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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1930 Session of  
2023

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INTRODUCED BY SOLOMON, MAKO, M. MACKENZIE, HILL-EVANS, STURLA,  
MENTZER, SANCHEZ, CERRATO, JAMES, TWARDZIK AND ECKER,  
DECEMBER 28, 2023

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,  
DECEMBER 28, 2023

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AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the  
2 Cosmetology Licensure Compact; and providing for the form of  
3 the compact.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Cosmetology  
8 Licensure Compact Act.

9 Section 2. Authority to execute compact.

10 The Governor, on behalf of the Commonwealth, is hereby  
11 authorized to execute a compact in substantially the following  
12 form with any one or more of the states of the United States and  
13 the General Assembly hereby signifies in advance its approval  
14 and ratification of the compact:

15 COSMETOLOGY LICENSURE COMPACT

16 SECTION 1. PURPOSE

17 The purpose of this Compact is to facilitate the interstate

1 practice and regulation of Cosmetology with the goal of  
2 improving public access to, and the safety of, Cosmetology  
3 Services and reducing unnecessary burdens related to Cosmetology  
4 licensure. Through this Compact, the Member States seek to  
5 establish a regulatory framework which provides for a new  
6 multistate licensing program. Through this new licensing  
7 program, the Member States seek to provide increased value and  
8 mobility to licensed Cosmetologists in the Member States, while  
9 ensuring the provision of safe, effective, and reliable services  
10 to the public.

11 This Compact is designed to achieve the following objectives,  
12 and the Member States hereby ratify the same intentions by  
13 subscribing hereto:

14 A. Provide opportunities for interstate practice by  
15 Cosmetologists who meet uniform requirements for multistate  
16 licensure;

17 B. Enhance the abilities of Member States to protect public  
18 health and safety, and prevent fraud and unlicensed activity  
19 within the profession;

20 C. Ensure and encourage cooperation between Member States in  
21 the licensure and regulation of the Practice of Cosmetology;

22 D. Support relocating military members and their spouses;

23 E. Facilitate the exchange of information between Member  
24 States related to the licensure, investigation, and discipline  
25 of the Practice of Cosmetology;

26 F. Provide for the licensure and mobility of the workforce in  
27 the profession, while addressing the shortage of workers and  
28 lessening the associated burdens on the Member States.

29 SECTION 2. DEFINITIONS

30 As used in this Compact, and except as otherwise provided,

1 the following definitions shall govern the terms herein:

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

5 B. "Adverse Action" means any administrative, civil,  
6 equitable, or criminal action permitted by a Member State's laws  
7 which is imposed by a State Licensing Authority or other  
8 regulatory body against a Cosmetologist, including actions  
9 against an individual's license or Authorization to Practice  
10 such as revocation, suspension, probation, monitoring of the  
11 Licensee, limitation of the Licensee's practice, or any other  
12 Encumbrance on a license affecting an individual's ability to  
13 participate in the Cosmetology industry, including the issuance  
14 of a cease and desist order.

15 C. "Authorization to Practice" means a legal authorization  
16 associated with a Multistate License permitting the Practice of  
17 Cosmetology in that Remote State, which shall be subject to the  
18 enforcement jurisdiction of the State Licensing Authority in  
19 that Remote State.

20 D. "Alternative Program" means a non-disciplinary monitoring  
21 or prosecutorial diversion program approved by a Member State's  
22 State Licensing Authority.

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

29 F. "Charter Member State" means Member States who have  
30 enacted legislation to adopt this Compact where such legislation

1 predates the effective date of this Compact as defined in  
2 Article 13.

3 G. "Commission" means the government agency whose membership  
4 consists of all States that have enacted this Compact, which is  
5 known as the Cosmetology Licensure Compact Commission, as  
6 defined in Article 9, and which shall operate as an  
7 instrumentality of the Member States.

8 H. "Cosmetologist" means an individual licensed in their Home  
9 State to practice Cosmetology.

10 I. "Cosmetology", "Cosmetology Services", and the "Practice  
11 of Cosmetology" mean the care and services provided by a  
12 Cosmetologist as set forth in the Member State's statutes and  
13 regulations in the State where the services are being provided.

14 J. "Current Significant Investigative Information" means:

15 1. Investigative Information that a State Licensing  
16 Authority, after an inquiry or investigation that complies with  
17 a Member State's due process requirements, has reason to believe  
18 is not groundless and, if proved true, would indicate a  
19 violation of that State's laws regarding fraud or the Practice  
20 of Cosmetology; or

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

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

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

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

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

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

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

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

16 R. "Jurisprudence Requirement" means the assessment of an  
17 individual's knowledge of the laws and rules governing the  
18 Practice of Cosmetology in a State.

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

21 T. "Member State" means any State that has adopted this  
22 Compact.

23 U. "Multistate License" means a license issued by and subject  
24 to the enforcement jurisdiction of the State Licensing Authority  
25 in a Licensee's Home State, which authorizes the Practice of  
26 Cosmetology in Member States and includes Authorizations to  
27 Practice Cosmetology in all Remote States pursuant to this  
28 Compact.

29 V. "Remote State" means any Member State, other than the  
30 Licensee's Home State.

1 W. "Rule" means any rule or regulation promulgated by the  
2 Commission under this Compact which has the force of law.

3 X. "Single-State License" means a Cosmetology license issued  
4 by a Member State that authorizes practice of Cosmetology only  
5 within the issuing State and does not include any authorization  
6 outside of the issuing State.

7 Y. "State" means a State, territory, or possession of the  
8 United States and the District of Columbia.

9 Z. "State Licensing Authority" means a Member State's  
10 regulatory body responsible for issuing Cosmetology licenses or  
11 otherwise overseeing the Practice of Cosmetology in that State.

12 SECTION 3. MEMBER STATE REQUIREMENTS

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

15 1. License and regulate Cosmetology;

16 2. Have a mechanism or entity in place to receive and  
17 investigate complaints about Licensees practicing in that State;

18 3. Require that Licensees within the State pass a Cosmetology  
19 competency examination prior to being licensed to provide  
20 Cosmetology Services to the public in that State;

21 4. Require that Licensees satisfy educational or training  
22 requirements in Cosmetology prior to being licensed to provide  
23 Cosmetology Services to the public in that State;

24 5. Implement procedures for considering one or more of the  
25 following categories of information from applicants for  
26 licensure: criminal history; disciplinary history; or Background  
27 Check. Such procedures may include the submission of information  
28 by applicants for the purpose of obtaining an applicant's  
29 Background Check as defined herein;

30 6. Participate in the Data System, including through the use

1 of unique identifying numbers;

2 7. Share information related to Adverse Actions with the  
3 Commission and other Member States, both through the Data System  
4 and otherwise;

5 8. Notify the Commission and other Member States, in  
6 compliance with the terms of this Compact and Rules of the  
7 Commission, of the existence of Investigative Information or  
8 Current Significant Investigative Information in the State's  
9 possession regarding a Licensee practicing in that State;

10 9. Comply with such Rules as may be enacted by the Commission  
11 to administer this Compact; and

12 10. Accept Licensees from other Member States as established  
13 herein.

14 B. Member States may charge a fee for granting a license to  
15 practice Cosmetology.

16 C. Individuals not residing in a Member State shall continue  
17 to be able to apply for a Member State's Single-State License as  
18 provided under the laws of each Member State. However, the  
19 Single-State License granted to these individuals shall not be  
20 recognized as granting a Multistate License to provide services  
21 in any other Member State.

22 D. Nothing in this Compact shall affect the requirements  
23 established by a Member State for the issuance of a Single-State  
24 License.

25 E. A Multistate License issued to a Licensee by a Home State  
26 to a resident of that State shall be recognized by each Member  
27 State as authorizing a Licensee to practice Cosmetology in each  
28 Member State.

29 F. At no point shall the Commission have the power to define  
30 the educational or professional requirements for a license to

1 practice Cosmetology. The Member States shall retain sole  
2 jurisdiction over the provision of these requirements.

3 SECTION 4. MULTISTATE LICENSE

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

8 B. Upon the receipt of an application for a Multistate  
9 License, according to the Rules of the Commission, a Member  
10 State's State Licensing Authority shall ascertain whether the  
11 applicant meets the requirements for a Multistate License under  
12 this Compact.

13 C. If an applicant meets the requirements for a Multistate  
14 License under this Compact and any applicable Rules of the  
15 Commission, the State Licensing Authority in receipt of the  
16 application shall, within a reasonable time, grant a Multistate  
17 License to that applicant, and inform all Member States of the  
18 grant of said Multistate License.

19 D. A Multistate License to practice Cosmetology issued by a  
20 Member State's State Licensing Authority shall be recognized by  
21 each Member State as authorizing the practice thereof as though  
22 that Licensee held a Single-State License to do so in each  
23 Member State, subject to the restrictions herein.

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

27 F. To maintain a Multistate License under this Compact, a  
28 Licensee must:

29 1. Agree to abide by the rules of the State Licensing  
30 Authority, and the State scope of practice laws governing the



1 Practice of Cosmetology, of any Member State in which the  
2 Licensee provides services;

3 2. Pay all required fees related to the application and  
4 process, and any other fees which the Commission may by Rule  
5 require; and

6 3. Comply with any and all other requirements regarding  
7 Multistate Licenses which the Commission may by Rule provide.

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

11 H. The Practice of Cosmetology under a Multistate License  
12 granted pursuant to this Compact will subject the Licensee to  
13 the jurisdiction of the State Licensing Authority, the courts,  
14 and the laws of the Member State in which the Cosmetology  
15 Services are provided.

16 SECTION 5. REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME  
17 STATE

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

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

22 1. The Licensee shall immediately apply for the reissuance of  
23 their Multistate License in their new Home State. The Licensee  
24 shall pay all applicable fees and notify the prior Home State in  
25 accordance with the Rules of the Commission.

26 2. Upon receipt of an application to reissue a Multistate  
27 License, the new Home State shall verify that the Multistate  
28 License is active, unencumbered and eligible for reissuance  
29 under the terms of this Compact and the Rules of the Commission.  
30 The Multistate License issued by the prior Home State will be

1 deactivated and all Member States notified in accordance with  
2 the applicable Rules adopted by the Commission.

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

7 4. Notwithstanding any other provision of this Compact, if a  
8 Licensee does not meet the requirements set forth in this  
9 Compact for the reissuance of a Multistate License by the new  
10 Home State, then the Licensee shall be subject to the new Home  
11 State requirements for the issuance of a Single-State License in  
12 that State.

13 C. If a Licensee changes their primary state of residence by  
14 moving from a Member State to a non-Member State, or from a non-  
15 Member State to a Member State, then the Licensee shall be  
16 subject to the State requirements for the issuance of a Single-  
17 State License in the new Home State.

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

22 E. Nothing in this Compact shall interfere with the  
23 requirements established by a Member State for the issuance of a  
24 Single-State License.

25 SECTION 6. AUTHORITY OF THE COMMISSION AND MEMBER STATE  
26 LICENSING AUTHORITIES

27 A. Nothing in this Compact, nor any Rule or regulation of the  
28 Commission, shall be construed to limit, restrict, or in any way  
29 reduce the ability of a Member State to enact and enforce laws,  
30 regulations, or other rules related to the Practice of

1 Cosmetology in that State, where those laws, regulations, or  
2 other rules are not inconsistent with the provisions of this  
3 Compact.

4 B. Insofar as practical, a Member State's State Licensing  
5 Authority shall cooperate with the Commission and with each  
6 entity exercising independent regulatory authority over the  
7 Practice of Cosmetology according to the provisions of this  
8 Compact.

9 C. Discipline shall be the sole responsibility of the State  
10 in which Cosmetology Services are provided. Accordingly, each  
11 Member State's State Licensing Authority shall be responsible  
12 for receiving complaints about individuals practicing  
13 Cosmetology in that State, and for communicating all relevant  
14 Investigative Information about any such Adverse Action to the  
15 other Member States through the Data System in addition to any  
16 other methods the Commission may by Rule require.

17 SECTION 7. ADVERSE ACTIONS

18 A. A Licensee's Home State shall have exclusive power to  
19 impose an Adverse Action against a Licensee's Multistate License  
20 issued by the Home State.

21 B. A Home State may take Adverse Action on a Multistate  
22 License based on the Investigative Information, Current  
23 Significant Investigative Information, or Adverse Action of a  
24 Remote State.

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

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

1 a. Only the Licensee's Home State shall have the power to  
2 take Adverse Action against the Multistate License issued by the  
3 Home State; and

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

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

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

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

29 5. If otherwise permitted by State law, recover from the  
30 affected Licensee the costs of investigations and disposition of

1 cases resulting from any Adverse Action taken against that  
2 Licensee.

3 6. Take Adverse Action against the Licensee's Authorization  
4 to Practice in that State based on the factual findings of  
5 another Remote State.

6 D. A Licensee's Home State shall complete any pending  
7 investigation(s) of a Cosmetologist who changes their primary  
8 state of residence during the course of the investigation(s).  
9 The Home State shall also have the authority to take appropriate  
10 action(s) and shall promptly report the conclusions of the  
11 investigations to the Data System.

12 E. If an Adverse Action is taken by the Home State against a  
13 Licensee's Multistate License, the Licensee's Authorization to  
14 Practice in all other Member States shall be deactivated until  
15 all Encumbrances have been removed from the Home State license.  
16 All Home State disciplinary orders that impose an Adverse Action  
17 against a Licensee's Multistate License shall include a  
18 statement that the Cosmetologist's Authorization to Practice is  
19 deactivated in all Member States during the pendency of the  
20 order.

21 F. Nothing in this Compact shall override a Member State's  
22 authority to accept a Licensee's participation in an Alternative  
23 Program in lieu of Adverse Action. A Licensee's Multistate  
24 License shall be suspended for the duration of the Licensee's  
25 participation in any Alternative Program.

26 G. Joint Investigations

27 1. In addition to the authority granted to a Member State by  
28 its respective scope of practice laws or other applicable State  
29 law, a Member State may participate with other Member States in  
30 joint investigations of Licensees.

1       2. Member States shall share any investigative, litigation,  
2 or compliance materials in furtherance of any joint or  
3 individual investigation initiated under this Compact.

4 SECTION 8. ACTIVE MILITARY MEMBERS AND THEIR SPOUSES

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

10 SECTION 9. ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY  
11 LICENSURE COMPACT COMMISSION

12       A. The Member States hereby create and establish a joint  
13 government agency whose membership consists of all Member States  
14 that have enacted this Compact known as the Cosmetology  
15 Licensure Compact Commission. The Commission is an  
16 instrumentality of the Member States acting jointly and not an  
17 instrumentality of any one State. The Commission shall come into  
18 existence on or after the effective date of this Compact as set  
19 forth in Article 13.

20       B. Membership, Voting, and Meetings

21       1. Each Member State shall have and be limited to one (1)  
22 delegate selected by that Member State's State Licensing  
23 Authority.

24       2. The delegate shall be an administrator of the State  
25 Licensing Authority of the Member State or their designee.

26       3. The Commission shall by Rule or bylaw establish a term of  
27 office for delegates and may by Rule or bylaw establish term  
28 limits.

29       4. The Commission may recommend removal or suspension of any  
30 delegate from office.

1       5. A Member State's State Licensing Authority shall fill any  
2 vacancy of its delegate occurring on the Commission within 60  
3 days of the vacancy.

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

6       7. The Commission shall meet at least once during each  
7 calendar year. Additional meetings may be held as set forth in  
8 the bylaws. The Commission may meet by telecommunication, video  
9 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  
13 policies;

14      3. Adopt Rules and bylaws;

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

17      5. Meet and take such actions as are consistent with the  
18 provisions of this Compact, the Commission's Rules, and the  
19 bylaws;

20      6. Initiate and conclude legal proceedings or actions in the  
21 name of the Commission, provided that the standing of any State  
22 Licensing Authority to sue or be sued under applicable law shall  
23 not be affected;

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

28      8. Purchase and maintain insurance and bonds;

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

1 10. Conduct an annual financial review;

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

8 12. As set forth in the Commission Rules, charge a fee to a  
9 Licensee for the grant of a Multistate License and thereafter,  
10 as may be established by Commission Rule, charge the Licensee a  
11 Multistate License renewal fee for each renewal period. Nothing  
12 herein shall be construed to prevent a Home State from charging  
13 a Licensee a fee for a Multistate License or renewals of a  
14 Multistate License, or a fee for the jurisprudence requirement  
15 if the Member State imposes such a requirement for the grant of  
16 a Multistate License;

17 13. Assess and collect fees;

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

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

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

28 17. Establish a budget and make expenditures;

29 18. Borrow money;

30 19. Appoint committees, including standing committees,



1 composed of members, State regulators, State legislators or  
2 their representatives, and consumer representatives, and such  
3 other interested persons as may be designated in this Compact  
4 and the bylaws;

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

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

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

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

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

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

19 D. The Executive Committee

20 1. The Executive Committee shall have the power to act on  
21 behalf of the Commission according to the terms of this Compact.

22 The powers, duties, and responsibilities of the Executive  
23 Committee shall include:

24 a. Overseeing the day-to-day activities of the administration  
25 of this Compact including compliance with the provisions of this  
26 Compact, the Commission's Rules and bylaws, and other such  
27 duties as deemed necessary;

28 b. Recommending to the Commission changes to the Rules or  
29 bylaws, changes to this Compact legislation, fees charged to  
30 Compact Member States, fees charged to Licensees, and other

1 fees;

2 c. Ensuring Compact administration services are appropriately  
3 provided, including by contract;

4 d. Preparing and recommending the budget;

5 e. Maintaining financial records on behalf of the Commission;

6 f. Monitoring Compact compliance of Member States and  
7 providing compliance reports to the Commission;

8 g. Establishing additional committees as necessary;

9 h. Exercising the powers and duties of the Commission during  
10 the interim between Commission meetings, except for adopting or  
11 amending Rules, adopting or amending bylaws, and exercising any  
12 other powers and duties expressly reserved to the Commission by  
13 Rule or bylaw; and

14 i. Other duties as provided in the Rules or bylaws of the  
15 Commission.

16 2. The Executive Committee shall be composed of up to seven  
17 voting members:

18 a. The chair and vice chair of the Commission and any other  
19 members of the Commission who serve on the Executive Committee  
20 shall be voting members of the Executive Committee; and

21 b. Other than the chair, vice-chair, secretary and treasurer,  
22 the Commission shall elect three voting members from the current  
23 membership of the Commission.

24 c. The Commission may elect ex-officio, nonvoting members  
25 from a recognized national Cosmetology professional association  
26 as approved by the Commission. The Commission's bylaws shall  
27 identify qualifying organizations and the manner of appointment  
28 if the number of organizations seeking to appoint an ex officio  
29 member exceeds the number of members specified in this Article.

30 3. The Commission may remove any member of the Executive

1 Committee as provided in the Commission's bylaws.

2 4. The Executive Committee shall meet at least annually.

3 a. Annual Executive Committee meetings, as well as any  
4 Executive Committee meeting at which it does not take or intend  
5 to take formal action on a matter for which a Commission vote  
6 would otherwise be required, shall be open to the public, except  
7 that the Executive Committee may meet in a closed, non-public  
8 session of a public meeting when dealing with any of the matters  
9 covered under Article 9.F.4.

10 b. The Executive Committee shall give five business days  
11 advance notice of its public meetings, posted on its website and  
12 as determined to provide notice to persons with an interest in  
13 the public matters the Executive Committee intends to address at  
14 those meetings.

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

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

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

20 c. Protect public health and safety.

21 E. The Commission shall adopt and provide to the Member  
22 States an annual report.

23 F. Meetings of the Commission

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

28 2. Notwithstanding Article 9.F.1, the Commission may convene  
29 an emergency public meeting by providing at least twenty-four  
30 (24) hours prior notice on the Commission's website, and any

1 other means as provided in the Commission's Rules, for any of  
2 the reasons it may dispense with notice of proposed rulemaking  
3 under Article 11.L. The Commission's legal counsel shall certify  
4 that one of the reasons justifying an emergency public meeting  
5 has been met.

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

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

13 a. Non-compliance of a Member State with its obligations  
14 under this Compact;

15 b. The employment, compensation, discipline or other matters,  
16 practices or procedures related to specific employees or other  
17 matters related to the Commission's internal personnel practices  
18 and procedures;

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

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

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

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

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

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

30 i. Investigative records compiled for law enforcement

1 purposes;

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

6 k. Legal advice;

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

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

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

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

23 G. Financing of the Commission

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

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

30 3. The Commission may levy on and collect an annual

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

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

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

#### 22 H. Qualified Immunity, Defense, and Indemnification

23 1. The members, officers, executive director, employees and  
24 representatives of the Commission shall be immune from suit and  
25 liability, both personally and in their official capacity, for  
26 any claim for damage to or loss of property or personal injury  
27 or other civil liability caused by or arising out of any actual  
28 or alleged act, error, or omission that occurred, or that the  
29 person against whom the claim is made had a reasonable basis for  
30 believing occurred within the scope of Commission employment,

1 duties or responsibilities; provided that nothing in this  
2 paragraph shall be construed to protect any such person from  
3 suit or liability for any damage, loss, injury, or liability  
4 caused by the intentional or willful or wanton misconduct of  
5 that person. The procurement of insurance of any type by the  
6 Commission shall not in any way compromise or limit the immunity  
7 granted hereunder.

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

21 3. The Commission shall indemnify and hold harmless any  
22 member, officer, executive director, employee, and  
23 representative of the Commission for the amount of any  
24 settlement or judgment obtained against that person arising out  
25 of any actual or alleged act, error, or omission that occurred  
26 within the scope of Commission employment, duties, or  
27 responsibilities, or that such person had a reasonable basis for  
28 believing occurred within the scope of Commission employment,  
29 duties, or responsibilities, provided that the actual or alleged  
30 act, error, or omission did not result from the intentional or

1 willful or wanton misconduct of that person.

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

6 5. Nothing in this Compact shall be interpreted to waive or  
7 otherwise abrogate a Member State's State action immunity or  
8 State action affirmative defense with respect to antitrust  
9 claims under the Sherman Act, Clayton Act, or any other State or  
10 federal antitrust or anticompetitive law or regulation.

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

13 SECTION 10. DATA SYSTEM

14 A. The Commission shall provide for the development,  
15 maintenance, operation, and utilization of a coordinated  
16 database and reporting system.

17 B. The Commission shall assign each applicant for a  
18 Multistate License a unique identifier, as determined by the  
19 Rules of the Commission.

20 C. Notwithstanding any other provision of State law to the  
21 contrary, a Member State shall submit a uniform data set to the  
22 Data System on all individuals to whom this Compact is  
23 applicable as required by the Rules of the Commission,  
24 including:

25 1. Identifying information;

26 2. Licensure data;

27 3. Adverse Actions against a license and information related  
28 thereto;

29 4. Non-confidential information related to Alternative  
30 Program participation, the beginning and ending dates of such



1 participation, and other information related to such  
2 participation;

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

6 6. The existence of Investigative Information;

7 7. The existence of Current Significant Investigative  
8 Information; and

9 8. Other information that may facilitate the administration  
10 of this Compact or the protection of the public, as determined  
11 by the Rules of the Commission.

12 D. The records and information provided to a Member State  
13 pursuant to this Compact or through the Data System, when  
14 certified by the Commission or an agent thereof, shall  
15 constitute the authenticated business records of the Commission,  
16 and shall be entitled to any associated hearsay exception in any  
17 relevant judicial, quasi-judicial or administrative proceedings  
18 in a Member State.

19 E. The existence of Current Significant Investigative  
20 Information and the existence of Investigative Information  
21 pertaining to a Licensee in any Member State will only be  
22 available to other Member States.

23 F. It is the responsibility of the Member States to monitor  
24 the database to determine whether Adverse Action has been taken  
25 against such a Licensee or License applicant. Adverse Action  
26 information pertaining to a Licensee or License applicant in any  
27 Member State will be available to any other Member State.

28 G. Member States contributing information to the Data System  
29 may designate information that may not be shared with the public  
30 without the express permission of the contributing State.

1 H. Any information submitted to the Data System that is  
2 subsequently expunged pursuant to federal law or the laws of the  
3 Member State contributing the information shall be removed from  
4 the Data System.

5 SECTION 11. RULEMAKING

6 A. The Commission shall promulgate reasonable Rules in order  
7 to effectively and efficiently implement and administer the  
8 purposes and provisions of this Compact. A Rule shall be invalid  
9 and have no force or effect only if a court of competent  
10 jurisdiction holds that the Rule is invalid because the  
11 Commission exercised its rulemaking authority in a manner that  
12 is beyond the scope and purposes of this Compact, or the powers  
13 granted hereunder, or based upon another applicable standard of  
14 review.

15 B. The Rules of the Commission shall have the force of law in  
16 each Member State, provided however that where the Rules of the  
17 Commission conflict with the laws of the Member State that  
18 establish the Member State's scope of practice laws governing  
19 the Practice of Cosmetology as held by a court of competent  
20 jurisdiction, the Rules of the Commission shall be ineffective  
21 in that State to the extent of the conflict.

22 C. The Commission shall exercise its rulemaking powers  
23 pursuant to the criteria set forth in this Article and the Rules  
24 adopted thereunder. Rules shall become binding as of the date  
25 specified by the Commission for each Rule.

26 D. If a majority of the legislatures of the Member States  
27 rejects a Rule or portion of a Rule, by enactment of a statute  
28 or resolution in the same manner used to adopt this Compact  
29 within four (4) years of the date of adoption of the Rule, then  
30 such Rule shall have no further force and effect in any Member

1 State or to any State applying to participate in this Compact.

2 E. Rules shall be adopted at a regular or special meeting of  
3 the Commission.

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

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

11 1. On the website of the Commission or other publicly  
12 accessible platform;

13 2. To persons who have requested notice of the Commission's  
14 notices of proposed rulemaking; and

15 3. In such other way(s) as the Commission may by Rule  
16 specify.

17 H. The notice of proposed rulemaking shall include:

18 1. The time, date, and location of the public hearing at  
19 which the Commission will hear public comments on the proposed  
20 Rule and, if different, the time, date, and location of the  
21 meeting where the Commission will consider and vote on the  
22 proposed Rule;

23 2. If the hearing is held via telecommunication, video  
24 conference, or other electronic means, the Commission shall  
25 include the mechanism for access to the hearing in the notice of  
26 proposed rulemaking;

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

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

30 5. The manner in which interested persons may submit written

1 comments.

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

5 J. Nothing in this Article shall be construed as requiring a  
6 separate hearing on each Rule. Rules may be grouped for the  
7 convenience of the Commission at hearings required by this  
8 Article.

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

12 1. The Commission may adopt changes to the proposed Rule  
13 provided the changes do not enlarge the original purpose of the  
14 proposed Rule.

15 2. The Commission shall provide an explanation of the reasons  
16 for substantive changes made to the proposed Rule as well as  
17 reasons for substantive changes not made that were recommended  
18 by commenters.

19 3. The Commission shall determine a reasonable effective date  
20 for the Rule. Except for an emergency as provided in Article  
21 11.L, the effective date of the Rule shall be no sooner than  
22 forty-five (45) days after the Commission issuing the notice  
23 that it adopted or amended the Rule.

24 L. Upon determination that an emergency exists, the  
25 Commission may consider and adopt an emergency Rule with five  
26 (5) days' notice, with opportunity to comment, provided that the  
27 usual rulemaking procedures provided in this Compact and in this  
28 Article shall be retroactively applied to the Rule as soon as  
29 reasonably possible, in no event later than ninety (90) days  
30 after the effective date of the Rule. For the purposes of this

1 provision, an emergency Rule is one that must be adopted  
2 immediately to:

3 1. Meet an imminent threat to public health, safety, or  
4 welfare;

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

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

8 4. Protect public health and safety.

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

23 N. No Member State's rulemaking requirements shall apply  
24 under this Compact.

## 25 SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

### 26 A. Oversight

27 1. The executive and judicial branches of State government in  
28 each Member State shall enforce this Compact and take all  
29 actions necessary and appropriate to implement this Compact.

30 2. Venue is proper and judicial proceedings by or against the

1 Commission shall be brought solely and exclusively in a court of  
2 competent jurisdiction where the principal office of the  
3 Commission is located. The Commission may waive venue and  
4 jurisdictional defenses to the extent it adopts or consents to  
5 participate in alternative dispute resolution proceedings.  
6 Nothing herein shall affect or limit the selection or propriety  
7 of venue in any action against a Licensee for professional  
8 malpractice, misconduct or any such similar matter.

9 3. The Commission shall be entitled to receive service of  
10 process in any proceeding regarding the enforcement or  
11 interpretation of this Compact and shall have standing to  
12 intervene in such a proceeding for all purposes. Failure to  
13 provide the Commission service of process shall render a  
14 judgment or order void as to the Commission, this Compact, or  
15 promulgated Rules.

16 B. Default, Technical Assistance, and Termination

17 1. If the Commission determines that a Member State has  
18 defaulted in the performance of its obligations or  
19 responsibilities under this Compact or the promulgated Rules,  
20 the Commission shall provide written notice to the defaulting  
21 State. The notice of default shall describe the default, the  
22 proposed means of curing the default, and any other action that  
23 the Commission may take, and shall offer training and specific  
24 technical assistance regarding the default.

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

27 3. If a State in default fails to cure the default, the  
28 defaulting State may be terminated from this Compact upon an  
29 affirmative vote of a majority of the delegates of the Member  
30 States, and all rights, privileges and benefits conferred on

1 that State by this Compact may be terminated on the effective  
2 date of termination. A cure of the default does not relieve the  
3 offending State of obligations or liabilities incurred during  
4 the period of default.

5 4. Termination of membership in this Compact shall be imposed  
6 only after all other means of securing compliance have been  
7 exhausted. Notice of intent to suspend or terminate shall be  
8 given by the Commission to the governor, the majority and  
9 minority leaders of the defaulting State's legislature, the  
10 defaulting State's State Licensing Authority and each of the  
11 Member States' State Licensing Authority.

12 5. A State that has been terminated is responsible for all  
13 assessments, obligations, and liabilities incurred through the  
14 effective date of termination, including obligations that extend  
15 beyond the effective date of termination.

16 6. Upon the termination of a State's membership from this  
17 Compact, that State shall immediately provide notice to all  
18 Licensees who hold a Multistate License within that State of  
19 such termination. The terminated State shall continue to  
20 recognize all licenses granted pursuant to this Compact for a  
21 minimum of one hundred eighty (180) days after the date of said  
22 notice of termination.

23 7. The Commission shall not bear any costs related to a State  
24 that is found to be in default or that has been terminated from  
25 this Compact, unless agreed upon in writing between the  
26 Commission and the defaulting State.

27 8. The defaulting State may appeal the action of the  
28 Commission by petitioning the United States District Court for  
29 the District of Columbia or the federal district where the  
30 Commission has its principal offices. The prevailing party shall

1 be awarded all costs of such litigation, including reasonable  
2 attorney's fees.

3 C. Dispute Resolution

4 1. Upon request by a Member State, the Commission shall  
5 attempt to resolve disputes related to this Compact that arise  
6 among Member States and between Member and non-Member States.

7 2. The Commission shall promulgate a Rule providing for both  
8 mediation and binding dispute resolution for disputes as  
9 appropriate.

10 D. Enforcement

11 1. The Commission, in the reasonable exercise of its  
12 discretion, shall enforce the provisions of this Compact and the  
13 Commission's Rules.

14 2. By majority vote as provided by Commission Rule, the  
15 Commission may initiate legal action against a Member State in  
16 default in the United States District Court for the District of  
17 Columbia or the federal district where the Commission has its  
18 principal offices to enforce compliance with the provisions of  
19 this Compact and its promulgated Rules. The relief sought may  
20 include both injunctive relief and damages. In the event  
21 judicial enforcement is necessary, the prevailing party shall be  
22 awarded all costs of such litigation, including reasonable  
23 attorney's fees. The remedies herein shall not be the exclusive  
24 remedies of the Commission. The Commission may pursue any other  
25 remedies available under federal or the defaulting Member  
26 State's law.

27 3. A Member State may initiate legal action against the  
28 Commission in the United States District Court for the District  
29 of Columbia or the federal district where the Commission has its  
30 principal offices to enforce compliance with the provisions of



1 this Compact and its promulgated Rules. The relief sought may  
2 include both injunctive relief and damages. In the event  
3 judicial enforcement is necessary, the prevailing party shall be  
4 awarded all costs of such litigation, including reasonable  
5 attorney's fees.

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

8 SECTION 13. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

9 A. This Compact shall come into effect on the date on which  
10 this Compact statute is enacted into law in the seventh Member  
11 State.

12 1. On or after the effective date of this Compact, the  
13 Commission shall convene and review the enactment of each of the  
14 Charter Member States to determine if the statute enacted by  
15 each such Charter Member State is materially different than the  
16 model Compact statute.

17 a. A Charter Member State whose enactment is found to be  
18 materially different from the model Compact statute shall be  
19 entitled to the default process set forth in Article 12.

20 b. If any Member State is later found to be in default, or is  
21 terminated or withdraws from this Compact, the Commission shall  
22 remain in existence and this Compact shall remain in effect even  
23 if the number of Member States should be less than seven (7).

24 2. Member States enacting this Compact subsequent to the  
25 Charter Member States shall be subject to the process set forth  
26 in Article 9.C.24 to determine if their enactments are  
27 materially different from the model Compact statute and whether  
28 they qualify for participation in this Compact.

29 3. All actions taken for the benefit of the Commission or in  
30 furtherance of the purposes of the administration of this

1 Compact prior to the effective date of this Compact or the  
2 Commission coming into existence shall be considered to be  
3 actions of the Commission unless specifically repudiated by the  
4 Commission.

5 4. Any State that joins this Compact shall be subject to the  
6 Commission's Rules and bylaws as they exist on the date on which  
7 this Compact becomes law in that State. Any Rule that has been  
8 previously adopted by the Commission shall have the full force  
9 and effect of law on the day this Compact becomes law in that  
10 State.

11 B. Any Member State may withdraw from this Compact by  
12 enacting a statute repealing that State's enactment of this  
13 Compact.

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

17 2. Withdrawal shall not affect the continuing requirement of  
18 the withdrawing State's State Licensing Authority to comply with  
19 the investigative and Adverse Action reporting requirements of  
20 this Compact prior to the effective date of withdrawal.

21 3. Upon the enactment of a statute withdrawing from this  
22 Compact, a State shall immediately provide notice of such  
23 withdrawal to all Licensees within that State. Notwithstanding  
24 any subsequent statutory enactment to the contrary, such  
25 withdrawing State shall continue to recognize all licenses  
26 granted pursuant to this Compact for a minimum of one hundred  
27 eighty (180) days after the date of such notice of withdrawal.

28 C. Nothing contained in this Compact shall be construed to  
29 invalidate or prevent any licensure agreement or other  
30 cooperative arrangement between a Member State and a non-Member

1 State that does not conflict with the provisions of this  
2 Compact.

3 D. This Compact may be amended by the Member States. No  
4 amendment to this Compact shall become effective and binding  
5 upon any Member State until it is enacted into the laws of all  
6 Member States.

#### 7 SECTION 14. CONSTRUCTION AND SEVERABILITY

8 A. This Compact and the Commission's rulemaking authority  
9 shall be liberally construed so as to effectuate the purposes,  
10 and the implementation and administration of this Compact.  
11 Provisions of this Compact expressly authorizing or requiring  
12 the promulgation of Rules shall not be construed to limit the  
13 Commission's rulemaking authority solely for those purposes.

14 B. The provisions of this Compact shall be severable and if  
15 any phrase, clause, sentence or provision of this Compact is  
16 held by a court of competent jurisdiction to be contrary to the  
17 constitution of any Member State, a State seeking participation  
18 in this Compact, or of the United States, or the applicability  
19 thereof to any government, agency, person or circumstance is  
20 held to be unconstitutional by a court of competent  
21 jurisdiction, the validity of the remainder of this Compact and  
22 the applicability thereof to any other government, agency,  
23 person or circumstance shall not be affected thereby.

24 C. Notwithstanding Article 14.B, the Commission may deny a  
25 State's participation in this Compact or, in accordance with the  
26 requirements of Article 12, terminate a Member State's  
27 participation in this Compact, if it determines that a  
28 constitutional requirement of a Member State is a material  
29 departure from this Compact. Otherwise, if this Compact shall be  
30 held to be contrary to the constitution of any Member State,

1 this Compact shall remain in full force and effect as to the  
2 remaining Member States and in full force and effect as to the  
3 Member State affected as to all severable matters.

4 SECTION 15. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

5 A. Nothing herein shall prevent or inhibit the enforcement of  
6 any other law of a Member State that is not inconsistent with  
7 this Compact.

8 B. Any laws, statutes, regulations, or other legal  
9 requirements in a Member State in conflict with this Compact are  
10 superseded to the extent of the conflict.

11 C. All permissible agreements between the Commission and the  
12 Member States are binding in accordance with their terms.

13 Section 3. Operation.

14 (a) General rule.--When the Governor executes the compact on  
15 behalf of the Commonwealth and files a verified copy thereof  
16 with the Secretary of the Commonwealth and when the compact is  
17 ratified by one or more other states, the compact shall become  
18 operative and effective between the Commonwealth and such other  
19 state or states. The Governor is hereby authorized and directed  
20 to take such action as may be necessary to complete the exchange  
21 of official documents between the Commonwealth and any other  
22 state ratifying the compact.

23 (b) Notice in Pennsylvania Bulletin.--The Secretary of the  
24 Commonwealth shall transmit a notice to the Legislative  
25 Reference Bureau for publication in the next available issue of  
26 the Pennsylvania Bulletin when the conditions specified in  
27 subsection (a) are satisfied and shall include in the notice the  
28 date on which the compact became effective and operative between  
29 the Commonwealth and any other state or states in accordance  
30 with this act.

1 Section 4. Compensation and expenses of compact administrator.

2 The compact administrator who represents the Commonwealth, as  
3 provided for in the compact, shall not be entitled to any  
4 additional compensation for the duties and responsibilities as  
5 compact administrator but shall be entitled to reimbursement for  
6 reasonable expenses actually incurred in connection with the  
7 duties and responsibilities as compact administrator in the same  
8 manner as for expenses incurred in connection with other duties  
9 and responsibilities of the office or employment.

10 Section 5. Effective date.

11 This act shall take effect in 60 days.