The practice of cosmetology under a multistate license granted pursuant
8 to this compact will subject the licensee to the jurisdiction of the state licensing
9 authority, the courts, and the laws of the member state in which the cosmetology
10 services are provided.

11 **(5) ARTICLE 5 - REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE.**

12 (a) A licensee may hold a multistate license, issued by their home state, in only one
13 member state at any given time.

14 (b) If a licensee changes their home state by moving between two member
15 states:

16 1. The licensee shall immediately apply for the reissuance of their multistate
17 license in their new home state. The licensee shall pay all applicable fees and notify
18 the prior home state in accordance with the rules of the commission.

19 2. Upon receipt of an application to reissue a multistate license, the new home
20 state shall verify that the multistate license is active, unencumbered and eligible
21 for reissuance under the terms of the compact and the rules of the commission. The
22 multistate license issued by the prior home state will be deactivated and all

SENATE BILL 335**SECTION 25**

1 member states notified in accordance with the applicable rules adopted by the
2 commission.

3 3. If required for initial licensure, the new home state may require a
4 background check as specified in the laws of that state, or the compliance with any
5 jurisprudence requirements of the new home state.

6 4. Notwithstanding any other provision of this compact, if a licensee does not
7 meet the requirements set forth in this compact for the reissuance of a multistate
8 license by the new home state, then the licensee shall be subject to the new home
9 state requirements for the issuance of a single-state license in that state.

10 (c) If a licensee changes their primary state of residence by moving from a
11 member state to a nonmember state, or from a nonmember state to a member state,
12 then the licensee shall be subject to the state requirements for the issuance of a
13 single-state license in the new home state.

14 (d) Nothing in this compact shall interfere with a licensee's ability to hold a
15 single-state license in multiple states; however, for the purposes of this compact, a
16 licensee shall have only one home state, and only one multistate license.

17 (e) Nothing in this compact shall interfere with the requirements established
18 by a member state for the issuance of a single-state license.

19 **(6) ARTICLE 6 - AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE**
20 **LICENSING AUTHORITIES.** (a) Nothing in this compact, nor any rule or regulation of
21 the commission, shall be construed to limit, restrict, or in any way reduce the
22 ability of a member state to enact and enforce laws, regulations, or other rules

SENATE BILL 335**SECTION 25**

1 related to the practice of cosmetology in that state, where those laws, regulations, or
2 other rules are not inconsistent with the provisions of this compact.

3 (b) Insofar as practical, a member state's state licensing authority shall
4 cooperate with the commission and with each entity exercising independent
5 regulatory authority over the practice of cosmetology according to the provisions of
6 this compact.

7 (c) Discipline shall be the sole responsibility of the state in which cosmetology
8 services are provided. Accordingly, each member state's state licensing authority
9 shall be responsible for receiving complaints about individuals practicing
10 cosmetology in that state, and for communicating all relevant investigative
11 information about any such adverse action to the other member states through the
12 data system in addition to any other methods the commission may by rule require.

13 **(7) ARTICLE 7 - ADVERSE ACTIONS.** (a) A licensee's home state shall have
14 exclusive power to impose an adverse action against a licensee's multistate license
15 issued by the home state.

16 (b) A home state may take adverse action on a multistate license based on the
17 investigative information, current significant investigative information, or adverse
18 action of a remote state.

19 (c) In addition to the powers conferred by state law, each remote state's state
20 licensing authority shall have the power to:

21 1. Take adverse action against a licensee's authorization to practice
22 cosmetology through the multistate license in that member state, provided that:

SENATE BILL 335**SECTION 25**

1 a. Only the licensee's home state shall have the power to take adverse action
2 against the multistate license issued by the home state; and

3 b. For the purposes of taking adverse action, the home state's state licensing
4 authority shall give the same priority and effect to reported conduct received from a
5 remote state as it would if such conduct had occurred within the home state. In so
6 doing, the home state shall apply its own state laws to determine the appropriate
7 action.

8 2. Issue cease and desist orders or impose an encumbrance on a licensee's
9 authorization to practice within that member state.

10 3. Complete any pending investigations of a licensee who changes their
11 primary state of residence during the course of such an investigation. The state
12 licensing authority shall also be empowered to report the results of such an
13 investigation to the commission through the data system as described herein.

14 4. Issue subpoenas for both hearings and investigations that require the
15 attendance and testimony of witnesses, as well as the production of evidence.
16 Subpoenas issued by a state licensing authority in a member state for the
17 attendance and testimony of witnesses or the production of evidence from another
18 member state shall be enforced in the latter state by any court of competent
19 jurisdiction, according to the practice and procedure of that court applicable to
20 subpoenas issued in proceedings before it. The issuing state licensing authority
21 shall pay any witness fees, travel expenses, mileage, and other fees required by the
22 service statutes of the state in which the witnesses or evidence are located.

23 5. If otherwise permitted by state law, recover from the affected licensee the

SENATE BILL 335**SECTION 25**

1 costs of investigations and disposition of cases resulting from any adverse action
2 taken against that licensee.

3 6. Take adverse action against the licensee's authorization to practice in that
4 state based on the factual findings of another remote state.

5 (d) A licensee's home state shall complete any pending investigation(s) of a
6 cosmetologist who changes their primary state of residence during the course of the
7 investigation(s). The home state shall also have the authority to take appropriate
8 action(s) and shall promptly report the conclusions of the investigations to the data
9 system.

10 (e) If an adverse action is taken by the home state against a licensee's
11 multistate license, the licensee's authorization to practice in all other member
12 states shall be deactivated until all encumbrances have been removed from the
13 home state license. All home state disciplinary orders that impose an adverse
14 action against a licensee's multistate license shall include a statement that the
15 cosmetologist's authorization to practice is deactivated in all member states during
16 the pendency of the order.

17 (f) Nothing in this compact shall override a member state's authority to accept
18 a licensee's participation in an alternative program in lieu of adverse action. A
19 licensee's multistate license shall be suspended for the duration of the licensee's
20 participation in any alternative program.

21 (g) *Joint investigations.* 1. In addition to the authority granted to a member
22 state by its respective scope of practice laws or other applicable state law, a member
23 state may participate with other member states in joint investigations of licensees.

SENATE BILL 335**SECTION 25**

1 2. Member states shall share any investigative, litigation, or compliance
2 materials in furtherance of any joint or individual investigation initiated under the
3 compact.

4 **(8) ARTICLE 8 - ACTIVE DUTY MILITARY AND THEIR SPOUSES.** Active duty
5 military personnel, or their spouses, shall designate a home state where the
6 individual has a current license to practice cosmetology in good standing. The
7 individual may retain their home state designation during any period of service
8 when that individual or their spouse is on active duty assignment.

9 **(9) ARTICLE 9 - ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY**
10 **LICENSURE COMPACT COMMISSION.** (a) The compact member states hereby create
11 and establish a joint government agency whose membership consists of all member
12 states that have enacted the compact known as the cosmetology licensure compact
13 commission. The commission is an instrumentality of the compact member states
14 acting jointly and not an instrumentality of any one state. The commission shall
15 come into existence on or after the effective date of the compact as set forth in sub.
16 (13).

17 (b) *Membership, voting, and meetings.* 1. Each member state shall have and
18 be limited to one delegate selected by that member state's state licensing authority.

19 2. The delegate shall be an administrator of the state licensing authority of
20 the member state or their designee.

21 3. The commission shall by rule or bylaw establish a term of office for
22 delegates and may by rule or bylaw establish term limits.

SENATE BILL 335**SECTION 25**

1 4. The commission may recommend removal or suspension of any delegate
2 from office.

3 5. A member state's state licensing authority shall fill any vacancy of its
4 delegate occurring on the commission within 60 days of the vacancy.

5 6. Each delegate shall be entitled to one vote on all matters that are voted on
6 by the commission.

7 7. The commission shall meet at least once during each calendar year.
8 Additional meetings may be held as set forth in the bylaws. The commission may
9 meet by telecommunication, video conference or other similar electronic means.

10 (c) The commission shall have the following powers:

11 1. Establish the fiscal year of the commission;

12 2. Establish code of conduct and conflict of interest policies;

13 3. Adopt rules and bylaws;

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

15 5. Meet and take such actions as are consistent with the provisions of this
16 compact, the commission's rules, and the bylaws;

17 6. Initiate and conclude legal proceedings or actions in the name of the
18 commission, provided that the standing of any state licensing authority to sue or be
19 sued under applicable law shall not be affected;

20 7. Maintain and certify records and information provided to a member state
21 as the authenticated business records of the commission, and designate an agent to
22 do so on the commission's behalf;

23 8. Purchase and maintain insurance and bonds;

SENATE BILL 335**SECTION 25**

1 9. Borrow, accept, or contract for services of personnel, including, but not
2 limited to, employees of a member state;

3 10. Conduct an annual financial review;

4 11. Hire employees, elect or appoint officers, fix compensation, define duties,
5 grant such individuals appropriate authority to carry out the purposes of the
6 compact, and establish the commission's personnel policies and programs relating
7 to conflicts of interest, qualifications of personnel, and other related personnel
8 matters;

9 12. As set forth in the commission rules, charge a fee to a licensee for the
10 grant of a multistate license and thereafter, as may be established by commission
11 rule, charge the licensee a multistate license renewal fee for each renewal period.
12 Nothing herein shall be construed to prevent a home state from charging a licensee
13 a fee for a multistate license or renewals of a multistate license, or a fee for the
14 jurisprudence requirement if the member state imposes such a requirement for the
15 grant of a multistate license;

16 13. Assess and collect fees;

17 14. Accept any and all appropriate gifts, donations, grants of money, other
18 sources of revenue, equipment, supplies, materials, and services, and receive,
19 utilize, and dispose of the same; provided that at all times the commission shall
20 avoid any appearance of impropriety or conflict of interest;

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

SENATE BILL 335**SECTION 25**

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

3 17. Establish a budget and make expenditures;

4 18. Borrow money;

5 19. Appoint committees, including standing committees, composed of
6 members, state regulators, state legislators or their representatives, and consumer
7 representatives, and such other interested persons as may be designated in this
8 compact and the bylaws;

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

11 21. Elect a chair, vice chair, secretary and treasurer and such other officers of
12 the commission as provided in the commission's bylaws;

13 22. Establish and elect an executive committee, including a chair and a vice
14 chair;

15 23. Adopt and provide to the member states an annual report.

16 24. Determine whether a state's adopted language is materially different from
17 the model compact language such that the state would not qualify for participation
18 in the compact; and

19 25. Perform such other functions as may be necessary or appropriate to
20 achieve the purposes of this compact.

21 (d) *The executive committee.* 1. The executive committee shall have the power
22 to act on behalf of the commission according to the terms of this compact. The
23 powers, duties, and responsibilities of the executive committee shall include:

SENATE BILL 335**SECTION 25**

1 a. Overseeing the day-to-day activities of the administration of the compact
2 including compliance with the provisions of the compact, the commission's rules
3 and bylaws, and other such duties as deemed necessary;

4 b. Recommending to the commission changes to the rules or bylaws, changes
5 to this compact legislation, fees charged to compact member states, fees charged to
6 licensees, and other fees;

7 c. Ensuring compact administration services are appropriately provided,
8 including by contract;

9 d. Preparing and recommending the budget;

10 e. Maintaining financial records on behalf of the commission;

11 f. Monitoring compact compliance of member states and providing compliance
12 reports to the commission;

13 g. Establishing additional committees as necessary;

14 h. Exercising the powers and duties of the commission during the interim
15 between commission meetings, except for adopting or amending rules, adopting or
16 amending bylaws, and exercising any other powers and duties expressly reserved to
17 the commission by rule or bylaw; and

18 i. Other duties as provided in the rules or bylaws of the commission.

19 2. The executive committee shall be composed of up to 7 voting members:

20 a. The chair and vice chair of the commission and any other members of the
21 commission who serve on the executive committee shall be voting members of the
22 executive committee; and

SENATE BILL 335**SECTION 25**

1 b. Other than the chair, vice chair, secretary and treasurer, the commission
2 shall elect 3 voting members from the current membership of the commission.

3 c. The commission may elect ex officio, nonvoting members from a recognized
4 national cosmetology professional association as approved by the commission. The
5 commission's bylaws shall identify qualifying organizations and the manner of
6 appointment if the number of organizations seeking to appoint an ex officio member
7 exceeds the number of members specified in this subsection.

8 3. The commission may remove any member of the executive committee as
9 provided in the commission's bylaws.

10 4. The executive committee shall meet at least annually.

11 a. Annual executive committee meetings, as well as any executive committee
12 meeting at which it does not take or intend to take formal action on a matter for
13 which a commission vote would otherwise be required, shall be open to the public,
14 except that the executive committee may meet in a closed, nonpublic session of a
15 public meeting when dealing with any of the matters covered under par. (f) 4.

16 b. The executive committee shall give 5 business days advance notice of its
17 public meetings, posted on its website and as determined to provide notice to
18 persons with an interest in the public matters the executive committee intends to
19 address at those meetings.

20 5. The executive committee may hold an emergency meeting when acting for
21 the commission to:

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

23 b. Prevent a loss of commission or member state funds; or

SENATE BILL 335**SECTION 25**

1 c. Protect public health and safety.

2 (e) The commission shall adopt and provide to the member states an annual
3 report.

4 (f) *Meetings of the commission.* 1. All meetings of the commission that are not
5 closed pursuant to subd. 4. shall be open to the public. Notice of public meetings
6 shall be posted on the commission's website at least 30 days prior to the public
7 meeting.

8 2. Notwithstanding subd. 1., the commission may convene an emergency
9 public meeting by providing at least 24 hours prior notice on the commission's
10 website, and any other means as provided in the commission's rules, for any of the
11 reasons it may dispense with notice of proposed rule making under sub. (11) (L).
12 The commission's legal counsel shall certify that one of the reasons justifying an
13 emergency public meeting has been met.

14 3. Notice of all commission meetings shall provide the time, date, and location
15 of the meeting, and if the meeting is to be held or accessible via telecommunication,
16 video conference, or other electronic means, the notice shall include the mechanism
17 for access to the meeting.

18 4. The commission may convene in a closed, nonpublic meeting for the
19 commission to discuss:

20 a. Noncompliance of a member state with its obligations under the compact;

21 b. The employment, compensation, discipline or other matters, practices or
22 procedures related to specific employees or other matters related to the
23 commission's internal personnel practices and procedures;

SENATE BILL 335**SECTION 25**

1 c. Current or threatened discipline of a licensee by the commission or by a
2 member state's licensing authority;

3 d. Current, threatened, or reasonably anticipated litigation;

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

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

7 g. Trade secrets or commercial or financial information that is privileged or
8 confidential;

9 h. Information of a personal nature where disclosure would constitute a
10 clearly unwarranted invasion of personal privacy;

11 i. Investigative records compiled for law enforcement purposes;

12 j. Information related to any investigative reports prepared by or on behalf of
13 or for use of the commission or other committee charged with responsibility of
14 investigation or determination of compliance issues pursuant to the compact;

15 k. Legal advice;

16 L. Matters specifically exempted from disclosure to the public by federal or
17 member state law; or

18 m. Other matters as promulgated by the commission by rule.

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

22 6. The commission shall keep minutes that fully and clearly describe all
23 matters discussed in a meeting and shall provide a full and accurate summary of

SENATE BILL 335**SECTION 25**

1 actions taken, and the reasons therefore, including a description of the views
2 expressed. All documents considered in connection with an action shall be
3 identified in such minutes. All minutes and documents of a closed meeting shall
4 remain under seal, subject to release only by a majority vote of the commission or
5 order of a court of competent jurisdiction.

6 (g) *Financing of the commission.* 1. The commission shall pay, or provide for
7 the payment of, the reasonable expenses of its establishment, organization, and
8 ongoing activities.

9 2. The commission may accept any and all appropriate sources of revenue,
10 donations, and grants of money, equipment, supplies, materials, and services.

11 3. The commission may levy on and collect an annual assessment from each
12 member state and impose fees on licensees of member states to whom it grants a
13 multistate license to cover the cost of the operations and activities of the
14 commission and its staff, which must be in a total amount sufficient to cover its
15 annual budget as approved each year for which revenue is not provided by other
16 sources. The aggregate annual assessment amount for member states shall be
17 allocated based upon a formula that the commission shall promulgate by rule.

18 4. The commission shall not incur obligations of any kind prior to securing the
19 funds adequate to meet the same; nor shall the commission pledge the credit of any
20 member states, except by and with the authority of the member state.

21 5. The commission shall keep accurate accounts of all receipts and
22 disbursements. The receipts and disbursements of the commission shall be subject
23 to the financial review and accounting procedures established under its bylaws. All

SENATE BILL 335**SECTION 25**

1 receipts and disbursements of funds handled by the commission shall be subject to
2 an annual financial review by a certified or licensed public accountant, and the
3 report of the financial review shall be included in and become part of the annual
4 report of the commission.

5 (h) *Qualified immunity, defense, and indemnification.* 1. The members,
6 officers, executive director, employees and representatives of the commission shall
7 be immune from suit and liability, both personally and in their official capacity, for
8 any claim for damage to or loss of property or personal injury or other civil liability
9 caused by or arising out of any actual or alleged act, error, or omission that
10 occurred, or that the person against whom the claim is made had a reasonable basis
11 for believing occurred within the scope of commission employment, duties or
12 responsibilities; provided that nothing in this subdivision shall be construed to
13 protect any such person from suit or liability for any damage, loss, injury, or liability
14 caused by the intentional or willful or wanton misconduct of that person. The
15 procurement of insurance of any type by the commission shall not in any way
16 compromise or limit the immunity granted hereunder.

17 2. The commission shall defend any member, officer, executive director,
18 employee, and representative of the commission in any civil action seeking to
19 impose liability arising out of any actual or alleged act, error, or omission that
20 occurred within the scope of commission employment, duties, or responsibilities, or
21 as determined by the commission that the person against whom the claim is made
22 had a reasonable basis for believing occurred within the scope of commission
23 employment, duties, or responsibilities; provided that nothing herein shall be

SENATE BILL 335**SECTION 25**

1 construed to prohibit that person from retaining their own counsel at their own
2 expense; and provided further, that the actual or alleged act, error, or omission did
3 not result from that person's intentional or willful or wanton misconduct.

4 3. The commission shall indemnify and hold harmless any member, officer,
5 executive director, employee, and representative of the commission for the amount
6 of any settlement or judgment obtained against that person arising out of any
7 actual or alleged act, error, or omission that occurred within the scope of
8 commission employment, duties, or responsibilities, or that such person had a
9 reasonable basis for believing occurred within the scope of commission
10 employment, duties, or responsibilities, provided that the actual or alleged act,
11 error, or omission did not result from the intentional or willful or wanton
12 misconduct of that person.

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

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

20 6. Nothing in this compact shall be construed to be a waiver of sovereign
21 immunity by the member states or by the commission.

22 **(10) ARTICLE 10 - DATA SYSTEM.** (a) The commission shall provide for the

SENATE BILL 335**SECTION 25**

1 development, maintenance, operation, and utilization of a coordinated database
2 and reporting system.

3 (b) The commission shall assign each applicant for a multistate license a
4 unique identifier, as determined by the rules of the commission.

5 (c) Notwithstanding any other provision of state law to the contrary, a
6 member state shall submit a uniform data set to the data system on all individuals
7 to whom this compact is applicable as required by the rules of the commission,
8 including:

9 1. Identifying information;

10 2. Licensure data;

11 3. Adverse actions against a license and information related thereto;

12 4. Nonconfidential information related to alternative program participation,
13 the beginning and ending dates of such participation, and other information related
14 to such participation;

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

18 6. The existence of investigative information;

19 7. The existence of current significant investigative information; and

20 8. Other information that may facilitate the administration of this compact or
21 the protection of the public, as determined by the rules of the commission.

22 (d) The records and information provided to a member state pursuant to this
23 compact or through the data system, when certified by the commission or an agent

SENATE BILL 335**SECTION 25**

1 thereof, shall constitute the authenticated business records of the commission, and
2 shall be entitled to any associated hearsay exception in any relevant judicial,
3 quasijudicial or administrative proceedings in a member state.

4 (e) The existence of current significant investigative information and the
5 existence of investigative information pertaining to a licensee in any member state
6 will only be available to other member states.

7 (f) It is the responsibility of the member states to monitor the database to
8 determine whether adverse action has been taken against such a licensee or license
9 applicant. Adverse action information pertaining to a licensee or license applicant
10 in any member state will be available to any other member state.

11 (g) Member states contributing information to the data system may designate
12 information that may not be shared with the public without the express permission
13 of the contributing state.

14 (h) Any information submitted to the data system that is subsequently
15 expunged pursuant to federal law or the laws of the member state contributing the
16 information shall be removed from the data system.

17 **(11) ARTICLE 11 - RULE MAKING.** (a) The commission shall promulgate
18 reasonable rules in order to effectively and efficiently implement and administer
19 the purposes and provisions of the compact. A rule shall be invalid and have no
20 force or effect only if a court of competent jurisdiction holds that the rule is invalid
21 because the commission exercised its rule-making authority in a manner that is
22 beyond the scope and purposes of the compact, or the powers granted hereunder, or
23 based upon another applicable standard of review.

SENATE BILL 335**SECTION 25**

1 (b) The rules of the commission shall have the force of law in each member
2 state, provided however that where the rules of the commission conflict with the
3 laws of the member state that establish the member state's scope of practice laws
4 governing the practice of cosmetology as held by a court of competent jurisdiction,
5 the rules of the commission shall be ineffective in that state to the extent of the
6 conflict.

7 (c) The commission shall exercise its rule-making powers pursuant to the
8 criteria set forth in this subsection and the rules adopted thereunder. Rules shall
9 become binding as of the date specified by the commission for each rule.

10 (d) If a majority of the legislatures of the member states rejects a rule or
11 portion of a rule, by enactment of a statute or resolution in the same manner used
12 to adopt the compact within 4 years of the date of adoption of the rule, then such
13 rule shall have no further force and effect in any member state or to any state
14 applying to participate in the compact.

15 (e) Rules shall be adopted at a regular or special meeting of the commission.

16 (f) Prior to adoption of a proposed rule, the commission shall hold a public
17 hearing and allow persons to provide oral and written comments, data, facts,
18 opinions, and arguments.

19 (g) Prior to adoption of a proposed rule by the commission, and at least 30
20 days in advance of the meeting at which the commission will hold a public hearing
21 on the proposed rule, the commission shall provide a notice of proposed rule
22 making:

23 1. On the website of the commission or other publicly accessible platform;

SENATE BILL 335**SECTION 25**

1 2. To persons who have requested notice of the commission's notices of
2 proposed rule making; and

3 3. In such other way(s) as the commission may by rule specify.

4 (h) The notice of proposed rule making shall include:

5 1. The time, date, and location of the public hearing at which the commission
6 will hear public comments on the proposed rule and, if different, the time, date, and
7 location of the meeting where the commission will consider and vote on the
8 proposed rule;

9 2. If the hearing is held via telecommunication, video conference, or other
10 electronic means, the commission shall include the mechanism for access to the
11 hearing in the notice of proposed rule making;

12 3. The text of the proposed rule and the reason therefor;

13 4. A request for comments on the proposed rule from any interested person;
14 and

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

16 (i) All hearings will be recorded. A copy of the recording and all written
17 comments and documents received by the commission in response to the proposed
18 rule shall be available to the public.

19 (j) Nothing in this subsection shall be construed as requiring a separate
20 hearing on each rule. Rules may be grouped for the convenience of the commission
21 at hearings required by this subsection.

22 (k) The commission shall, by majority vote of all members, take final action on
23 the proposed rule based on the rule-making record and the full text of the rule.

SENATE BILL 335**SECTION 25**

1 1. The commission may adopt changes to the proposed rule provided the
2 changes do not enlarge the original purpose of the proposed rule.

3 2. The commission shall provide an explanation of the reasons for substantive
4 changes made to the proposed rule as well as reasons for substantive changes not
5 made that were recommended by commenters.

6 3. The commission shall determine a reasonable effective date for the rule.
7 Except for an emergency as provided in par. (L), the effective date of the rule shall
8 be no sooner than 45 days after the commission issuing the notice that it adopted or
9 amended the rule.

10 (L) Upon determination that an emergency exists, the commission may
11 consider and adopt an emergency rule with 5 days' notice, with opportunity to
12 comment, provided that the usual rule-making procedures provided in the compact
13 and in this subsection shall be retroactively applied to the rule as soon as
14 reasonably possible, in no event later than 90 days after the effective date of the
15 rule. For the purposes of this provision, an emergency rule is one that must be
16 adopted immediately to:

- 17 1. Meet an imminent threat to public health, safety, or welfare;
18 2. Prevent a loss of commission or member state funds;
19 3. Meet a deadline for the promulgation of a rule that is established by federal
20 law or rule; or
21 4. Protect public health and safety.

22 (m) The commission or an authorized committee of the commission may direct
23 revisions to a previously adopted rule for purposes of correcting typographical

SENATE BILL 335**SECTION 25**

1 errors, errors in format, errors in consistency, or grammatical errors. Public notice
2 of any revisions shall be posted on the website of the commission. The revision shall
3 be subject to challenge by any person for a period of 30 days after posting. The
4 revision may be challenged only on grounds that the revision results in a material
5 change to a rule. A challenge shall be made in writing and delivered to the
6 commission prior to the end of the notice period. If no challenge is made, the
7 revision will take effect without further action. If the revision is challenged, the
8 revision may not take effect without the approval of the commission.

9 (n) No member state's rule-making requirements shall apply under this
10 compact.

11 **(12) ARTICLE 12 - OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. (a)**
12 *Oversight.* 1. The executive and judicial branches of state government in each
13 member state shall enforce this compact and take all actions necessary and
14 appropriate to implement the compact.

15 2. Venue is proper and judicial proceedings by or against the commission shall
16 be brought solely and exclusively in a court of competent jurisdiction where the
17 principal office of the commission is located. The commission may waive venue and
18 jurisdictional defenses to the extent it adopts or consents to participate in
19 alternative dispute resolution proceedings. Nothing herein shall affect or limit the
20 selection or propriety of venue in any action against a licensee for professional
21 malpractice, misconduct or any such similar matter.

22 3. The commission shall be entitled to receive service of process in any
23 proceeding regarding the enforcement or interpretation of the compact and shall

SENATE BILL 335**SECTION 25**

1 have standing to intervene in such a proceeding for all purposes. Failure to provide
2 the commission service of process shall render a judgment or order void as to the
3 commission, this compact, or promulgated rules.

4 (b) *Default, technical assistance, and termination.* 1. If the commission
5 determines that a member state has defaulted in the performance of its obligations
6 or responsibilities under this compact or the promulgated rules, the commission
7 shall provide written notice to the defaulting state. The notice of default shall
8 describe the default, the proposed means of curing the default, and any other action
9 that the commission may take, and shall offer training and specific technical
10 assistance regarding the default.

11 2. The commission shall provide a copy of the notice of default to the other
12 member states.

13 3. If a state in default fails to cure the default, the defaulting state may be
14 terminated from the compact upon an affirmative vote of a majority of the delegates
15 of the member states, and all rights, privileges and benefits conferred on that state
16 by this compact may be terminated on the effective date of termination. A cure of
17 the default does not relieve the offending state of obligations or liabilities incurred
18 during the period of default.

19 4. Termination of membership in the compact shall be imposed only after all
20 other means of securing compliance have been exhausted. Notice of intent to
21 suspend or terminate shall be given by the commission to the governor, the majority
22 and minority leaders of the defaulting state's legislature, the defaulting state's
23 state licensing authority and each of the member states' state licensing authority.

SENATE BILL 335**SECTION 25**

1 5. A state that has been terminated is responsible for all assessments,
2 obligations, and liabilities incurred through the effective date of termination,
3 including obligations that extend beyond the effective date of termination.

4 6. Upon the termination of a state's membership from this compact, that state
5 shall immediately provide notice to all licensees who hold a multistate license
6 within that state of such termination. The terminated state shall continue to
7 recognize all licenses granted pursuant to this compact for a minimum of 180 days
8 after the date of said notice of termination.

9 7. The commission shall not bear any costs related to a state that is found to be
10 in default or that has been terminated from the compact, unless agreed upon in
11 writing between the commission and the defaulting state.

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

16 (c) *Dispute resolution.* 1. Upon request by a member state, the commission
17 shall attempt to resolve disputes related to the compact that arise among member
18 states and between member and nonmember states.

19 2. The commission shall promulgate a rule providing for both mediation and
20 binding dispute resolution for disputes as appropriate.

21 (d) *Enforcement.* 1. The commission, in the reasonable exercise of its
22 discretion, shall enforce the provisions of this compact and the commission's rules.

23 2. By majority vote as provided by commission rule, the commission may

SENATE BILL 335**SECTION 25**

1 initiate legal action against a member state in default in the United States District
2 Court for the District of Columbia or the federal district where the commission has
3 its principal offices to enforce compliance with the provisions of the compact and its
4 promulgated rules. The relief sought may include both injunctive relief and
5 damages. In the event judicial enforcement is necessary, the prevailing party shall
6 be awarded all costs of such litigation, including reasonable attorney's fees. The
7 remedies herein shall not be the exclusive remedies of the commission. The
8 commission may pursue any other remedies available under federal or the
9 defaulting member state's law.

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

17 4. No individual or entity other than a member state may enforce this compact
18 against the commission.

19 **(13) ARTICLE 13 - EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.** (a) The
20 compact shall come into effect on the date on which the compact statute is enacted
21 into law in the 7th member state.

22 1. On or after the effective date of the compact, the commission shall convene
23 and review the enactment of each of the charter member states to determine if the

SENATE BILL 335**SECTION 25**

1 statute enacted by each such charter member state is materially different than the
2 model compact statute.

3 a. A charter member state whose enactment is found to be materially
4 different from the model compact statute shall be entitled to the default process set
5 forth in sub. (12).

6 b. If any member state is later found to be in default, or is terminated or
7 withdraws from the compact, the commission shall remain in existence and the
8 compact shall remain in effect even if the number of member states should be less
9 than 7.

10 2. Member states enacting the compact subsequent to the charter member
11 states shall be subject to the process set forth in sub. (9) (c) 24. to determine if their
12 enactments are materially different from the model compact statute and whether
13 they qualify for participation in the compact.

14 3. All actions taken for the benefit of the commission or in furtherance of the
15 purposes of the administration of the compact prior to the effective date of the
16 compact or the commission coming into existence shall be considered to be actions
17 of the commission unless specifically repudiated by the commission.

18 4. Any state that joins the compact shall be subject to the commission's rules
19 and bylaws as they exist on the date on which the compact becomes law in that
20 state. Any rule that has been previously adopted by the commission shall have the
21 full force and effect of law on the day the compact becomes law in that state.

22 (b) Any member state may withdraw from this compact by enacting a statute
23 repealing that state's enactment of the compact.

SENATE BILL 335**SECTION 25**

1 1. A member state's withdrawal shall not take effect until 180 days after
2 enactment of the repealing statute.

3 2. Withdrawal shall not affect the continuing requirement of the withdrawing
4 state's state licensing authority to comply with the investigative and adverse action
5 reporting requirements of this compact prior to the effective date of withdrawal.

6 3. Upon the enactment of a statute withdrawing from this compact, a state
7 shall immediately provide notice of such withdrawal to all licensees within that
8 state. Notwithstanding any subsequent statutory enactment to the contrary, such
9 withdrawing state shall continue to recognize all licenses granted pursuant to this
10 compact for a minimum of 180 days after the date of such notice of withdrawal.

11 (c) Nothing contained in this compact shall be construed to invalidate or
12 prevent any licensure agreement or other cooperative arrangement between a
13 member state and a nonmember state that does not conflict with the provisions of
14 this compact.

15 (d) This compact may be amended by the member states. No amendment to
16 this compact shall become effective and binding upon any member state until it is
17 enacted into the laws of all member states.

18 **(14) ARTICLE 14 - CONSTRUCTION AND SEVERABILITY.** (a) This compact and
19 the commission's rule-making authority shall be liberally construed so as to
20 effectuate the purposes, and the implementation and administration of the
21 compact. Provisions of the compact expressly authorizing or requiring the
22 promulgation of rules shall not be construed to limit the commission's rule-making
23 authority solely for those purposes.

SENATE BILL 335**SECTION 25**

1 (b) The provisions of this compact shall be severable and if any phrase, clause,
2 sentence or provision of this compact is held by a court of competent jurisdiction to
3 be contrary to the constitution of any member state, a state seeking participation in
4 the compact, or of the United States, or the applicability thereof to any government,
5 agency, person or circumstance is held to be unconstitutional by a court of
6 competent jurisdiction, the validity of the remainder of this compact and the
7 applicability thereof to any other government, agency, person or circumstance shall
8 not be affected thereby.

9 (c) Notwithstanding par. (b), the commission may deny a state's participation
10 in the compact or, in accordance with the requirements of sub. (12), terminate a
11 member state's participation in the compact, if it determines that a constitutional
12 requirement of a member state is a material departure from the compact.
13 Otherwise, if this compact shall be held to be contrary to the constitution of any
14 member state, the compact shall remain in full force and effect as to the remaining
15 member states and in full force and effect as to the member state affected as to all
16 severable matters.

17 **(15) ARTICLE 15 - CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS.**

18 (a) Nothing herein shall prevent or inhibit the enforcement of any other law of a
19 member state that is not inconsistent with the compact.

20 (b) Any laws, statutes, regulations, or other legal requirements in a member
21 state in conflict with the compact are superseded to the extent of the conflict.

22 (c) All permissible agreements between the commission and the member
23 states are binding in accordance with their terms.

SENATE BILL 335

SECTION 25

1 **454.51 Implementation of the cosmetology licensure compact.** (1) In
2 this section, “authorization to practice” has the meaning given in s. 454.01 (4).

3 **(2)** (a) An individual who is exercising an authorization to practice shall
4 comply with s. 440.03 (13) (am).

(b) Subject to s. 454.50 and any rules promulgated thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who is exercising an authorization to practice in this state in the same manner that they apply to holders of licenses issued under s. 454.04 (1) to (6m).

9 (END)