

HB279 INTRODUCED



1 HB279
2 4U9VU3R-1
3 By Representative Hassell
4 RFD: Boards, Agencies and Commissions
5 First Read: 20-Jan-26



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4 SYNOPSIS:

5 This bill would adopt the Esthetics Licensure
6 Compact.

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9 A BILL

10 TO BE ENTITLED

11 AN ACT

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13 Relating to the Alabama Board of Cosmetology and
14 Barbering; to add Article 3 to Chapter 7B of Title 34, Code of
15 Alabama 1975, to adopt the Esthetics Licensure Compact.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Article 3, commencing with Section 34-7B-80,
18 is added to Chapter 7B of Title 34 of the Code of Alabama
19 1975, to read as follows:

20 Article 3. Esthetics Licensure Compact.

21 §34-7B-80 Purpose.

22 (a) The purpose of this compact is to facilitate the
23 interstate practice and regulation of esthetics with the goal
24 of improving public access to, and the safety of, esthetics
25 services and reducing barriers related to esthetician
26 licensure. Through this compact, the member states seek to
27 establish a regulatory framework that provides for a new
28 multistate licensing program. Through this new licensing



29 program, the member states seek to provide increased value and
30 mobility to licensed estheticians in the member states, while
31 ensuring the provision of safe, effective, and reliable
32 services to the public.

33 (b) This compact is designed to achieve the following
34 objectives, and the member states hereby ratify the same
35 intentions by subscribing hereto:

36 (1) Provide opportunities for interstate practice by
37 estheticians who meet uniform requirements for multistate
38 licensure;

39 (2) Enhance the abilities of member states to protect
40 public health and safety, and prevent fraud and unlicensed
41 activity within the profession;

42 (3) Ensure and encourage cooperation between member
43 states in the licensure and regulation of the practice of
44 esthetics;

45 (4) Support relocating military members and their
46 spouses;

47 (5) Facilitate the exchange of information between
48 member states related to the licensure, investigation, and
49 discipline of the practice of esthetics; and

50 (6) Provide for the licensure and mobility of the
51 workforce in the profession.

52 §34-7B-81 Definitions.

53 As used in this compact, and except as otherwise
54 provided, the following definitions govern the terms herein:

55 (1) ACTIVE DUTY. Any individual in full-time duty
56 status in the active uniformed service of the United States,



57 including members of the National Guard and Reserve.

58 (2) ADVERSE ACTION. Any administrative, civil,
59 equitable, or criminal action permitted by a member state's
60 laws which is imposed by a licensing authority or other
61 regulatory body against an esthetician, including actions
62 against an individual's license or authorization to practice
63 such as revocation, suspension, probation, monitoring of the
64 licensee, limitation of the licensee's practice, or any other
65 encumbrance on a license affecting an individual's ability to
66 participate in the esthetics industry, including the issuance
67 of a cease and desist order.

68 (3) AUTHORIZATION TO PRACTICE. A legal authorization
69 associated with a multistate license permitting the practice
70 of esthetics in that remote state, which shall be subject to
71 the enforcement jurisdiction of the licensing authority in
72 that remote state.

73 (4) ALTERNATIVE PROGRAM. A non-disciplinary monitoring
74 or prosecutorial diversion program approved by a member
75 state's licensing authority.

76 (5) BACKGROUND CHECK. The submission of information for
77 an applicant for the purpose of obtaining that applicant's
78 criminal history record information, as further defined in 28
79 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and
80 the agency responsible for retaining state criminal or
81 disciplinary history in the applicant's home state.

82 (6) CHARTER MEMBER STATE. Member states who have
83 enacted legislation to adopt this compact where such
84 legislation predates the effective date of this compact as



85 defined in Section 34-7B-92.

86 (7) COMMISSION. The joint government agency whose
87 membership consists of all states that have enacted this
88 compact, which is known as the Esthetics Licensure Compact
89 Commission, as defined in Section 34-7B-88, and which shall
90 operate as an instrumentality of the member states.

91 (8) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.

92 Either of the following:

93 a. Investigative information that a licensing
94 authority, after an inquiry or investigation that complies
95 with a member state's due process requirements, has reason to
96 believe is not groundless and, if proved true, would indicate
97 a violation of that state's laws regarding fraud or the
98 practice of esthetics.

99 b. Investigative information that indicates that a
100 licensee has engaged in fraud or represents an immediate
101 threat to public health and safety, regardless of whether the
102 licensee has been notified and had an opportunity to respond.

103 (9) DATA SYSTEM. A repository of information about
104 licensees including, but not limited to, license status,
105 investigative information, and adverse actions.

106 (10) DISQUALIFYING EVENT. Any event that shall
107 disqualify an individual from holding a multistate license
108 under this compact and which the commission, by rule or order,
109 may specify.

110 (11) ENCUMBERED LICENSE. A license in which an adverse
111 action restricts the practice of esthetics by a licensee, or
112 where the adverse action has been reported to the commission.



113 (12) ENCUMBRANCE. A revocation or suspension of, or any
114 limitation on, the full and unrestricted practice of esthetics
115 by a licensing authority.

116 (13) ESTHETICIAN. An individual licensed in his or her
117 home state to engage in the practice of esthetics as defined
118 in this section.

119 (14) ESTHETICS. The skin care and services for cosmetic
120 purposes provided by an esthetician in a member state as set
121 forth in the relevant statutes and rules of a member state.
122 The practice of esthetics occurs in the member state where the
123 client is located at the time of service.

124 (15) EXECUTIVE COMMITTEE. A group of delegates elected
125 or appointed to act on behalf of and within the powers granted
126 to them by the commission.

127 (16) HOME STATE. The member state that is a licensee's
128 primary state of residence and where that licensee holds an
129 active and unencumbered license to practice esthetics.

130 (17) INVESTIGATIVE INFORMATION. Information, records,
131 or documents received or generated by a licensing authority
132 pursuant to an investigation or other inquiry.

133 (18) JURISPRUDENCE REQUIREMENT. The assessment of an
134 individual's knowledge of the laws and rules governing the
135 practice of esthetics in a state.

136 (19) LICENSEE. An individual who currently holds a
137 license from a member state to practice as an esthetician.

138 (20) LICENSING AUTHORITY. A state's administrative or
139 regulatory body responsible for regulating the practice of
140 esthetics, or which is responsible for issuing licenses to



141 estheticians or otherwise overseeing the practice of esthetics
142 in that state.

143 (21) MEMBER STATE. Any state that has adopted this
144 compact.

145 (22) MULTISTATE LICENSE. A license issued and subject
146 to the enforcement jurisdiction of the licensing authority in
147 a licensee's home state, which authorizes the practice of
148 esthetics in member states and includes authorizations to
149 practice esthetics in all remote states pursuant to this
150 compact.

151 (23) REMOTE STATE. Any member state, other than the
152 licensee's home state.

153 (24) RULE. A regulation adopted by the commission under
154 this compact, or an authorized entity, that has the force of
155 law.

156 (25) SINGLE-STATE LICENSE. A license issued by a member
157 state that authorizes the practice of esthetics only within
158 the issuing state and does not include any authorization
159 outside of the issuing state.

160 (26) STATE. A state, commonwealth, territory, or
161 possession of the United States and the District of Columbia.

162 §34-7B-82 Member state requirements.

163 (a) To be eligible to join this compact, and to
164 maintain eligibility as a member state, a state must do all of
165 the following:

166 (1) License estheticians and regulate esthetics.

167 (2) Have a mechanism or entity in place to receive and
168 investigate complaints about licensees practicing in that



169 state.

170 (3) Require that licensees within the state pass a
171 competency examination prior to being licensed to provide
172 esthetics services to the public in that state.

173 (4) Require that licensees satisfy educational or
174 training requirements prior to being licensed to provide
175 esthetics services to the public in that state.

176 (5) Implement procedures for considering one or more of
177 the following categories of information from applicants for
178 licensure: (i) criminal history; (ii) disciplinary history; or
179 (iii) background check. Such procedures may include the
180 submission of information by applicants for the purpose of
181 obtaining an applicant's background check as defined herein.

182 (6) Participate in the data system, including through
183 the use of unique identifying numbers.

184 (7) Share information related to adverse actions with
185 the commission and other member states, both through the data
186 system and otherwise.

187 (8) Notify the commission and other member states, in
188 compliance with the terms of the compact and rules of the
189 commission, of the existence of investigative information or
190 current significant investigative information in the state's
191 possession regarding a licensee practicing in that state.

192 (9) Comply with such rules as may be enacted by the
193 commission to administer the compact.

194 (10) Accept licensees from other member states as
195 established herein.

196 (b) Member states may charge a fee for granting a



197 multistate license to practice esthetics.

198 (c) Individuals not residing in a member state shall
199 continue to be able to apply for a member state's single-state
200 license as provided under the laws of each member state.
201 However, the single-state license granted to these individuals
202 shall not be recognized as granting a multistate license to
203 provide services in any other member state.

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

207 (e) A multistate license issued to a licensee by a home
208 state to a resident of that state shall be recognized by each
209 member state as authorizing a licensee to practice esthetics
210 in each member state.

211 (f) At no point shall the commission have the power to
212 define the educational or professional requirements for a
213 license to practice esthetics. The member states shall retain
214 sole jurisdiction over the provision of these requirements.

215 §34-7B-83 Multistate license.

216 (a) To be eligible to apply to his or her home state's
217 licensing authority for an initial multistate license under
218 this compact, a licensee must hold an active and unencumbered
219 single-state license to practice esthetics in his or her home
220 state.

221 (b) Upon the receipt of an application for a multistate
222 license, according to the rules of the commission, a member
223 state's licensing authority shall ascertain whether the
224 applicant meets the requirements for a multistate license



225 under this compact.

226 (c) If an applicant meets the requirements for a
227 multistate license under this compact and any applicable rules
228 of the commission, the licensing authority in receipt of the
229 application, within a reasonable time, shall grant a
230 multistate license to that applicant and inform all member
231 states of the grant of the multistate license.

232 (d) A multistate license to practice esthetics issued
233 by a member state's licensing authority shall be recognized by
234 each member state as authorizing the practice thereof as
235 though that licensee held a single-state license to do so in
236 each member state, subject to the restrictions herein.

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

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

243 (1) Agree to abide by the rules of the licensing
244 authority, and the state scope of practice laws governing the
245 practice of esthetics, of any member state in which the
246 licensee provides services;

247 (2) Pay all required fees related to the application
248 and process, and any other fees which the commission, by rule,
249 may require; and

250 (3) Comply with any and all other requirements
251 regarding multistate licenses which the commission, by rule,
252 may provide.



253 (g) A licensee practicing in a member state is subject
254 to all scope of practice laws governing esthetics services in
255 that state.

256 (h) The practice of esthetics under a multistate
257 license granted pursuant to this compact will subject the
258 licensee to the jurisdiction of the licensing authority, the
259 courts, and the laws of the member state in which the
260 esthetics services are provided.

261 §34-7B-84 Reissuance of a multistate license by a new
262 home state.

263 (a) A licensee may hold a multistate license, issued by
264 his or her home state, in only one member state at any given
265 time.

266 (b) If a licensee changes his or her home state by
267 moving between two member states:



281 (3) If required for initial licensure, the new home
282 state may require a background check as specified in the laws
283 of the new home state or compliance with any jurisprudence
284 requirements of the new home state; and

285 (4) Notwithstanding any other provision of this
286 compact, if a licensee does not meet the requirements set
287 forth in this compact for the reissuance of a multistate
288 license by the new home state, then the licensee shall be
289 subject to the new home state requirements for the issuance of
290 a single-state license in that state.

291 (c) If a licensee changes his or her primary state of
292 residence by moving from a member state to a nonmember state,
293 or from a nonmember state to a member state, then the licensee
294 shall be subject to the state requirements for the issuance of
295 a single-state license in the new home state.

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

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

304 §34-7B-85 Authority of the compact commission and
305 member state licensing authorities.

306 (a) Nothing in this compact, nor any rule of the
307 commission, shall be construed to limit, restrict, or in any
308 way reduce the ability of a member state to enact and enforce



309 laws or other rules related to the practice of esthetics in
310 that state, where those laws or other rules are not
311 inconsistent with the provisions of this compact.

312 (b) Insofar as practical, a member state's licensing
313 authority shall cooperate with the commission and with each
314 entity exercising independent regulatory authority over the
315 practice of esthetics according to the provisions of this
316 compact.

317 (c) Discipline shall be the sole responsibility of the
318 state in which esthetics services are provided. Accordingly,
319 each member state's licensing authority shall be responsible
320 for receiving complaints about individuals practicing
321 esthetics in that state and for communicating all relevant
322 investigative information about any such adverse action to the
323 other member states through the data system in addition to any
324 other methods the commission, by rule, may require.

325 §34-7B-86 Adverse actions.

326 (a) A licensee's home state shall have exclusive power
327 to impose an adverse action against a licensee's multistate
328 license issued by the home state.

329 (b) A home state may take adverse action on a
330 multistate license based on the investigative information,
331 current significant investigative information, or adverse
332 action of a remote state.

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

336 (1) Take adverse action against a licensee's



337 authorization to practice esthetics through the multistate
338 license in that member state, provided that:

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

342 b. For the purpose of taking an adverse action, the
343 home state's licensing authority shall give the same priority
344 and effect to reported conduct received from a remote state as
345 it would if such conduct had occurred within the home state.
346 In so doing, the home state shall apply its own state laws to
347 determine the appropriate action.

348 (2) Issue cease and desist orders or impose an
349 encumbrance on a licensee's authorization to practice within
350 that member state;

351 (3) Complete any pending investigations of a licensee
352 who changes his or her primary state of residence during the
353 course of such an investigation. The licensing authority shall
354 also be empowered to report the results of such an
355 investigation to the commission through the data system as
356 described herein;

357 (4) Issue subpoenas for both hearings and
358 investigations that require the attendance and testimony of
359 witnesses, as well as the production of evidence. Subpoenas
360 issued by a licensing authority in a member state for the
361 attendance and testimony of witnesses or the production of
362 evidence from another member state shall be enforced in the
363 latter state by any court of competent jurisdiction, according
364 to the practice and procedure of that court applicable to



365 subpoenas issued in proceedings before it. The issuing
366 licensing authority shall pay any witness fees, travel
367 expenses, mileage, and other fees required by the service
368 statutes of the state in which the witnesses or evidence are
369 located;

370 (5) If otherwise permitted by state law, recover from
371 the affected licensee the costs of investigations and
372 disposition of cases resulting from any adverse action taken
373 against that licensee; and

374 (6) Take adverse action against the licensee's
375 authorization to practice in that state based on the factual
376 findings of another remote state.

377 (d) A licensee's home state shall complete any pending
378 investigation of an esthetician who changes his or her primary
379 state of residence while the investigation is pending. The
380 home state shall also have the authority to take appropriate
381 action and shall promptly report the conclusions of any
382 investigation to the data system.

383 (e) If an adverse action is taken by the home state
384 against a licensee's multistate license, the licensee's
385 authorization to practice in all other member states shall be
386 deactivated until all encumbrances have been removed from the
387 home state license. All home state disciplinary orders that
388 impose an adverse action against a licensee's multistate
389 license shall include a statement that the esthetician's
390 authorization to practice is deactivated in all member states
391 during the pendency of the order.

392 (f) Nothing in this compact shall override a member



393 state's authority to accept a licensee's participation in an
394 alternative program in lieu of adverse action. A licensee's
395 multistate license shall be suspended for the duration of the
396 licensee's participation in any alternative program.

397 (g) Joint investigations.

398 (1) In addition to the authority granted to a member
399 state by its respective scope of practice laws or other
400 applicable state law, a member state may participate with
401 other member states in joint investigations of licensees.

402 (2) Member states shall share any investigative,
403 litigation, or compliance materials in furtherance of any
404 joint or individual investigation initiated under the compact.

405 §34-7B-87 Active duty military and their spouses.

406 An active duty military service member or his or her
407 spouse shall designate a home state where the individual has a
408 current license in good standing. The individual or spouse may
409 retain his or her home state designation during any period of
410 service when that individual is on active duty.

411 §34-7B-88 Establishment and operation of the Esthetics
412 Licensure Compact Commission.

413 (a) The compact member states hereby create and
414 establish a joint government agency whose membership consists
415 of all member states that have enacted the compact known as
416 the Esthetics Licensure Compact Commission. The commission is
417 an instrumentality of the compact states acting jointly and
418 not an instrumentality of any one state. The commission shall
419 come into existence on or after the effective date of the
420 compact as set forth in Section 34-7B-92.

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421 (b) Membership, voting, and meetings.

422 (1) Each member state shall have and be limited to one
423 delegate selected by that member state's licensing authority.

424 (2) The delegate shall be an administrator of the
425 licensing authority of the member state or their designee.

426 (3) The commission, by rule or bylaw, shall establish a
427 term of office for delegates and, by rule or bylaw, may
428 establish term limits.

429 (4) The commission may recommend removal or suspension
430 of any delegate from office.

431 (5) A member state's licensing authority shall fill any
432 vacancy of its delegate occurring on the commission within 60
433 days of the vacancy.

434 (6) Each delegate shall be entitled to one vote on all
435 matters that are voted on by the commission.

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

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

441 (1) Establish the fiscal year of the commission.

442 (2) Establish code of conduct and conflict of interest
443 policies.

444 (3) Adopt rules and bylaws.

445 (4) Maintain its financial records in accordance with
446 the bylaws.

447 (5) Meet and take such actions as are consistent with
448 the provisions of this compact, the commission's rules, and



449 the bylaws.

450 (6) Initiate and conclude legal proceedings or actions
451 in the name of the commission, provided that the standing of
452 any licensing authority to sue or be sued under applicable law
453 shall not be affected.

454 (7) Maintain and certify records and information
455 provided to a member state as the authenticated business
456 records of the commission and designate an agent to do so on
457 the commission's behalf.

458 (8) Purchase and maintain insurance and bonds.

459 (9) Borrow, accept, or contract for services of
460 personnel including, but not limited to, employees of a member
461 state.

462 (10) Conduct an annual financial review.

463 (11) Hire employees, elect or appoint officers, fix
464 compensation, define duties, grant such individuals
465 appropriate authority to carry out the purposes of the
466 compact, and establish the commission's personnel policies and
467 programs relating to conflicts of interest, qualifications of
468 personnel, and other related personnel matters.

469 (12) As set forth in the commission rules, charge a fee
470 to a licensee for the grant of a multistate license and
471 thereafter, as may be established by commission rule, charge
472 the licensee a multistate license renewal fee for each renewal
473 period. Nothing herein shall be construed to prevent a home
474 state from charging a licensee a fee for a multistate license
475 or renewals of a multistate license or a fee for the
476 jurisprudence requirement if the member state imposes such a

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477 requirement for the grant of multistate license.

478 (13) Assess and collect fees.

479 (14) Accept any and all appropriate gifts, donations,
480 grants of money, other sources of revenue, equipment,
481 supplies, materials, and services and receive, utilize, and
482 dispose of the same, provided that at all times the commission
483 shall avoid any appearance of impropriety or conflict of
484 interest.

485 (15) Lease, purchase, retain, own, hold, improve, or
486 use any property, real, personal, or mixed, or any undivided
487 interest therein.

488 (16) Sell, convey, mortgage, pledge, lease, exchange,
489 abandon, or otherwise dispose of any property real, personal,
490 or mixed.

491 (17) Establish a budget and make expenditures.

492 (18) Borrow money.

493 (19) Appoint committees, including standing committees,
494 composed of members, state regulators, state legislators or
495 their representatives, and consumer representatives and such
496 other interested persons as may be designated in this compact
497 and the bylaws.

498 (20) Provide and receive information from, and
499 cooperate with, law enforcement agencies.

500 (21) Elect a chair, vice chair, secretary, and
501 treasurer and such other officers of the commission as
502 provided in the commission's bylaws.

503 (22) Establish and elect an executive committee,
504 including a chair and a vice chair.



505 (23) Adopt and provide to the participating states an
506 annual report.

507 (24) Determine whether a state's adopted language is
508 materially different from the model compact language such that
509 the state would not qualify for participation in the compact.

510 (25) Perform such other functions as may be necessary
511 or appropriate to achieve the purposes of this compact.

512 (d) The executive committee.

513 (1) The executive committee shall have the power to act
514 on behalf of the commission according to the terms of this
515 compact. The powers, duties, and responsibilities of the
516 executive committee shall include:

517 a. Overseeing the day-to-day activities of the
518 administration of the compact, including compliance with the
519 provisions of the compact, the commission's rules and bylaws,
520 and other such duties as deemed necessary.

521 b. Recommending to the commission changes to the rules
522 or bylaws, changes to this compact legislation, fees charged
523 to compact member states, fees charged to licensees, and other
524 fees.

525 c. Ensuring compact administration services are
526 appropriately provided, including by contract.

527 d. Preparing and recommending the budget;

528 e. Maintaining financial records on behalf of the
529 commission;

530 f. Monitoring compact compliance of member states and
531 providing compliance reports to the commission:

532 a. Establishing additional committees as necessary;



533 h. Exercise the powers and duties of the commission
534 during the interim between commission meetings, except for
535 adopting or amending rules, adopting or amending bylaws, and
536 exercising any other powers and duties expressly reserved to
537 the commission by rule or bylaw; and

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

540 (2) The executive committee shall be composed of up to
541 seven voting members:

542 a. The chair and vice chair of the commission and any
543 other members of the commission who serve on the executive
544 committee shall be voting members of the executive committee;

545 b. Other than the chair and vice chair, secretary, and
546 treasurer, the commission shall elect three voting members
547 from the current membership of the commission; and

548 c. The commission may elect *ex officio*, nonvoting
549 members from a recognized national organization as approved by
550 the commission. The commission's bylaws shall identify
551 qualifying organizations and the manner of appointment if the
552 number of organizations seeking to appoint an *ex officio*
553 member exceeds the number of members specified in this
554 section.

555 (3) The commission may remove any member of the
556 executive committee as provided in the commission's bylaws.

557 (4) The executive committee shall meet at least
558 annually.

559 a. Annual executive committee meetings, as well as any
560 executive committee meeting during which the executive



561 committee does not take or intend to take formal action on a
562 matter for which a commission vote would otherwise be
563 required, shall be open to the public, except that the
564 executive committee may meet in a closed, nonpublic session of
565 a public meeting when dealing with any of the matters covered
566 under subdivision (f) (4).

567 b. The executive committee shall give five business
568 days advance notice of its public meetings, posted on its
569 website, and any other means as provided in the commission's
570 rules, to provide notice to persons with an interest in the
571 public matters the executive committee intends to address at
572 those meetings.

573 (5) The executive committee may hold an emergency
574 meeting when acting for the commission to:

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

577 b. Prevent a loss of commission or participating state
578 funds; or

579 c. Protect public health and safety.

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

582 (f) Meetings of the commission.

583 (1) All meetings of the commission that are not closed
584 pursuant to this subsection shall be open to the public.
585 Notice of public meetings shall be posted on the commission's
586 website at least 30 days prior to the public meeting.

587 (2) Notwithstanding subdivision (1), the commission may
588 convene an emergency public meeting by providing at least



589 24-hours prior notice on the commission's website, and any
590 other means as provided in the commission's rules, for any of
591 the reasons the commission may dispense with notice of
592 proposed rulemaking under Section 34-7B-90(1). The
593 commission's legal counsel shall certify one of the reasons
594 justifying an emergency public meeting has been met.

595 (3) Notice of all commission meetings shall provide the
596 time, date, and location of the meeting, and if the meeting is
597 to be held or accessible via telecommunication, video
598 conference, or other electronic means, the notice shall
599 include the mechanism for access to the meeting.

600 (4) The commission may convene in a closed, nonpublic
601 meeting for the commission to discuss the following:

602 a. Noncompliance of a member state with its obligations
603 under the compact.

604 b. The employment, compensation, discipline, or other
605 matters, practices, or procedures related to specific
606 employees, or other matters related to the commission's
607 internal personnel practices and procedures.

608 c. Current or threatened discipline of a licensee by
609 the commission or by a member state's licensing authority.

610 d. Current, threatened, or reasonably anticipated
611 litigation.

612 e. Negotiation of contracts for the purchase, lease, or
613 sale of goods, services, or real estate.

614 f. Accusing any person of a crime or formally censuring
615 any person.

616 g. Trade secrets or commercial or financial information



617 that is privileged or confidential.

618 h. Information of a personal nature where disclosure
619 would constitute a clearly unwarranted invasion of personal
620 privacy.

621 i. Investigative records compiled for law enforcement
622 purposes.

623 j. Information related to any investigative reports
624 prepared by or on behalf of or for use of the commission or
625 other committee charged with responsibility of investigation
626 or determination of compliance issues pursuant to the compact.

627 k. Legal advice.

628 l. Matters specifically exempted from disclosure to the
629 public by federal or member state law.

630 m. Other matters as adopted by the commission, by rule.

631 (5) If a meeting, or portion of a meeting, is closed,
632 the presiding officer shall state that the meeting will be
633 closed and reference each relevant exempting provision, and
634 such reference shall be recorded in the minutes.

635 (6) The commission shall keep minutes that fully and
636 clearly describe all matters discussed in a meeting and shall
637 provide a full and accurate summary of actions taken and the
638 reasons therefore, including a description of the views
639 expressed. All documents considered in connection with an
640 action shall be identified in such minutes. All minutes and
641 documents of a closed meeting shall remain under seal, subject
642 to release only by a majority vote of the commission or order
643 of a court of competent jurisdiction.

644 (g) Financing of the commission.



645 (1) The commission shall pay, or provide for the
646 payment of, the reasonable expenses of its establishment,
647 organization, and ongoing activities.

648 (2) The commission may accept any and all appropriate
649 sources of revenue, donations, and grants of money, equipment,
650 supplies, materials, and services.

651 (3) The commission may levy on, and collect an annual
652 assessment from, each member state and impose fees on
653 licensees of member states to whom it grants a multistate
654 license to cover the cost of the operations and activities of
655 the commission and its staff, which must be in a total amount
656 sufficient to cover its annual budget as approved each year
657 for which revenue is not provided by other sources. The
658 aggregate annual assessment amount for member states shall be
659 allocated based upon a formula that the commission shall adopt
660 by rule.

661 (4) The commission shall not incur obligations of any
662 kind prior to securing the funds adequate to meet the same;
663 nor shall the commission pledge the credit of any member
664 state, except by and with the authority of the member state.

665 (5) The commission shall keep accurate accounts of all
666 receipts and disbursements. The receipts and disbursements of
667 the commission shall be subject to the financial review and
668 accounting procedures established under its bylaws. All
669 receipts and disbursements of funds handled by the commission
670 shall be subject to an annual financial review by a certified
671 or licensed public accountant, and the report of the financial
672 review shall be included in and become part of the annual



673 report of the commission.

674 (h) Qualified immunity, defense, and indemnification.

675 (1) The members, officers, executive director,
676 employees, and representatives of the commission shall be
677 immune from suit and liability, both personally and in their
678 official capacity, for any claim for damage to or loss of
679 property or personal injury or other civil liability caused by
680 or arising out of any actual or alleged act, error, or
681 omission that occurred, or that the person against whom the
682 claim is made had a reasonable basis for believing occurred
683 within the scope of commission employment, duties, or
684 responsibilities, provided that nothing in this subdivision
685 shall be construed to protect any such person from suit or
686 liability for any damage, loss, injury, or liability caused by
687 the intentional or willful or wanton misconduct of that
688 person. The procurement of insurance of any type by the
689 commission shall not in any way compromise or limit the
690 immunity granted hereunder.

691 (2) The commission shall defend any member, officer,
692 executive director, employee, and representative of the
693 commission in any civil action seeking to impose liability
694 arising out of any actual or alleged act, error, or omission
695 that occurred within the scope of commission employment,
696 duties, or responsibilities, or as determined by the
697 commission that the person against whom the claim is made had
698 a reasonable basis for believing occurred within the scope of
699 commission employment, duties, or responsibilities, provided
700 that nothing herein shall be construed to prohibit that person



701 from retaining their own counsel at their own expense; and
702 provided further, that the actual or alleged act, error, or
703 omission did not result from that person's intentional or
704 willful or wanton misconduct.

705 (3) The commission shall indemnify and hold harmless
706 any member, officer, executive director, employee, and
707 representative of the commission for the amount of any
708 settlement or judgment obtained against that person arising
709 out of any actual or alleged act, error, or omission that
710 occurred within the scope of commission employment, duties, or
711 responsibilities, or that such person had a reasonable basis
712 for believing occurred within the scope of commission
713 employment, duties, or responsibilities, provided that the
714 actual or alleged act, error, or omission did not result from
715 the intentional or willful or wanton misconduct of that
716 person.

717 (4) Nothing herein shall be construed as a limitation
718 on the liability of any licensee for professional malpractice
719 or misconduct, which shall be governed solely by any other
720 applicable state laws.

721 (5) Nothing in this compact shall be interpreted to
722 waive or otherwise abrogate a member state's state action
723 immunity or state action affirmative defense with respect to
724 antitrust claims under the Sherman Act, Clayton Act, or any
725 other state or federal antitrust or anticompetitive law or
726 regulation.

727 (6) Nothing in this compact shall be construed to be a
728 waiver of sovereign immunity by the member states or by the



729 commission.

730 \$34-7B-89 Data system.

731 (a) The commission shall provide for the development,
732 maintenance, operation, and utilization of a coordinated
733 database and reporting system.

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

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

742 (1) Identifying information;

743 (2) Licensure data;

744 (3) Adverse actions against a license and information
745 related thereto;

746 (4) Nonconfidential information related to alternative
747 program participation, the beginning and ending dates of such
748 participation, and other information related to such
749 participation;

750 (5) Any denial of application for licensure, and the
751 reason for such denial, excluding the reporting of any
752 criminal history record information where prohibited by law;

753 (6) The existence of investigative information;

754 (7) The existence of current significant investigative
755 information; and

756 (8) Other information that may facilitate the



757 administration of this compact or the protection of the
758 public, as determined by the rules of the commission.

759 (d) The records and information provided to a member
760 state pursuant to this compact or through the data system,
761 when certified by the commission or an agent thereof, shall
762 constitute the authenticated business records of the
763 commission and shall be entitled to any associated hearsay
764 exception in any relevant judicial, quasi-judicial, or
765 administrative proceedings in a member state.

766 (e) The existence of current significant investigative
767 information and the existence of investigative information
768 pertaining to a licensee in any member state shall only be
769 available to other member states.

770 (f) It is the responsibility of the member states to
771 monitor the database to determine whether adverse action has
772 been taken against such a licensee or license applicant.
773 Adverse action information pertaining to a licensee or license
774 applicant in any member state shall be available to any other
775 member state.

776 (g) Member states that contribute information to the
777 data system may designate information that may not be shared
778 with the public without the express permission of the
779 contributing state.

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

784 §34-7B-90 Rulemaking.



785 (a) The commission shall adopt reasonable rules to
786 effectively and efficiently implement and administer the
787 purposes and provisions of the compact. A rule shall be
788 invalid and have no force or effect only if a court of
789 competent jurisdiction holds that the rule is invalid because
790 the commission exercised its rulemaking authority in a manner
791 that is beyond the scope and purposes of the compact, or the
792 powers granted hereunder, or based upon another applicable
793 standard of review.

794 (b) The rules of the commission shall have the force of
795 law in each member state, provided that where the rules of the
796 commission conflict with the laws of the member state that
797 establish the member state's scope of practice laws governing
798 the practice of esthetics as held by a court of competent
799 jurisdiction, the rules of the commission shall be ineffective
800 in that state to the extent of the conflict.

801 (c) The commission shall exercise its rulemaking powers
802 pursuant to the criteria set forth in this section and the
803 rules adopted thereunder. Rules shall become binding as of the
804 date specified by the commission for each rule.

812 (e) Rules shall be adopted at a regular or special



813 meeting of the commission.

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

818 (g) Prior to adoption of a proposed rule by the
819 commission, and at least 30 days in advance of the meeting at
820 which the commission will hold a public hearing on the
821 proposed rule, the commission shall provide a notice of
822 proposed rulemaking:

823 (1) On the website of the commission or other publicly
824 accessible platform;

825 (2) To persons who have requested notice of the
826 commission's notices of proposed rulemaking; and

827 (3) In such other ways as the commission, by rule, may
828 specify.

829 (h) The notice of proposed rulemaking shall include:

830 (1) The time, date, and location of the public hearing
831 at which the commission will hear public comments on the
832 proposed rule and, if different, the time, date, and location
833 of the meeting where the commission will consider and vote on
834 the proposed rule;

835 (2) If the hearing is held via telecommunication, video
836 conference, or other electronic means, the commission shall
837 include the mechanism for access to the hearing in the notice
838 of proposed rulemaking;

839 (3) The text of the proposed rule and the reason
840 therefor;



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841 (4) A request for comments on the proposed rule from
842 any interested person; and

843 (5) The manner in which interested persons may submit
844 written comments.

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

849 (j) Nothing in this section shall be construed as
850 requiring a separate hearing on each rule. Rules may be
851 grouped for the convenience of the commission at hearings
852 required by this section.

853 (k) The commission, by majority vote of all members,
854 shall take final action on the proposed rule based on the
855 rulemaking record and the full text of the rule.

856 (1) The commission may adopt changes to the proposed
857 rule provided the changes do not enlarge the original purpose
858 of the proposed rule.

859 (2) The commission shall provide an explanation of the
860 reasons for substantive changes made to the proposed rule as
861 well as reasons for substantive changes not made that were
862 recommended by commenters.

868 (1) Upon determination that an emergency exists, the



869 commission may consider and adopt an emergency rule with five
870 days' notice, with opportunity to comment, provided that the
871 usual rulemaking procedures provided in the compact and in
872 this section shall be retroactively applied to the rule as
873 soon as reasonably possible, in no event later than 90 days
874 after the effective date of the rule. For the purposes of this
875 provision, an emergency rule is one that must be adopted
876 immediately to:

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

879 b. Prevent the loss of commission or member state
880 funds;

881 c. Meet a deadline for the adoption of a rule that is
882 established by federal law or rule; or

883 d. Protect public health and safety.

884 (m) The commission or an authorized committee of the
885 commission may direct revisions to a previously adopted rule
886 for purposes of correcting typographical errors, errors in
887 format, errors in consistency, or grammatical errors. Public
888 notice of any revisions shall be posted on the website of the
889 commission. The revision shall be subject to challenge by any
890 person for a period of 30 days after posting. The revision may
891 be challenged only on grounds that the revision results in a
892 material change to a rule. A challenge shall be made in
893 writing and delivered to the commission prior to the end of
894 the notice period. If no challenge is made, the revision will
895 take effect without further action. If the revision is
896 challenged, the revision may not take effect without the



897 approval of the commission.

898 (n) No member state's rulemaking requirements shall
899 apply under this compact.

900 §34-7B-91 Oversight, dispute resolution, and
901 enforcement.

902 (a) Oversight.

903 (1) The executive and judicial branches of state
904 government in each member state shall enforce this compact and
905 take all actions necessary and appropriate to implement the
906 compact.

907 (2) Venue is proper and judicial proceedings by or
908 against the commission shall be brought solely and exclusively
909 in a court of competent jurisdiction where the principal
910 office of the commission is located. The commission may waive
911 venue and jurisdictional defenses to the extent it adopts or
912 consents to participate in alternative dispute resolution
913 proceedings. Nothing herein shall affect or limit the
914 selection or propriety of venue in any action against a
915 licensee for professional malpractice, misconduct, or any such
916 similar matter.

917 (3) The commission shall be entitled to receive service
918 of process in any proceeding regarding the enforcement or
919 interpretation of the compact and shall have standing to
920 intervene in such a proceeding for all purposes. Failure to
921 provide the commission service of process shall render a
922 judgment or order void as to the commission, this compact, or
923 adopted rules.

924 (b) Default, technical assistance, and termination.



925 (1) If the commission determines that a member state
926 has defaulted in the performance of its obligations or
927 responsibilities under this compact or the adopted rules, the
928 commission shall provide written notice to the defaulting
929 state. The notice of default shall describe the default, the
930 proposed means of curing the default, and any other action
931 that the commission may take and shall offer training and
932 specific technical assistance regarding the default.

933 (2) The commission shall provide a copy of the notice
934 of default to the other member states.

935 (c) If a state in default fails to cure the default,
936 the defaulting state may be terminated from the compact upon
937 an affirmative vote of a majority of the delegates of the
938 member states, and all rights, privileges, and benefits
939 conferred on that state by this compact may be terminated on
940 the effective date of termination. A cure of the default does
941 not relieve the offending state of obligations or liabilities
942 incurred during the period of default.

943 (d) Termination of membership in the compact shall be
944 imposed only after all other means of securing compliance have
945 been exhausted. Notice of intent to suspend or terminate shall
946 be given by the commission to the governor, the majority and
947 minority leaders of the defaulting state's legislature, the
948 defaulting state's licensing authority, and each of the member
949 states' licensing authority.



953 extend beyond the effective date of termination.

954 (f) Upon the termination of a state's membership from
955 this compact, that state shall immediately provide notice to
956 all licensees who hold a multistate license within that state
957 of the termination. The terminated state shall continue to
958 recognize all licenses granted pursuant to this compact for a
959 minimum of 180 days after the date of the notice of
960 termination.

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

965 (h) The defaulting state may appeal the action of the
966 commission by petitioning the U.S. District Court for the
967 District of Columbia or the federal district where the
968 commission has its principal offices. The prevailing party
969 shall be awarded all costs of such litigation, including
970 reasonable attorney fees.

971 (i) Dispute resolution.

972 (1) Upon request by a member state, the commission
973 shall attempt to resolve disputes related to the compact that
974 arise among member states and between member and non-member
975 states.

976 (2) The commission shall adopt a rule providing for
977 both mediation and binding dispute resolution for disputes as
978 appropriate.

979 (j) Enforcement.

980 (1) The commission, in the reasonable exercise of its



981 discretion, shall enforce the provisions of this compact and
982 the commission's rules.

983 (2) By majority vote as provided by commission rule,
984 the commission may initiate legal action against a member
985 state in default in the U.S. District Court for the District
986 of Columbia or the federal district where the commission has
987 its principal offices to enforce compliance with the
988 provisions of the compact and its adopted rules. The relief
989 sought may include both injunctive relief and damages. In the
990 event judicial enforcement is necessary, the prevailing party
991 shall be awarded all costs of such litigation, including
992 reasonable attorney fees. The remedies herein shall not be the
993 exclusive remedies of the commission. The commission may
994 pursue any other remedies available under federal or the
995 defaulting member state's laws.

996 (3) A member state may initiate legal action against
997 the commission in the U.S. District Court for the District of
998 Columbia or the federal district where the commission has its
999 principal offices to enforce compliance with the provisions of
1000 the compact and its adopted rules. The relief sought may
1001 include both injunctive relief and damages. In the event
1002 judicial enforcement is necessary, the prevailing party shall
1003 be awarded all costs of such litigation, including reasonable
1004 attorney fees.

1005 (4) No individual or entity other than a member state
1006 may enforce this compact against the commission.

1007 §34-7B-92 Effective date, withdrawal, and amendment.

1008 (a) The compact shall come into effect on the date on



1009 which the compact statute is enacted into law in the seventh
1010 member state.

1011 (1) On or after the effective date of the compact, the
1012 commission shall convene and review the enactment of each of
1013 the charter member states to determine if the statute enacted
1014 by each such charter member state is materially different than
1015 the model compact statute.

1016 a. A charter member state whose enactment is found to
1017 be materially different from the model compact statute shall
1018 be entitled to the default process set forth in Section
1019 34-7B-91.

1020 b. If any member state is later found to be in default,
1021 or is terminated or withdraws from the compact, the commission
1022 shall remain in existence, and the compact shall remain in
1023 effect even if the number of member states should be less than
1024 seven.

1025 (2) Member states enacting the compact after the
1026 charter member states shall be subject to the process set
1027 forth in Section 34-7B-88(c) (24) to determine if their
1028 enactments are materially different from the model compact
1029 statute and whether they qualify for participation in the
1030 compact.

1031 (3) All actions taken for the benefit of the commission
1032 or in furtherance of the purposes of the administration of the
1033 compact prior to the effective date of the compact or the
1034 commission coming into existence shall be considered actions
1035 of the commission unless specifically repudiated by the
1036 commission.



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1037 (4) Any state that joins the compact shall be subject
1038 to the commission's rules and bylaws as they exist on the date
1039 on which the compact becomes law in that state. Any rule that
1040 has been previously adopted by the commission shall have the
1041 full force and effect of law on the day the compact becomes
1042 law in that state.

1043 (b) Any member state may withdraw from this compact by
1044 enacting a statute repealing that state's enactment of the
1045 compact.

1046 (1) A member state's withdrawal shall not take effect
1047 until 180 days after the enactment of the repealing statute.

1048 (2) Withdrawal shall not affect the continuing
1049 requirement of the withdrawing state's licensing authority to
1050 comply with the investigative and adverse action reporting
1051 requirements of this compact prior to the effective date of
1052 withdrawal.

1060 (c) Nothing contained in this compact shall be
1061 construed to invalidate or prevent any licensure agreement or
1062 other cooperative arrangement between a member state and a
1063 non-member state that does not conflict with the provisions of
1064 this compact.



1065 (d) This compact may be amended by the member states.

1066 No amendment to this compact shall become effective and
1067 binding upon any member state until it is enacted into the
1068 laws of all member states.

1069 §34-7B-93 Construction and severability.

1070 (a) This compact and the commission's rulemaking
1071 authority shall be liberally construed to effectuate the
1072 purposes and the implementation and administration of the
1073 compact. Provisions of the compact expressly authorizing or
1074 requiring the adoption of rules shall not be construed to
1075 limit the commission's rulemaking authority solely for those
1076 purposes.

1077 (b) The provisions of this compact shall be severable,
1078 and if any phrase, clause, sentence, or provision of this
1079 compact is held by a court of competent jurisdiction to be
1080 contrary to the constitution of any member state, a state
1081 seeking participation in the compact, or of the United States,
1082 or the applicability thereof to any government, agency,
1083 person, or circumstance is held to be unconstitutional by a
1084 court of competent jurisdiction, the validity of the remainder
1085 of this compact, and the applicability thereof to any other
1086 government, agency, person, or circumstance shall not be
1087 affected thereby.

1088 (c) Notwithstanding subsection (b), the commission may
1089 deny a state's participation in the compact or, in accordance
1090 with the requirements of Section 34-7B-91, terminate a member
1091 state's participation in the compact if it determines that a
1092 constitutional requirement of a member state is a material

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1093 departure from the compact. Otherwise, if this compact shall
1094 be held to be contrary to the constitution of any member
1095 state, the compact shall remain in full force and effect as to
1096 the remaining member states and in full force and effect as to
1097 the member state affected as to all severable matters.

1098 §34-7B-94 Consistent effect and conflict with other
1099 state laws.

1100 (a) Nothing herein shall prevent or inhibit the
1101 enforcement of any other law of a member state that is not
1102 inconsistent with the compact.

1103 (b) Any laws, statutes, rules, or other legal
1104 requirements in a member state in conflict with the compact
1105 are superseded to the extent of the conflict.

1106 (c) All permissible agreements between the commission
1107 and the member states are binding in accordance with their
1108 terms.

1109 (d) The purpose of this compact is to facilitate
1110 multistate licensure for estheticians. Nothing herein shall
1111 subject a member state to any laws, rules, or policies from
1112 any other member state beyond the intended purpose of this
1113 compact.

1114 (e) Nothing herein shall require any member state to
1115 adopt additional laws, rules, or policies beyond the intended
1116 purpose of this compact.

1117 Section 2. This act shall become effective on October
1118 1, 2026.