

# HOUSE BILL No. 1319

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-43.5; IC 34-30-2.1-391.7.

**Synopsis:** Cosmetology licensure compact. Establishes the cosmetology licensure compact (compact). Provides the requirements states must follow in order to participate in the compact. Provides that a cosmetologist may practice in member states so long as the cosmetologist meets certain criteria. Establishes a governing commission and sets out its powers, duties, financing, and liability. Provides various mechanisms for the member states and the governing commission to regulate the interstate practice of cosmetology. Provides for various contingencies, including the process to effect, amend, enforce, withdraw from, or terminate the compact.

**Effective:** July 1, 2024.

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January 10, 2024, read first time and referred to Committee on Employment, Labor and Pensions.

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Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1319

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-43.5 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2024]:  
4 **ARTICLE 43.5. COSMETOLOGY LICENSURE COMPACT**  
5 **Chapter 1. Purpose**  
6 **Sec. 1. The purpose of this compact is to facilitate the interstate**  
7 **practice and regulation of cosmetology with the goal of improving**  
8 **public access to, and the safety of, cosmetology services and**  
9 **reducing unnecessary burdens related to cosmetology licensure.**  
10 **Through this compact, the member states seek to establish a**  
11 **regulatory framework which provides for a new multistate**  
12 **licensing program. Through this new licensing program, the**  
13 **member states seek to provide increased value and mobility to**  
14 **licensed cosmetologists in the member states, while ensuring the**  
15 **provision of safe, effective, and reliable services to the public.**  
16 **Sec. 2. This compact is designed to achieve the following**  
17 **objectives, and the member states hereby ratify the same intentions**



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by adopting this compact:

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

**Chapter 2. Definitions**

**Sec. 0.5.** The definitions in this chapter apply throughout this article, unless the context requires otherwise.

**Sec. 1.** "Active military member" means any person with full-time duty status in the armed forces of the United States, including members of the national guard and reserve.

**Sec. 2.** "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a member state's laws which is imposed by a state licensing authority or other regulatory body against a cosmetologist, including actions against an individual's license or authorization to practice such as revocation, suspension, probation, monitoring of the licensee, limitation of the licensee's practice, or any other encumbrance on a license affecting an individual's ability to participate in the cosmetology industry, including the issuance of a cease and desist order.

**Sec. 3.** "Alternative program" means a nondisciplinary monitoring or prosecutorial diversion program approved by a member state's state licensing authority.

**Sec. 4.** "Authorization to practice" means a legal authorization associated with a multistate license permitting the practice of cosmetology in that remote state, which shall be subject to the enforcement jurisdiction of the state licensing authority in that remote state.

**Sec. 5.** "Background check" means the submission of information for an applicant for the purpose of obtaining that applicant's criminal history record information, as further defined



1 in 28 CFR 20.3(d), from the Federal Bureau of Investigation and  
2 the agency responsible for retaining state criminal or disciplinary  
3 history in the applicant's home state.

4 Sec. 6. "Charter member state" means a member state that has  
5 enacted legislation to adopt this compact where such legislation  
6 predates the effective date of this compact as defined in  
7 IC 25-43.5-13.

8 Sec. 7. "Commission" means the government agency whose  
9 membership consists of all states that have enacted this compact,  
10 which is known as the cosmetology licensure compact commission,  
11 as defined in IC 25-43.5-9, and which shall operate as an  
12 instrumentality of the member states.

13 Sec. 8. "Cosmetologist" means an individual licensed in their  
14 home state to practice cosmetology.

15 Sec. 9. "Cosmetology", "cosmetology services", and the  
16 "practice of cosmetology" mean the care and services provided by  
17 a cosmetologist as set forth in the member state's statutes and  
18 regulations in the state where the services are being provided.

19 Sec. 10. "Current significant investigative information" means  
20 investigative information that:

21 (1) a state licensing authority, after an inquiry or investigation  
22 that complies with a member state's due process  
23 requirements, has reason to believe is not groundless and, if  
24 proved true, would indicate a violation of that state's laws  
25 regarding fraud or the practice of cosmetology; or

26 (2) indicates that a licensee has engaged in fraud or represents  
27 an immediate threat to public health and safety, regardless of  
28 whether the licensee has been notified and had an opportunity  
29 to respond.

30 Sec. 11. "Data system" means a repository of information about  
31 licensees, including, but not limited to, license status, investigative  
32 information, and adverse actions.

33 Sec. 12. "Disqualifying event" means any event which shall  
34 disqualify an individual from holding a multistate license under  
35 this compact, which the commission may by rule or order specify.

36 Sec. 13. "Encumbered license" means a license in which an  
37 adverse action restricts the practice of cosmetology by a licensee,  
38 or where the adverse action has been reported to the commission.

39 Sec. 14. "Encumbrance" means a revocation or suspension of,  
40 or any limitation on, the full and unrestricted practice of  
41 cosmetology by a state licensing authority.

42 Sec. 15. "Executive committee" means a group of delegates



1 elected or appointed to act on behalf of, and within the powers  
2 granted to them by, the commission.

3 Sec. 16. "Home state" means the member state which is a  
4 licensee's primary state of residence, and where that licensee holds  
5 an active and unencumbered license to practice cosmetology.

6 Sec. 17. "Investigative information" means information,  
7 records, or documents received or generated by a state licensing  
8 authority pursuant to an investigation or other inquiry.

9 Sec. 18. "Jurisprudence requirement" means the assessment of  
10 an individual's knowledge of the laws and rules governing the  
11 practice of cosmetology in a state.

12 Sec. 19. "Licensee" means an individual who currently holds a  
13 license from a member state to practice as a cosmetologist.

14 Sec. 20. "Member state" means any state that has adopted this  
15 compact.

16 Sec. 21. "Multistate license" means a license issued by and  
17 subject to the enforcement jurisdiction of the state licensing  
18 authority in a licensee's home state, which authorizes the practice  
19 of cosmetology in member states and includes authorizations to  
20 practice cosmetology in all remote states pursuant to this compact.

21 Sec. 22. "Remote state" means any member state, other than the  
22 licensee's home state.

23 Sec. 23. "Rule" means any rule or regulation promulgated by  
24 the commission under this compact which has the force of law.

25 Sec. 24. "Single-state license" means a cosmetology license  
26 issued by a member state that authorizes practice of cosmetology  
27 only within the issuing state and does not include any authorization  
28 outside of the issuing state.

29 Sec. 25. "State" means a state, territory, or possession of the  
30 United States and the District of Columbia.

31 Sec. 26. "State licensing authority" means a member state's  
32 regulatory body responsible for issuing cosmetology licenses or  
33 otherwise overseeing the practice of cosmetology in that state.

34 **Chapter 3. Member State Requirements**

35 Sec. 1. To be eligible to join this compact, and to maintain  
36 eligibility as a member state, a state must:

- 37 (1) license and regulate cosmetology;  
38 (2) have a mechanism or entity in place to receive and  
39 investigate complaints about licensees practicing in that state;  
40 (3) require that licensees within the state pass a cosmetology  
41 competency examination prior to being licensed to provide  
42 cosmetology services to the public in that state;



- 1           **(4) require that licensees satisfy educational or training**  
 2           **requirements in cosmetology prior to being licensed to**  
 3           **provide cosmetology services to the public in that state;**  
 4           **(5) implement procedures for considering one (1) or more of**  
 5           **the following categories of information from applicants for**  
 6           **licensure: criminal history; disciplinary history; or**  
 7           **background check. Such procedures may include the**  
 8           **submission of information by applicants for the purpose of**  
 9           **obtaining an applicant's background check as defined in this**  
 10           **article;**  
 11           **(6) participate in the data system, including through the use**  
 12           **of unique identifying numbers;**  
 13           **(7) share information related to adverse actions with the**  
 14           **commission and other member states, both through the data**  
 15           **system and otherwise;**  
 16           **(8) notify the commission and other member states, in**  
 17           **compliance with the terms of the compact and rules of the**  
 18           **commission, of the existence of investigative information or**  
 19           **current significant investigative information in the state's**  
 20           **possession regarding a licensee practicing in that state;**  
 21           **(9) comply with rules enacted by the commission to**  
 22           **administer the compact; and**  
 23           **(10) accept licensees from other member states as established**  
 24           **in this article.**

25           **Sec. 2. Member states may charge a fee for granting a license to**  
 26           **practice cosmetology.**

27           **Sec. 3. Individuals not residing in a member state shall continue**  
 28           **to be able to apply for a member state's single-state license as**  
 29           **provided under the laws of each member state. However, the**  
 30           **single-state license granted to these individuals shall not be**  
 31           **recognized as granting a multistate license to provide services in**  
 32           **any other member state.**

33           **Sec. 4. Nothing in this compact shall affect the requirements**  
 34           **established by a member state for the issuance of a single-state**  
 35           **license.**

36           **Sec. 5. A multistate license issued to a licensee by a home state**  
 37           **to a resident of that state shall be recognized by each member state**  
 38           **as authorizing a licensee to practice cosmetology in each member**  
 39           **state.**

40           **Sec. 6. At no point shall the commission have the power to**  
 41           **define the educational or professional requirements for a license to**  
 42           **practice cosmetology. The member states shall retain sole**



1 jurisdiction over the provision of these requirements.

2 **Chapter 4. Multistate License**

3 **Sec. 1. To be eligible to apply to their home state's state licensing**  
 4 **authority for an initial multistate license under this compact, a**  
 5 **licensee must hold an active and unencumbered single-state license**  
 6 **to practice cosmetology in their home state.**

7 **Sec. 2. Upon the receipt of an application for a multistate**  
 8 **license, according to the rules of the commission, a member state's**  
 9 **state licensing authority shall ascertain whether the applicant**  
 10 **meets the requirements for a multistate license under this compact.**

11 **Sec. 3. If an applicant meets the requirements for a multistate**  
 12 **license under this compact and any applicable rules of the**  
 13 **commission, the state licensing authority in receipt of the**  
 14 **application shall, within a reasonable time, grant a multistate**  
 15 **license to that applicant, and inform all member states of the grant**  
 16 **of the multistate license.**

17 **Sec. 4. A multistate license to practice cosmetology issued by a**  
 18 **member state's state licensing authority shall be recognized by**  
 19 **each member state as authorizing the practice of cosmetology as**  
 20 **though that licensee held a single-state license to do so in each**  
 21 **member state, subject to the restrictions in this article.**

22 **Sec. 5. A multistate license granted pursuant to this compact**  
 23 **may be effective for a definite period of time, concurrent with the**  
 24 **licensure renewal period in the home state.**

25 **Sec. 6. To maintain a multistate license under this compact, a**  
 26 **licensee must:**

27 **(1) agree to abide by the rules of the state licensing authority,**  
 28 **and the state scope of practice laws governing the practice of**  
 29 **cosmetology, of any member state in which the licensee**  
 30 **provides services;**

31 **(2) pay all required fees related to the application and process,**  
 32 **and any other fees which the commission may by rule require;**  
 33 **and**

34 **(3) comply with any and all other requirements regarding**  
 35 **multistate licenses which the commission may by rule provide.**

36 **Sec. 7. A licensee practicing in a member state is subject to all**  
 37 **scope of practice laws governing cosmetology services in that state.**

38 **Sec. 8. The practice of cosmetology under a multistate license**  
 39 **granted pursuant to this compact will subject the licensee to the**  
 40 **jurisdiction of the state licensing authority, the courts, and the laws**  
 41 **of the member state in which the cosmetology services are**  
 42 **provided.**



1           **Chapter 5. Reissuance of a Multistate License by a New Home**  
 2 **State**

3           **Sec. 1. A licensee may hold a multistate license, issued by their**  
 4 **home state, in only one (1) member state at any given time.**

5           **Sec. 2. If a licensee changes their home state by moving between**  
 6 **two (2) member states, the following apply:**

7           **(1) The licensee shall immediately apply for the reissuance of**  
 8 **their multistate license in their new home state. The licensee**  
 9 **shall pay all applicable fees and notify the prior home state in**  
 10 **accordance with the rules of the commission.**

11           **(2) Upon receipt of an application to reissue a multistate**  
 12 **license, the new home state shall verify that the multistate**  
 13 **license is active, unencumbered, and eligible for reissuance**  
 14 **under the terms of the compact and the rules of the**  
 15 **commission. The multistate license issued by the prior home**  
 16 **state will be deactivated and all member states notified in**  
 17 **accordance with the applicable rules adopted by the**  
 18 **commission.**

19           **(3) If required for initial licensure, the new home state may**  
 20 **require a background check as specified in the laws of that**  
 21 **state or the compliance with any jurisprudence requirements**  
 22 **of the new home state.**

23           **(4) Notwithstanding any other provision of this compact, if a**  
 24 **licensee does not meet the requirements set forth in this**  
 25 **compact for the reissuance of a multistate license by the new**  
 26 **home state, then the licensee shall be subject to the new home**  
 27 **state requirements for the issuance of a single-state license in**  
 28 **that state.**

29           **Sec. 3. If a licensee changes their primary state of residence by**  
 30 **moving from a member state to a nonmember state, or from a**  
 31 **nonmember state to a member state, then the licensee shall be**  
 32 **subject to the state requirements for the issuance of a single-state**  
 33 **license in the new home state.**

34           **Sec. 4. Nothing in this compact shall interfere with a licensee's**  
 35 **ability to hold a single-state license in multiple states. However, for**  
 36 **the purposes of this compact, a licensee shall have only one (1)**  
 37 **home state and only one (1) multistate license.**

38           **Sec. 5. Nothing in this compact shall interfere with the**  
 39 **requirements established by a member state for the issuance of a**  
 40 **single-state license.**

41           **Chapter 6. Authority of the Compact Commission and Member**  
 42 **State Licensing Authorities**





1           **Sec. 1. Nothing in this compact, nor any rule or regulation of the**  
 2 **commission, shall be construed to limit, restrict, or in any way**  
 3 **reduce the ability of a member state to enact and enforce laws,**  
 4 **regulations, or other rules related to the practice of cosmetology in**  
 5 **that state, where those laws, regulations, or other rules are not**  
 6 **inconsistent with the provisions of this compact.**

7           **Sec. 2. Insofar as practical, a member state's state licensing**  
 8 **authority shall cooperate with the commission and with each entity**  
 9 **exercising independent regulatory authority over the practice of**  
 10 **cosmetology according to the provisions of this compact.**

11           **Sec. 3. Discipline shall be the sole responsibility of the state in**  
 12 **which cosmetology services are provided. Accordingly, each**  
 13 **member state's state licensing authority shall be responsible for**  
 14 **receiving complaints about individuals practicing cosmetology in**  
 15 **that state and for communicating all relevant investigative**  
 16 **information about any such adverse action to the other member**  
 17 **states through the data system in addition to any other methods the**  
 18 **commission may by rule require.**

19           **Chapter 7. Adverse Actions**

20           **Sec. 1. A licensee's home state shall have exclusive power to**  
 21 **impose an adverse action against a licensee's multistate license**  
 22 **issued by the home state.**

23           **Sec. 2. A home state may take adverse action on a multistate**  
 24 **license based on the investigative information, current significant**  
 25 **investigative information, or adverse action of a remote state.**

26           **Sec. 3. In addition to the powers conferred by state law, each**  
 27 **remote state's state licensing authority shall have the power to do**  
 28 **the following:**

29           **(1) Take adverse action against a licensee's authorization to**  
 30 **practice cosmetology through the multistate license in that**  
 31 **member state, provided that:**

32           **(A) only the licensee's home state shall have the power to**  
 33 **take adverse action against the multistate license issued by**  
 34 **the home state; and**

35           **(B) for the purposes of taking adverse action, the home**  
 36 **state's state licensing authority shall give the same priority**  
 37 **and effect to reported conduct received from a remote**  
 38 **state as the home state would if such conduct had occurred**  
 39 **within the home state. In so doing, the home state shall**  
 40 **apply its own state laws to determine the appropriate**  
 41 **action.**

42           **(2) Issue cease and desist orders or impose an encumbrance**



- 1           on a licensee's authorization to practice within that member  
2           state.
- 3           **(3) Complete any pending investigations of a licensee who**  
4           **changes their primary state of residence during the course of**  
5           **such an investigation. The state licensing authority shall also**  
6           **be empowered to report the results of such an investigation to**  
7           **the commission through the data system as described in this**  
8           **article.**
- 9           **(4) Issue subpoenas for both hearings and investigations that**  
10          **require the attendance and testimony of witnesses, as well as**  
11          **the production of evidence. Subpoenas issued by a state**  
12          **licensing authority in a member state for the attendance and**  
13          **testimony of witnesses or the production of evidence from**  
14          **another member state shall be enforced in the latter state by**  
15          **any court of competent jurisdiction, according to the practice**  
16          **and procedure of that court applicable to subpoenas issued in**  
17          **proceedings before it. The issuing state licensing authority**  
18          **shall pay any witness fees, travel expenses, mileage, and other**  
19          **fees required by the service statutes of the state in which the**  
20          **witnesses or evidence are located.**
- 21          **(5) If otherwise permitted by state law, recover from the**  
22          **affected licensee the costs of investigations and disposition of**  
23          **cases resulting from any adverse action taken against that**  
24          **licensee.**
- 25          **(6) Take adverse action against the licensee's authorization to**  
26          **practice in that state based on the factual findings of another**  
27          **remote state.**
- 28          **Sec. 4. A licensee's home state shall complete any pending**  
29          **investigation of a cosmetologist who changes their primary state of**  
30          **residence during the course of the investigation. The home state**  
31          **shall also have the authority to take appropriate action and shall**  
32          **promptly report the conclusions of the investigations to the data**  
33          **system.**
- 34          **Sec. 5. If an adverse action is taken by the home state against a**  
35          **licensee's multistate license, the licensee's authorization to practice**  
36          **in all other member states shall be deactivated until all**  
37          **encumbrances have been removed from the home state license. All**  
38          **home state disciplinary orders that impose an adverse action**  
39          **against a licensee's multistate license shall include a statement that**  
40          **the cosmetologist's authorization to practice is deactivated in all**  
41          **member states during the pendency of the order.**
- 42          **Sec. 6. Nothing in this compact shall override a member state's**



1 authority to accept a licensee's participation in an alternative  
 2 program in lieu of adverse action. A licensee's multistate license  
 3 shall be suspended for the duration of the licensee's participation  
 4 in any alternative program.

5 **Sec. 7. (a)** In addition to the authority granted to a member state  
 6 by its respective scope of practice laws or other applicable state  
 7 law, a member state may participate with other member states in  
 8 joint investigations of licensees.

9 **(b)** Member states shall share any investigative, litigation, or  
 10 compliance materials in furtherance of any joint or individual  
 11 investigation initiated under the compact.

12 **Chapter 8. Active Military Members and Their Spouses**

13 **Sec. 1.** Active military members, or their spouses, shall  
 14 designate a home state where the individual has a current license  
 15 to practice cosmetology in good standing. The individual may  
 16 retain their home state designation during any period of service  
 17 when that individual or their spouse is on active duty assignment.

18 **Chapter 9. Establishment and Operation of the Cosmetology  
 19 Licensure Compact Commission**

20 **Sec. 1.** The compact member states create and establish a joint  
 21 government agency whose membership consists of all member  
 22 states that have enacted the compact known as the cosmetology  
 23 licensure compact commission. The commission is an  
 24 instrumentality of the compact member states acting jointly and  
 25 not an instrumentality of any one (1) state. The commission shall  
 26 come into existence on or after the effective date of the compact as  
 27 set forth in IC 25-43.5-13.

28 **Sec. 2. (a)** Each member state shall have and be limited to one  
 29 (1) delegate selected by that member state's state licensing  
 30 authority.

31 **(b)** The delegate shall be an administrator of the state licensing  
 32 authority of the member state or their designee.

33 **(c)** The commission shall by rule or bylaw establish a term of  
 34 office for delegates and may by rule or bylaw establish term limits.

35 **(d)** The commission may recommend removal or suspension of  
 36 any delegate from office.

37 **(e)** A member state's state licensing authority shall fill any  
 38 vacancy of its delegate occurring on the commission within sixty  
 39 (60) days of the vacancy.

40 **(f)** Each delegate shall be entitled to one (1) vote on all matters  
 41 that are voted on by the commission.

42 **(g)** The commission shall meet at least once during each



1 calendar year. Additional meetings may be held as set forth in the  
2 bylaws. The commission may meet by telecommunication, video  
3 conference, or other similar electronic means.

4 **Sec. 3. The commission shall have the following powers:**

- 5 (1) Establish the fiscal year of the commission.
- 6 (2) Establish code of conduct and conflict of interest policies.
- 7 (3) Adopt rules and bylaws.
- 8 (4) Maintain its financial records in accordance with the
- 9 bylaws.
- 10 (5) Meet and take such actions as are consistent with the
- 11 provisions of this compact, the commission's rules, and the
- 12 bylaws.
- 13 (6) Initiate and conclude legal proceedings or actions in the
- 14 name of the commission, provided that the standing of any
- 15 state licensing authority to sue or be sued under applicable
- 16 law shall not be affected.
- 17 (7) Maintain and certify records and information provided to
- 18 a member state as the authenticated business records of the
- 19 commission, and designate an agent to do so on the
- 20 commission's behalf.
- 21 (8) Purchase and maintain insurance and bonds.
- 22 (9) Borrow, accept, or contract for services of personnel,
- 23 including, but not limited to, employees of a member state.
- 24 (10) Conduct an annual financial review.
- 25 (11) Hire employees, elect or appoint officers, fix
- 26 compensation, define duties, grant such individuals
- 27 appropriate authority to carry out the purposes of the
- 28 compact, and establish the commission's personnel policies
- 29 and programs relating to conflicts of interest, qualifications
- 30 of personnel, and other related personnel matters.
- 31 (12) As set forth in the commission rules, charge a fee to a
- 32 licensee for the grant of a multistate license and thereafter, as
- 33 may be established by commission rule, charge the licensee a
- 34 multistate license renewal fee for each renewal period.
- 35 Nothing in this article shall be construed to prevent a home
- 36 state from charging a licensee a fee for a multistate license or
- 37 renewals of a multistate license, or a fee for the jurisprudence
- 38 requirement if the member state imposes such a requirement
- 39 for the grant of a multistate license.
- 40 (13) Assess and collect fees.
- 41 (14) Accept any and all appropriate gifts, donations, grants of
- 42 money, other sources of revenue, equipment, supplies,



- 1 materials, and services, and receive, utilize, and dispose of the  
 2 items or services. At all times the commission shall avoid any  
 3 appearance of impropriety or conflict of interest when  
 4 accepting, receiving, utilizing, or disposing of the items or  
 5 services.
- 6 (15) Lease, purchase, retain, own, hold, improve, or use any  
 7 property, real, personal, or mixed, or any undivided interest  
 8 in the property.
- 9 (16) Sell, convey, mortgage, pledge, lease, exchange, abandon,  
 10 or otherwise dispose of any property real, personal, or mixed.
- 11 (17) Establish a budget and make expenditures.
- 12 (18) Borrow money.
- 13 (19) Appoint committees, including standing committees,  
 14 composed of members, state regulators, state legislators or  
 15 their representatives, and consumer representatives, and  
 16 other interested persons designated in this compact and the  
 17 bylaws.
- 18 (20) Provide and receive information from, and cooperate  
 19 with, law enforcement agencies.
- 20 (21) Elect a chair, vice chair, secretary, and treasurer and  
 21 other officers of the commission as provided in the  
 22 commission's bylaws.
- 23 (22) Establish and elect an executive committee, including a  
 24 chair and a vice chair.
- 25 (23) Adopt and provide to the member states an annual  
 26 report.
- 27 (24) Determine whether a state's adopted language is  
 28 materially different from the model compact language such  
 29 that the state would not qualify for participation in the  
 30 compact.
- 31 (25) Perform other functions necessary or appropriate to  
 32 achieve the purposes of this compact.
- 33 **Sec. 4. (a) The executive committee shall have the power to act**  
 34 **on behalf of the commission according to the terms of this compact.**  
 35 **The powers, duties, and responsibilities of the executive committee**  
 36 **shall include:**
- 37 (1) overseeing the day-to-day activities of the administration  
 38 of the compact including compliance with the provisions of  
 39 the compact, the commission's rules and bylaws, and other  
 40 duties deemed necessary;
- 41 (2) recommending to the commission changes to the rules or  
 42 bylaws, changes to this compact legislation, fees charged to



- 1 compact member states, fees charged to licensees, and other  
 2 fees;
- 3 (3) ensuring compact administration services are  
 4 appropriately provided, including by contract;
- 5 (4) preparing and recommending the budget;
- 6 (5) maintaining financial records on behalf of the commission;
- 7 (6) monitoring compact compliance of member states and  
 8 providing compliance reports to the commission;
- 9 (7) establishing additional committees as necessary;
- 10 (8) exercising the powers and duties of the commission during  
 11 the interim between commission meetings, except for adopting  
 12 or amending rules, adopting or amending bylaws, and  
 13 exercising any other powers and duties expressly reserved to  
 14 the commission by rule or bylaw; and
- 15 (9) other duties as provided in the rules or bylaws of the  
 16 commission.
- 17 (b) The executive committee shall be composed of up to seven (7)  
 18 voting members as follows:
- 19 (1) The chair and vice chair of the commission and any other  
 20 members of the commission who serve on the executive  
 21 committee shall be voting members of the executive  
 22 committee; and
- 23 (2) Other than the chair, vice chair, secretary, and treasurer,  
 24 the commission shall elect three (3) voting members from the  
 25 current membership of the commission.
- 26 (3) The commission may elect ex officio, nonvoting members  
 27 from a recognized national cosmetology professional  
 28 association as approved by the commission. The commission's  
 29 bylaws shall identify qualifying organizations and the manner  
 30 of appointment if the number of organizations seeking to  
 31 appoint an ex officio member exceeds the number of members  
 32 specified in this chapter.
- 33 (c) The commission may remove any member of the executive  
 34 committee as provided in the commission's bylaws.
- 35 Sec. 5. (a) The executive committee shall meet at least annually.
- 36 (b) Annual executive committee meetings, as well as any  
 37 executive committee meeting at which it does not take or intend to  
 38 take formal action on a matter for which a commission vote would  
 39 otherwise be required, shall be open to the public, except that the  
 40 executive committee may meet in a closed, nonpublic session of a  
 41 public meeting when dealing with any of the matters covered under  
 42 section 7(d) of this chapter.



1           (c) The executive committee shall give five (5) business days  
2 advance notice of its public meetings, posted on its website and as  
3 determined to provide notice to persons with an interest in the  
4 public matters the executive committee intends to address at those  
5 meetings.

6           (d) The executive committee may hold an emergency meeting  
7 when acting for the commission to:

8               (1) meet an imminent threat to public health, safety, or  
9 welfare;

10              (2) prevent a loss of commission or member state funds; or

11              (3) protect public health and safety.

12           Sec. 6. The commission shall adopt and provide to the member  
13 states an annual report.

14           Sec. 7. (a) All meetings of the commission that are not closed  
15 pursuant to this section shall be open to the public. Notice of public  
16 meetings shall be posted on the commission's website at least thirty  
17 (30) days prior to the public meeting.

18           (b) Notwithstanding subsection (a), the commission may  
19 convene an emergency public meeting by providing at least  
20 twenty-four (24) hours prior notice on the commission's website,  
21 and any other means as provided in the commission's rules, for any  
22 of the reasons it may dispense with notice of proposed rulemaking  
23 under IC 25-43.5-11-4. The commission's legal counsel shall certify  
24 that one (1) of the reasons justifying an emergency public meeting  
25 has been met.

26           (c) Notice of all commission meetings shall provide the time,  
27 date, and location of the meeting, and if the meeting is to be held or  
28 accessible via telecommunication, video conference, or other  
29 electronic means, the notice shall include the mechanism for access  
30 to the meeting.

31           (d) The commission may convene in a closed, nonpublic meeting  
32 for the commission to discuss:

33               (1) noncompliance of a member state with its obligations  
34 under the compact;

35               (2) the employment, compensation, discipline or other  
36 matters, practices, or procedures related to specific employees  
37 or other matters related to the commission's internal  
38 personnel practices and procedures;

39               (3) current or threatened discipline of a licensee by the  
40 commission or by a member state's licensing authority;

41               (4) current, threatened, or reasonably anticipated litigation;

42               (5) negotiation of contracts for the purchase, lease, or sale of



1 goods, services, or real estate;

2 (6) accusing any person of a crime or formally censuring any  
3 person;

4 (7) trade secrets or commercial or financial information that  
5 is privileged or confidential;

6 (8) information of a personal nature where disclosure would  
7 constitute a clearly unwarranted invasion of personal privacy;

8 (9) investigative records compiled for law enforcement  
9 purposes;

10 (10) information related to any investigative reports prepared  
11 by or on behalf of or for use of the commission or other  
12 committee charged with responsibility of investigation or  
13 determination of compliance issues pursuant to the compact;

14 (11) legal advice;

15 (12) matters specifically exempted from disclosure to the  
16 public by federal or member state law; or

17 (13) other matters as promulgated by the commission by rule.

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

22 (f) The commission shall keep minutes that fully and clearly  
23 describe all matters discussed in a meeting and shall provide a full  
24 and accurate summary of actions taken, and the reasons therefore,  
25 including a description of the views expressed. All documents  
26 considered in connection with an action shall be identified in the  
27 minutes. All minutes and documents of a closed meeting shall  
28 remain under seal, subject to release only by a majority vote of the  
29 commission or order of a court of competent jurisdiction.

30 Sec. 8. (a) The commission shall pay, or provide for the payment  
31 of, the reasonable expenses of its establishment, organization, and  
32 ongoing activities.

33 (b) The commission may accept any and all appropriate sources  
34 of revenue, donations, and grants of money, equipment, supplies,  
35 materials, and services.

36 (c) The commission may levy on and collect an annual  
37 assessment from each member state and impose fees on licensees  
38 of member states to whom it grants a multistate license to cover the  
39 cost of the operations and activities of the commission and its staff,  
40 which must be in a total amount sufficient to cover its annual  
41 budget as approved each year for which revenue is not provided by  
42 other sources. The aggregate annual assessment amount for





1 member states shall be allocated based upon a formula that the  
2 commission shall promulgate by rule.

3 (d) The commission shall not incur obligations of any kind prior  
4 to securing the funds adequate to meet the obligations; nor shall  
5 the commission pledge the credit of any member states, except by  
6 and with the authority of the member state.

7 (e) The commission shall keep accurate accounts of all receipts  
8 and disbursements. The receipts and disbursements of the  
9 commission shall be subject to the financial review and accounting  
10 procedures established under its bylaws. All receipts and  
11 disbursements of funds handled by the commission shall be subject  
12 to an annual financial review by a certified or licensed public  
13 accountant, and the report of the financial review shall be included  
14 in and become part of the annual report of the commission.

15 Sec. 9. (a) The members, officers, executive director, employees,  
16 and representatives of the commission shall be immune from suit  
17 and liability, both personally and in their official capacity, for any  
18 claim for damage to or loss of property or personal injury or other  
19 civil liability caused by or arising out of any actual or alleged act,  
20 error, or omission that occurred, or that the person against whom  
21 the claim is made had a reasonable basis for believing occurred  
22 within the scope of commission employment, duties, or  
23 responsibilities; provided that nothing in this subsection shall be  
24 construed to protect any such person from suit or liability for any  
25 damage, loss, injury, or liability caused by the intentional or willful  
26 or wanton misconduct of that person. The procurement of  
27 insurance of any type by the commission shall not in any way  
28 compromise or limit the immunity granted under this section.

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

42 (c) The commission shall indemnify and hold harmless any



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

11 (d) Nothing in this article shall be construed as a limitation on  
 12 the liability of any licensee for professional malpractice or  
 13 misconduct, which shall be governed solely by any other applicable  
 14 state laws.

15 (e) Nothing in this compact shall be interpreted to waive or  
 16 otherwise abrogate a member state's state action immunity or state  
 17 action affirmative defense with respect to antitrust claims under  
 18 the Sherman Act (15 U.S.C. 1 et seq.), Clayton Act (15 U.S.C. 12 et  
 19 seq.), or any other state or federal antitrust or anticompetitive law  
 20 or regulation.

21 (f) Nothing in this compact shall be construed to be a waiver of  
 22 sovereign immunity by the member states or by the commission.

#### 23 Chapter 10. Data System

24 Sec. 1. The commission shall provide for the development,  
 25 maintenance, operation, and utilization of a coordinated database  
 26 and reporting system.

27 Sec. 2. The commission shall assign each applicant for a  
 28 multistate license a unique identifier, as determined by the rules of  
 29 the commission.

30 Sec. 3. Notwithstanding any other provision of state law to the  
 31 contrary, a member state shall submit a uniform data set to the  
 32 data system on all individuals to whom this compact is applicable  
 33 as required by the rules of the commission, including:

- 34 (1) identifying information;
- 35 (2) licensure data;
- 36 (3) adverse actions against a license and information related  
 37 to the adverse actions;
- 38 (4) nonconfidential information related to alternative  
 39 program participation, the beginning and ending dates of such  
 40 participation, and other information related to such  
 41 participation;
- 42 (5) any denial of application for licensure, and the reason for



1 such denial (excluding the reporting of any criminal history  
 2 record information where prohibited by law);  
 3 (6) the existence of investigative information;  
 4 (7) the existence of current significant investigative  
 5 information; and  
 6 (8) other information that may facilitate the administration of  
 7 this compact or the protection of the public, as determined by  
 8 the rules of the commission.

9 Sec. 4. The records and information provided to a member state  
 10 pursuant to this compact or through the data system, when  
 11 certified by the commission or an agent thereof, shall constitute the  
 12 authenticated business records of the commission, and shall be  
 13 entitled to any associated hearsay exception in any relevant  
 14 judicial, quasi-judicial, or administrative proceedings in a member  
 15 state.

16 Sec. 5. The existence of current significant investigative  
 17 information and the existence of investigative information  
 18 pertaining to a licensee in any member state will only be available  
 19 to other member states.

20 Sec. 6. It is the responsibility of the member states to monitor  
 21 the database to determine whether adverse action has been taken  
 22 against such a licensee or license applicant. Adverse action  
 23 information pertaining to a licensee or license applicant in any  
 24 member state will be available to any other member state.

25 Sec. 7. Member states contributing information to the data  
 26 system may designate information that may not be shared with the  
 27 public without the express permission of the contributing state.

28 Sec. 8. Any information submitted to the data system that is  
 29 subsequently expunged pursuant to federal law or the laws of the  
 30 member state contributing the information shall be removed from  
 31 the data system.

#### 32 Chapter 11. Rulemaking

33 Sec. 1. (a) The commission shall promulgate reasonable rules in  
 34 order to effectively and efficiently implement and administer the  
 35 purposes and provisions of the compact. A rule shall be invalid and  
 36 have no force or effect only if a court of competent jurisdiction  
 37 holds that the rule is invalid because the commission exercised its  
 38 rulemaking authority in a manner that is beyond the scope and  
 39 purposes of the compact, or the powers granted under the compact,  
 40 or based upon another applicable standard of review.

41 (b) The rules of the commission shall have the force of law in  
 42 each member state, provided however that where the rules of the



1 commission conflict with the laws of the member state that  
 2 establish the member state's scope of practice laws governing the  
 3 practice of cosmetology as held by a court of competent  
 4 jurisdiction, the rules of the commission shall be ineffective in that  
 5 state to the extent of the conflict.

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

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

16 Sec. 2. (a) Rules shall be adopted at a regular or special meeting  
 17 of the commission.

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

21 (c) Prior to adoption of a proposed rule by the commission, and  
 22 at least thirty (30) days in advance of the meeting at which the  
 23 commission will hold a public hearing on the proposed rule, the  
 24 commission shall provide a notice of proposed rulemaking:

25 (1) on the website of the commission or other publicly  
 26 accessible platform;

27 (2) to persons who have requested notice of the commission's  
 28 notices of proposed rulemaking; and

29 (3) in such other way as the commission may by rule specify.

30 (d) The notice of proposed rulemaking shall include:

31 (1) the time, date, and location of the public hearing at which  
 32 the commission will hear public comments on the proposed  
 33 rule and, if different, the time, date, and location of the  
 34 meeting where the commission will consider and vote on the  
 35 proposed rule;

36 (2) if the hearing is held via telecommunication, video  
 37 conference, or other electronic means, the commission shall  
 38 include the mechanism for access to the hearing in the notice  
 39 of proposed rulemaking;

40 (3) the text of the proposed rule and the reason for the  
 41 proposed rule;

42 (4) a request for comments on the proposed rule from any



1 interested person; and

2 (5) the manner in which interested persons may submit  
3 written comments.

4 (e) All hearings will be recorded. A copy of the recording and all  
5 written comments and documents received by the commission in  
6 response to the proposed rule shall be available to the public.

7 Sec. 3. (a) Nothing in this chapter shall be construed as  
8 requiring a separate hearing on each rule. Rules may be grouped  
9 for the convenience of the commission at hearings required by this  
10 chapter.

11 (b) The commission shall, by majority vote of all members, take  
12 final action on the proposed rule based on the rulemaking record  
13 and the full text of the rule.

14 (c) The commission may adopt changes to the proposed rule  
15 provided the changes do not enlarge the original purpose of the  
16 proposed rule.

17 (d) The commission shall provide an explanation of the reasons  
18 for substantive changes made to the proposed rule as well as  
19 reasons for substantive changes not made that were recommended  
20 by commenters.

21 (e) The commission shall determine a reasonable effective date  
22 for the rule. Except for an emergency as provided in section 4 of  
23 this chapter, the effective date of the rule shall be no earlier than  
24 forty-five (45) days after the commission issuing the notice that it  
25 adopted or amended the rule.

26 Sec. 4. Upon determination that an emergency exists, the  
27 commission may consider and adopt an emergency rule with five  
28 (5) days notice, with opportunity to comment, provided that the  
29 usual rulemaking procedures provided in the compact and in this  
30 chapter shall be retroactively applied to the rule as soon as  
31 reasonably possible, in no event later than ninety (90) days after  
32 the effective date of the rule. For the purposes of this provision, an  
33 emergency rule is one that must be adopted immediately to:

34 (1) meet an imminent threat to public health, safety, or  
35 welfare;

36 (2) prevent a loss of commission or member state funds;

37 (3) meet a deadline for the promulgation of a rule that is  
38 established by federal law or rule; or

39 (4) protect public health and safety.

40 Sec. 5. The commission or an authorized committee of the  
41 commission may direct revisions to a previously adopted rule for  
42 purposes of correcting typographical errors, errors in format,



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

11 **Sec. 6. No member state's rulemaking requirements shall apply**  
12 **under this compact.**

13 **Chapter 12. Oversight, Dispute Resolution, and Enforcement**

14 **Sec. 1. (a) The executive and judicial branches of state**  
15 **government in each member state shall enforce this compact and**  
16 **take all actions necessary and appropriate to implement the**  
17 **compact.**

18 **(b) Venue is proper and judicial proceedings by or against the**  
19 **commission shall be brought solely and exclusively in a court of**  
20 **competent jurisdiction where the principal office of the commission**  
21 **is located. The commission may waive venue and jurisdictional**  
22 **defenses to the extent it adopts or consents to participate in**  
23 **alternative dispute resolution proceedings. Nothing in this**  
24 **subsection shall affect or limit the selection or propriety of venue**  
25 **in any action against a licensee for professional malpractice,**  
26 **misconduct or any such similar matter.**

27 **(c) The commission shall be entitled to receive service of process**  
28 **in any proceeding regarding the enforcement or interpretation of**  
29 **the compact and shall have standing to intervene in such a**  
30 **proceeding for all purposes. Failure to provide the commission**  
31 **service of process shall render a judgment or order void as to the**  
32 **commission, this compact, or promulgated rules.**

33 **Sec. 2. (a) If the commission determines that a member state has**  
34 **defaulted in the performance of its obligations or responsibilities**  
35 **under this compact or the promulgated rules, the commission shall**  
36 **provide written notice to the defaulting state. The notice of default**  
37 **shall describe the default, the proposed means of curing the**  
38 **default, and any other action that the commission may take, and**  
39 **shall offer training and specific technical assistance regarding the**  
40 **default.**

41 **(b) The commission shall provide a copy of the notice of default**  
42 **to the other member states.**



1 (c) If a state in default fails to cure the default, the defaulting  
2 state may be terminated from the compact upon an affirmative  
3 vote of a majority of the delegates of the member states, and all  
4 rights, privileges, and benefits conferred on that state by this  
5 compact may be terminated on the effective date of termination. A  
6 cure of the default does not relieve the offending state of  
7 obligations or liabilities incurred during the period of default.

8 (d) Termination of membership in the compact shall be imposed  
9 only after all other means of securing compliance have been  
10 exhausted. Notice of intent to suspend or terminate shall be given  
11 by the commission to the governor, the majority and minority  
12 leaders of the defaulting state's legislature, the defaulting state's  
13 state licensing authority, and each of the member states' state  
14 licensing authority.

15 (e) A state that has been terminated is responsible for all  
16 assessments, obligations, and liabilities incurred through the  
17 effective date of termination, including obligations that extend  
18 beyond the effective date of termination.

19 (f) Upon the termination of a state's membership from this  
20 compact, that state shall immediately provide notice to all licensees  
21 who hold a multistate license within that state of such termination.  
22 The terminated state shall continue to recognize all licenses  
23 granted pursuant to this compact for a minimum of one hundred  
24 eighty (180) days after the date of the notice of termination.

25 (g) The commission shall not bear any costs related to a state  
26 that is found to be in default or that has been terminated from the  
27 compact, unless agreed upon in writing between the commission  
28 and the defaulting state.

29 (h) The defaulting state may appeal the action of the commission  
30 by petitioning the United States District Court for the District of  
31 Columbia or the federal district where the commission has its  
32 principal offices. The prevailing party shall be awarded all costs of  
33 such litigation, including reasonable attorney's fees.

34 Sec. 3. (a) Upon request by a member state, the commission  
35 shall attempt to resolve disputes related to the compact that arise  
36 among member states and between member and nonmember  
37 states.

38 (b) The commission shall promulgate a rule providing for both  
39 mediation and binding dispute resolution for disputes as  
40 appropriate.

41 Sec. 4. (a) The commission, in the reasonable exercise of its  
42 discretion, shall enforce the provisions of this compact and the



1 commission's rules.

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

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

22 (d) No individual or entity other than a member state may  
23 enforce this compact against the commission.

24 **Chapter 13. Effective Date, Withdrawal, and Amendment**

25 **Sec. 1. The compact shall come into effect on the date on which**  
26 **the compact statute is enacted into law in the seventh member**  
27 **state.**

28 **Sec. 2. (a) On or after the effective date of the compact, the**  
29 **commission shall convene and review the enactment of each of the**  
30 **charter member states to determine if the statute enacted by each**  
31 **such charter member state is materially different than the model**  
32 **compact statute.**

33 (b) A charter member state whose enactment is found to be  
34 materially different from the model compact statute shall be  
35 entitled to the default process set forth in IC 25-43.5-12.

36 (c) If any member state is later found to be in default, or is  
37 terminated or withdraws from the compact, the commission shall  
38 remain in existence and the compact shall remain in effect even if  
39 the number of member states should be less than seven (7).

40 (d) Member states enacting the compact subsequent to the  
41 charter member states shall be subject to the process set forth in  
42 IC 25-43.5-9-3(24) to determine if their enactments are materially





1 different from the model compact statute and whether they qualify  
2 for participation in the compact.

3 (e) All actions taken for the benefit of the commission or in  
4 furtherance of the purposes of the administration of the compact  
5 prior to the effective date of the compact or the commission coming  
6 into existence shall be considered to be actions of the commission  
7 unless specifically repudiated by the commission.

8 (f) Any state that joins the compact shall be subject to the  
9 commission's rules and bylaws as they exist on the date on which  
10 the compact becomes law in that state. Any rule that has been  
11 previously adopted by the commission shall have the full force and  
12 effect of law on the day the compact becomes law in that state.

13 **Sec. 3. (a) Any member state may withdraw from this compact  
14 by enacting a statute repealing that state's enactment of the  
15 compact.**

16 (b) A member state's withdrawal shall not take effect until one  
17 hundred eighty (180) days after enactment of the repealing statute.

18 (c) Withdrawal shall not affect the continuing requirement of  
19 the withdrawing state's state licensing authority to comply with the  
20 investigative and adverse action reporting requirements of this  
21 compact prior to the effective date of withdrawal.

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

29 **Sec. 4. Nothing contained in this compact shall be construed to  
30 invalidate or prevent any licensure agreement or other cooperative  
31 arrangement between a member state and a nonmember state that  
32 does not conflict with the provisions of this compact.**

33 **Sec. 5. This compact may be amended by the member states. No  
34 amendment to this compact shall become effective and binding  
35 upon any member state until it is enacted into the laws of all  
36 member states.**

37 **Chapter 14. Construction and Severability**

38 **Sec. 1. The compact and the commission's rulemaking authority  
39 shall be liberally construed so as to effectuate the purposes, and the  
40 implementation and administration of the compact. Provisions of  
41 the compact expressly authorizing or requiring the promulgation  
42 of rules shall not be construed to limit the commission's**



1 rulemaking authority solely for those purposes.

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

12 **Sec. 3.** Notwithstanding section 2 of this chapter, the commission  
13 may deny a state's participation in the compact or, in accordance  
14 with the requirements of IC 25-43.5-12, terminate a member state's  
15 participation in the compact, if it determines that a constitutional  
16 requirement of a member state is a material departure from the  
17 compact. Otherwise, if this compact shall be held to be contrary to  
18 the constitution of any member state, the compact shall remain in  
19 full force and effect as to the remaining member states and in full  
20 force and effect as to the member state affected as to all severable  
21 matters.

22 **Chapter 15. Consistent Effect and Conflict with Other State**  
23 **Laws**

24 **Sec. 1. (a)** Nothing in this article shall prevent or inhibit the  
25 enforcement of any other law of a member state that is not  
26 inconsistent with the compact.

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

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

32 SECTION 2. IC 34-30-2.1-391.7 IS ADDED TO THE INDIANA  
33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2024]: **Sec. 391.7. IC 25-43.5-9-9 (Concerning**  
35 **the members, officers, executive director, employees, and**  
36 **representatives of the cosmetology licensure compact commission).**

