Chapter 18.16 RCW
COSMETOLOGISTS, HAIR DESIGNERS, BARBERS, MANICURISTS, AND ESTHETICIANS
(Formerly: Cosmetologists, barbers, and manicurists)

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RCW 18.16.010 Intent. The legislature recognizes that the practices of cosmetology, hair design, barbering, manicuring, and esthetics involve the use of tools and chemicals which may be dangerous when mixed or applied improperly, and therefore finds it

necessary in the interest of the public health, safety, and welfare to regulate those practices in this state. [2015 c 62 s 13; 2002 c 111 s 1; 1984 c 208 s 1.]

Effective date—2002 c 111: "This act takes effect June 1, 2003." [2002 c 111 s 18.]

RCW 18.16.020 Definitions. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Apprentice" means a person who is engaged in a state-approved apprenticeship program and who must receive a wage or compensation while engaged in the program.

(2) "Apprentice monthly report" means the apprentice record of daily activities and the number of hours completed in each course of a curriculum that is prepared monthly by the approved apprenticeship program and provided to the apprentice, audited annually by the department, and kept on file by the approved apprenticeship program for three years.

(3) "Apprentice trainer" means a person who gives training to an apprentice in an approved apprenticeship program and who is approved under RCW 18.16.280.

(4) "Apprenticeship program" means a state-approved apprenticeship program pursuant to chapter 49.04 RCW and approved under RCW 18.16.280 for the training of cosmetology, hair design, barbering, esthetics, master esthetics, and manicuring.

(5) "Apprenticeship training committee" means a committee approved by the Washington apprenticeship and training council established in chapter 49.04 RCW.

(6) "Approved apprenticeship shop" means a salon/shop that has been approved under RCW 18.16.280 and chapter 49.04 RCW to participate in an apprenticeship program.

(7) "Approved security" means surety bond.

(8) "Barber" means a person licensed under this chapter to engage in the practice of barbering.

(9) "Board" means the cosmetology, hair design, barbering, esthetics, and manicuring advisory board.

(10) "Cosmetologist" means a person licensed under this chapter to engage in the practice of cosmetology.

(11) "Crossover training" means training approved by the director as training hours that may be credited to current licensees for similar training received in another profession licensed under this chapter.

(12) "Curriculum" means the courses of study taught at a school, online training by a school, in an approved apprenticeship program established by the Washington state apprenticeship and training council and conducted in an approved salon/shop, or online training by an approved apprenticeship program, set by rule under this chapter, and approved by the department. After consulting with the board, the director may set by rule a percentage of hours in a curriculum, up to a maximum of 10 percent, that could include hours a student receives while training in a salon/shop under a contract approved by the department. Each curriculum must include at least the following required hours:

(a) School curriculum:

(i) Cosmetologist, 1,600 hours;
(ii) Hair design, 1,400 hours;
(iii) Barber, 1,000 hours;
(iv) Manicurist, 600 hours;
(v) Esthetician, 750 hours;
(vi) Master esthetician either:
(A) 1,200 hours; or
(B) Esthetician licensure plus 450 hours of training;
(vii) Instructor-trainee, 500 hours, except that an instructor-trainee may submit documentation that provides evidence of experience as a licensed cosmetologist, hair designer, barber, manicurist, esthetician, or master esthetician for competency evaluation toward credit of not more than 300 hours of instructor-training.
(b) Apprentice training curriculum:
(i) Cosmetologist, 2,000 hours;
(ii) Hair design, 1,750 hours;
(iii) Barber, 1,200 hours;
(iv) Manicurist, 800 hours;
(v) Esthetician, 800 hours;
(vi) Master esthetician, 1,400 hours.
(13) "Department" means the department of licensing.
(14) "Director" means the director of the department of licensing or the director's designee.
(15) "Esthetician" means a person licensed under this chapter to engage in the practice of esthetics.
(16) "Hair design" means the practice of arranging, dressing, cutting, trimming, styling, shampooing, permanent waving, chemical relaxing, straightening, curling, bleaching, lightening, coloring, mustache and beard design, and superficial skin stimulation of the scalp.
(17) "Hair designer" means a person licensed under this chapter to engage in the practice of hair design.
(18) "Individual license" means a cosmetology, hair design, barber, manicurist, esthetician, master esthetician, or instructor license issued under this chapter.
(19) "Instructor" means a person who gives instruction in a school, or who provides classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter, has completed at least 500 hours of instruction in teaching techniques and lesson planning in a school, or who has documented experience as an instructor for more than 500 hours in another state in the curriculum of study, and has passed a licensing examination approved or administered by the director. An applicant who holds a degree in education from an accredited postsecondary institution shall upon application be licensed as an instructor to give instruction in a school, or to provide classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter. An applicant who holds an instructional credential from an accredited community or technical college and who has passed a licensing examination approved or administered by the director shall upon application be licensed as an instructor to give instruction in a school, or to provide classroom theory training to apprentices in locations other than in a school, in a curriculum in which he or she holds a license under this chapter. To be approved as an "instructor" in an approved apprenticeship program, the instructor must be a

competent instructor as defined in rules adopted under chapter 49.04 RCW.

(20) "Instructor-trainee" means a person who is currently licensed in this state as a cosmetologist, hair designer, barber, manicurist, esthetician, or master esthetician, and is enrolled in an instructor-trainee curriculum in a school licensed under this chapter.

(21) "Location license" means a license issued under this chapter for a salon/shop, school, personal services, or mobile unit.

(22) "Manicurist" means a person licensed under this chapter to engage in the practice of manicuring.

(23) "Master esthetician" means a person licensed under this chapter to engage in the practice of master esthetics.

(24) "Mobile unit" is a location license under this chapter where the practice of cosmetology, barbering, esthetics, master esthetics, or manicuring is conducted in a mobile structure. Mobile units must conform to the health and safety standards set by rule under this chapter.

(25) "Online training" means theory training provided online, by a school licensed under this chapter or an approved apprenticeship program established by the Washington state apprenticeship and training council, in the areas of cosmetology, hair design, master esthetics, manicuring, barbering, esthetics, and instructor-training.

(26) "Person" means any individual, partnership, professional service corporation, joint stock association, joint venture, or any other entity authorized to do business in this state.

(27) "Personal services" means a location licensed under this chapter where the practice of cosmetology, hair design, barbering, manicuring, esthetics, or master esthetics is performed for clients in the client's home, office, or other location that is convenient for the client.

(28) "Practice of barbering" means the cutting, trimming, arranging, dressing, curling, shampooing, shaving, and mustache and beard design of the hair of the face, neck, and scalp.

(29) "Practice of cosmetology" means arranging, dressing, cutting, trimming, styling, shampooing, permanent waving, chemical relaxing, straightening, curling, bleaching, lightening, coloring, waxing, tweezing, shaving, and mustache and beard design of the hair of the face, neck, and scalp; temporary removal of superfluous hair by use of depilatories, waxing, or tweezing; manicuring and pedicuring, limited to cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and nails of the hands and feet, excluding the application and removal of sculptured or otherwise artificial nails; esthetics limited to toning the skin of the scalp, stimulating the skin of the body by the use of preparations, tonics, lotions, or creams; and tinting eyelashes and eyebrows.

(30) "Practice of esthetics" means the care of the skin for compensation by application, use of preparations, antiseptics, tonics, essential oils, exfoliants, superficial and light peels, or by any device, except laser, or equipment, electrical or otherwise, or by wraps, compresses, cleansing, conditioning, stimulation, superficial skin stimulation, pore extraction, or product application and removal; temporary removal of superfluous hair by means of lotions, creams, appliance, waxing, threading, tweezing, or depilatories, including chemical means; and application of product to the eyelashes and eyebrows, including extensions, design and treatment, tinting and lightening of the hair, excluding the scalp. Under no circumstances

does the practice of esthetics include the administration of injections.

(31) "Practice of manicuring" means the cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and the nails of the hands or feet, and the application and removal of sculptured or otherwise artificial nails by hand or with mechanical or electrical apparatus or appliances.

(32) "Practice of master esthetics" means the care of the skin for compensation including all of the methods allowed in the definition of the practice of esthetics. It also includes the performance of medium depth peels and the use of medical devices for care of the skin and permanent hair reduction. The medical devices include, but are not limited to, lasers, light, radio frequency, plasma, intense pulsed light, and ultrasound. The use of a medical device must comply with state law and rules, including any laws or rules that require delegation or supervision by a licensed health professional acting within the scope of practice of that health profession.

(33) "Salon/shop" means any building, structure, or any part thereof, other than a school, where the commercial practice of cosmetology, barbering, hair design, esthetics, master esthetics, or manicuring is conducted; provided that any person, except employees of a salon/shop, who operates from a salon/shop is required to meet all salon/shop licensing requirements and may participate in the apprenticeship program when certified as established by the Washington state apprenticeship and training council established in chapter 49.04 RCW.

(34) "School" means any establishment that offers curriculum of instruction in the practice of cosmetology, hair design, barbering, esthetics, master esthetics, manicuring, or instructor-trainee to students and is licensed under this chapter.

(35) "Student" means a person 16 years of age or older who is enrolled in a school licensed under this chapter and receives instruction in any of the curricula of cosmetology, barbering, hair design, esthetics, master esthetics, manicuring, or instructor-training with or without tuition, fee, or cost, and who does not receive any wage or commission.

(36) "Student monthly report" means the student record of daily activities and the number of hours completed in each course of a curriculum that is prepared monthly by the school and provided to the student, audited annually by the department, and kept on file by the school for three years.

(37) "Textured hair" means hair that, rather than lying straight, naturally has a distinct shape or pattern such as coils, curls, kinks, spirals, or waves. [2025 c 194 s 2; 2015 c 62 s 1. Prior: 2013 c 187 s 1; 2008 c 20 s 1; 2003 c 400 s 2; 2002 c 111 s 2; 1991 c 324 s 1; 1984 c 208 s 2.]

Findings—Intent—2025 c 194: "The legislature finds that nearly 65 percent of the world's population has textured hair, resulting in a market of approximately one billion people, yet many clients with textured hair report not having equitable access to professionally trained and licensed stylists with the skill set and experience to provide services for textured hair.

The legislature also finds that in the appearance enhancement industry, current standards for training and qualifications tend to

only apply to individuals with fine, straight hair. As such, students attending schools of cosmetology or natural hair styling may complete training programs without a full understanding of how to maintain, treat, and style a diverse range of hair textures including curly, coiled, coarse, and thick hair. This institutionalized gap in knowledge can result in harm to health and damage to the hair of clients from varying cultural and ethnic backgrounds.

Therefore, it is the intent of the legislature to establish a process to empower cosmetologists with the skills and confidence to consult and work with clients with textured hair while maintaining the industry health and safety standards." [2025 c 194 s 1.]

Effective date—2025 c 194: "This act takes effect March 1, 2026." [2025 c 194 s 4.]

Effective date—2003 c 400: See note following RCW 18.16.280.

Effective date—2002 c 111: See note following RCW 18.16.010.

RCW 18.16.030 Director—Powers and duties. In addition to any other duties imposed by law, including RCW 18.235.030 and 18.235.040, the director shall have the following powers and duties:

(1) To set all license, examination, and renewal fees in accordance with RCW 43.24.086;

(2) To adopt rules necessary to implement this chapter;

(3) To prepare and administer or approve the preparation and administration of licensing examinations;

(4) To establish minimum safety and sanitation standards for schools, instructors, cosmetologists, barbers, hair designers, manicurists, estheticians, master estheticians, salons/shops, personal services, and mobile units;

(5) To establish curricula for the training of students and apprentices under this chapter, including training for cosmetologists, barbers, estheticians, and hair designers on the care, styling, and treatment of textured hair which must include:

(a) Techniques for cutting, styling, and chemically treating textured hair;

(b) Instruction on products and tools specifically designed for textured hair;

(c) Best practices for hair health and scalp care for clients with textured hair; and

(d) Cultural competency and historical education on the significance of textured hair in diverse communities;

(6) To maintain the official department record of applicants and licensees;

(7) To establish by rule the procedures for an appeal of an examination failure;

(8) To set license expiration dates and renewal periods for all licenses consistent with this chapter; and

(9) To make information available to the department of revenue to assist in collecting taxes from persons required to be licensed under this chapter. [2025 c 194 s 3; 2019 c 442 s 7; 2015 c 62 s 2; 2013 c 187 s 2; 2008 c 20 s 2; 2004 c 51 s 7. Prior: 2002 c 111 s 3; 2002 c 86 s 213; 1991 c 324 s 2; 1984 c 208 s 7.]

Findings—Intent—Effective date—2025 c 194: See notes following RCW 18.16.020.

Notice of chapter 51, Laws of 2004—Effective date—2004 c 51: See notes following RCW 18.16.060.

Effective date—2002 c 111: See note following RCW 18.16.010.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 18.16.050 Advisory board—Members—Compensation. (1) There is created a state cosmetology, hair design, barbering, esthetics, and manicuring advisory board consisting of a maximum of ten members appointed by the director. These members of the board shall include: A representative of private schools licensed under this chapter; a representative from an approved apprenticeship program conducted in an approved salon/shop; a representative of public vocational technical schools licensed under this chapter; a consumer who is unaffiliated with the cosmetology, hair design, barbering, esthetics, master esthetics, or manicuring industry; and six members who are currently practicing licensees who have been engaged in the practice of manicuring, esthetics, master esthetics, barbering, hair design, or cosmetology for at least three years. Members shall serve a term of three years. Any board member may be removed for just cause. The director may appoint a new member to fill any vacancy on the board for the remainder of the unexpired term.

(2) Board members shall be entitled to compensation pursuant to RCW 43.03.240 for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(3) The board may seek the advice and input of officials from the following state agencies: (a) The workforce training and education coordinating board; (b) the employment security department; (c) the department of labor and industries; (d) the department of health; (e) the department of licensing; and (f) the department of revenue. [2015 c 62 s 3; 2013 c 187 s 3; 2008 c 20 s 3; 2002 c 111 s 4. Prior: 1998 c 245 s 5; 1998 c 20 s 1; 1997 c 179 s 1; 1995 c 269 s 402; 1991 c 324 s 3; 1984 c 208 s 9.]

Effective date—2002 c 111: See note following RCW 18.16.010.

Findings—1995 c 269: "The legislature finds that the economic opportunities for cosmetologists, barbers, estheticians, and manicurists have deteriorated in this state as a result of the lack of skilled practitioners, inadequate licensing controls, and inadequate enforcement of health standards. To increase the opportunities for individuals to earn viable incomes in these professions and to protect the general health of the public, the state cosmetology, barbering, esthetics, and manicuring advisory board should be reconstituted and given a new charge to develop appropriate responses to this situation, including legislative proposals." [1995 c 269 s 401.]

Effective date—1995 c 269: "Sections 101, 201, 302, 303, 401, 402, 501 through 505, 601, 701, 801, 901, 1001, 1101, 1201 through 1203, 1301, 1302, 1401 through 1407, 1501, 1601, 1701, 1801, 1901, 1902, 2001, 2101, 2102, 2201 through 2204, 2301, 2302, 2401, 2501, 2601 through 2608, 2701, 2801 through 2804, 2901 through 2909, 3001, 3101, 3201, 3301, 3401, and 3501 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995." [1995 c 269 s 3604.]

Part headings not law—1995 c 269: "Part headings as used in this act do not constitute any part of the law." [1995 c 269 s 3601.]

Severability—1995 c 269: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 269 s 3602.]

RCW 18.16.060 License required—Penalty—Exemptions. (1) It is unlawful for any person to engage in a practice listed in subsection (2) of this section unless the person has a license in good standing as required by this chapter. A license issued under this chapter shall be considered to be "in good standing" except when:

(a) The license has expired or has been canceled and has not been renewed in accordance with RCW 18.16.110;

(b) The license has been denied, revoked, or suspended under RCW 18.16.210, *18.16.230, or 18.16.240, and has not been reinstated;

(c) The license is held by a person who has not fully complied with an order of the director issued under RCW 18.16.210 requiring the licensee to pay restitution or a fine, or to acquire additional training; or

(d) The license has been placed on inactive status at the request of the licensee, and has not been reinstated in accordance with RCW 18.16.110(3).

(2) The director may take action under RCW 18.235.150 and 18.235.160 against any person who does any of the following without first obtaining, and maintaining in good standing, the license required by this chapter:

(a) Except as provided in subsections (3) and (4) of this section, engages in the commercial practice of cosmetology, hair design, barbering, esthetics, master esthetics, or manicuring;

(b) Instructs in a school;

(c) Operates a school; or

(d) Operates a salon/shop, personal services, or mobile unit.

(3) A person who receives a license as an instructor may engage in the commercial practice for which he or she held a license when applying for the instructor license without also renewing the previously held license. However, a person licensed as an instructor whose license to engage in a commercial practice is not or at any time was not renewed may not engage in the commercial practice previously permitted under that license unless that person renews the previously held license.

(4) An apprentice actively enrolled in an apprenticeship program for cosmetology, barbering, hair design, esthetics, master esthetics, or manicuring may engage in the commercial practice as required for

the apprenticeship program. [2015 c 62 s 4; 2013 c 187 s 4; 2008 c 20 s 4; 2004 c 51 s 1. Prior: 2002 c 111 s 5; 2002 c 86 s 214; 1991 c 324 s 4; 1984 c 208 s 3.]

***Reviser's note:** RCW 18.16.230 was repealed by 2018 c 199 s 101.

Notice of chapter 51, Laws of 2004—2004 c 51: "The department of licensing shall:

(1) Within ninety days after March 22, 2004, notify each person who held a cosmetology, barber, manicurist, or esthetician license between June 30, 1999, and June 30, 2003, of the provisions of this act by mailing a notice as specified in this section to the licensee's last known mailing address;

(2) Include in the notice required by this section:

(a) A summary of this act, including a summary of the requirements for (i) renewing and obtaining additional licenses; and (ii) requesting placement on inactive status;

(b) A telephone number within the department for obtaining further information;

(c) The department's internet address; and

(d) On the outside of the notice, a facsimile of the state seal, the department's return address, and the words "Notice of Legislative Changes — Cosmetology, Barbering, Manicuring, and Esthetics Licensing Information Enclosed" in conspicuous boldface type." [2004 c 51 s 6.]

Effective date—2004 c 51: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 22, 2004]." [2004 c 51 s 11.]

Effective date—2002 c 111: See note following RCW 18.16.010.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 18.16.070 Licensing—Persons to whom chapter inapplicable. This chapter shall not apply to persons licensed under other laws of this state who are performing services within their authorized scope of practice and shall not be construed to require a license for students enrolled in a school or an apprentice engaged in a state-approved apprenticeship program as defined in RCW 18.16.020. [2003 c 400 s 3; 1984 c 208 s 4.]

Effective date—2003 c 400: See note following RCW 18.16.280.

RCW 18.16.080 Licensing—Other persons to whom chapter inapplicable. Nothing in this chapter prohibits any person authorized under the laws of this state from performing any service for which the person may be licensed, nor prohibits any person from performing services as an electrologist if that person has been otherwise certified, registered, or trained as an electrologist.

This chapter does not apply to persons employed in the care or treatment of patients in hospitals or employed in the care of residents of nursing homes and similar residential care facilities. [1984 c 208 s 19.]

RCW 18.16.090 Examinations. Examinations for licensure under this chapter shall be conducted at such times and places as the director determines appropriate. Examinations shall consist of tests designed to reasonably measure the applicant's knowledge of safe and sanitary practices and may also include the applicant's knowledge of this chapter and rules adopted pursuant to this chapter. The director may establish by rule a performance examination in addition to any other examination. The director shall establish by rule the minimum passing score for all examinations and the requirements for reexamination of applicants who fail the examination or examinations. The director may allow an independent person to conduct the examinations at the expense of the applicants.

The director shall take steps to ensure that after completion of the required course or apprenticeship program, applicants may promptly take the examination and receive the results of the examination. The director may allow an applicant to register for or take an examination before the applicant has completed the required hours of course instruction, if the applicant is within 100 hours of completion, but the applicant must complete the required hours of course instruction before licensure. [2023 c 55 s 1; 2003 c 400 s 4; 2002 c 111 s 6; 1991 c 324 s 5; 1984 c 208 s 10.]

Effective date—2003 c 400: See note following RCW 18.16.280.

Effective date—2002 c 111: See note following RCW 18.16.010.

RCW 18.16.100 Issuance of licenses—Requirements. (1) Upon completion of an application approved by the department and payment of the proper fee, the director shall issue the appropriate license to any person who:

(a) Is at least seventeen years of age or older;

(b)(i) Has completed and graduated from a school licensed under this chapter in a curriculum approved by the director consisting of the hours of training required under this chapter for a school curriculum, or has met the requirements in RCW 18.16.020 or 18.16.130; or

(ii) Has successfully completed a state-approved apprenticeship program consisting of the hours of training required under this chapter for the apprentice training curriculum; and

(c) Has received a passing grade on the appropriate licensing examination approved or administered by the director.

(2) A person currently licensed under this chapter may qualify for examination and licensure, after the required examination is passed, in another category if he or she has completed the crossover training course.

(3) Upon completion of an application approved by the department, certification of insurance, and payment of the proper fee, the director shall issue a location license to the applicant.

(4) The director may consult with the state board of health and the department of labor and industries in establishing training, apprenticeship, and examination requirements. [2008 c 20 s 5; 2003 c 400 s 5; 2002 c 111 s 7; 1991 c 324 s 6; 1984 c 208 s 5.]

Effective date—2003 c 400: See note following RCW 18.16.280.

Effective date—2002 c 111: See note following RCW 18.16.010.

RCW 18.16.110 Issuance of licenses—Renewals—Reinstatement—Duplicates. (1) The director shall issue the appropriate license to any applicant who meets the requirements as outlined in this chapter.

(2) Except as provided in RCW 18.16.260:

(a) Failure to renew a license by its expiration date subjects the holder to a penalty fee and payment of each year's renewal fee, at the current rate; and

(b) A person whose license has not been renewed within one year after its expiration date shall have the license canceled and shall be required to submit an application, pay the license fee, meet current licensing requirements, and pass any applicable examination or examinations, in addition to the other requirements of this chapter, before the license may be reinstated, provided that a person whose license expired on or after March 1, 2020, may renew the license, including if the license was canceled, until June 30, 2023.

(3) In lieu of the requirements of subsection (2)(a) of this section, a license placed on inactive status under RCW 18.16.290 may be reinstated to good standing upon receipt by the department of: (a) Payment of a renewal fee, without penalty, for a two-year license commencing on the date the license is reinstated; and (b) if the license was on inactive status during any time that the board finds that a health or other requirement applicable to the license has changed, evidence showing that the holder of the license has successfully completed, from a school licensed under RCW 18.16.140, at least the number of curriculum clock hours of instruction that the board deems necessary for a licensee to be brought current with respect to such changes, but in no case may the number of hours required under this subsection exceed four hours per year that the license was on inactive status.

(4) Nothing in this section authorizes a person whose license has expired or is on inactive status to engage in a practice prohibited under RCW 18.16.060 until the license is renewed or reinstated.

(5) Upon request and payment of an additional fee to be established by rule by the director, the director shall issue a duplicate license to an applicant. [2022 c 35 s 2; 2004 c 51 s 3; 2002 c 111 s 8; 1991 c 324 s 7; 1984 c 208 s 12.]

Intent—2022 c 35: "It is the intent of the legislature to help resolve issues relating to professional licensing for cosmetologists, hair designers, barbers, manicurists, estheticians, master estheticians, and instructors. The COVID-19 pandemic has affected all Washingtonians in different ways, and many people licensed to instruct or practice cosmetology, hair design, barbering, manicuring, and esthetics may not have renewed their license within the one year expiration window and, as a result, had their license canceled. The legislature intends to allow individuals whose licenses were canceled

for failure to renew within the expiration period during the pandemic an opportunity to renew their license. Moving forward, the legislature intends to study barriers to maintaining a professional cosmetologist license in order to address this issue in a comprehensive way in the 2023 legislative session." [2022 c 35 s 1.]

Notice of chapter 51, Laws of 2004—Effective date—2004 c 51: See notes following RCW 18.16.060.

Effective date—2002 c 111: See note following RCW 18.16.010.

RCW 18.16.130 Issuance of licenses—Persons licensed in other jurisdictions. (1) Any person who is properly licensed in any state, territory, or possession of the United States, or foreign country shall be eligible for examination if the applicant submits the approved application and fee and provides proof to the director that he or she is currently licensed in good standing as a cosmetologist, hair designer, barber, manicurist, esthetician, master esthetician, instructor, or the equivalent in that jurisdiction. Upon passage of the required examinations the appropriate license will be issued.

(2)(a) The director shall, upon passage of the required examinations, issue a license as master esthetician to an applicant who submits the approved application and fee and provides proof to the director that the applicant is currently licensed in good standing in esthetics in any state, territory, or possession of the United States, or foreign country and holds a diplomate of the comite international d'esthetique et de cosmetologie diploma, or an international therapy examination council diploma, or a certified credential awarded by the national coalition of estheticians, manufacturers/distributors & associations.

(b) The director may upon passage of the required examinations, issue a master esthetician license to an applicant that is currently licensed in esthetics in any other state, territory, or possession of the United States, or foreign country and submits an approved application and fee and provides proof to the director that he or she is licensed in good standing and:

(i) The licensing state, territory, or possession of the United States, or foreign country has licensure requirements that the director determines are substantially equivalent to a master esthetician license in this state; or

(ii) The applicant has certification or a diploma or other credentials that the director determines has licensure requirements that are substantially equivalent to the degree listed in (a) of this subsection. [2015 c 62 s 5; 2013 c 187 s 5; 1991 c 324 s 10; 1984 c 208 s 11.]

RCW 18.16.135 Issuance of licenses—Revenues—Costs. *(Effective June 1, 2028.)* In administering and managing Washington single-state cosmetology licenses in accordance with chapter 18.16 RCW and multistate licenses under the cosmetology licensure compact as described in RCW 18.16.400, the department shall track and manage revenues and costs generated by each license separately.

For purposes of RCW 43.24.086, the Washington single-state cosmetology licensing program under this chapter and multistate

cosmetology licensing program under RCW 18.16.400 must be considered separate professional licensing programs. [2025 c 238 s 3.]

Effective date—2025 c 238: See note following RCW 18.16.400.

RCW 18.16.140 School licenses—Application—Approved security—Issuance—Changes in application information—Changes in controlling interest—Posting of licenses. (1) Any person wishing to operate a school shall, before opening such a school, pay the license fee and file with the director for approval a license application containing the following information:

(a) The names and addresses of all owners, managers, and instructors;

(b) A copy of the school's curriculum satisfying the curriculum requirements established by the director;

(c) A sample copy of the school's catalog, brochure, enrollment contract, and cancellation and refund policies that will be used or distributed by the school to students and the public;

(d) A surety bond in an amount not less than ten thousand dollars, or ten percent of the annual gross tuition collected by the school, whichever is greater. The approved security shall not exceed fifty thousand dollars and shall run to the state of Washington for the protection of unearned prepaid student tuition. The school shall attest to its gross tuition at least annually on forms provided by the department. When a new school license is being applied for, the applicant will estimate its annual gross tuition to establish a bond amount. This subsection shall not apply to community colleges and vocational technical schools.

Upon approval of the application and documents, the director shall issue a license to operate a school.

(2) Changes to the information provided by schools shall be submitted to the department within fifteen days of the implementation date.

(3) A change involving the controlling interest of the school requires a new license application and fee. The new application shall include all required documentation, proof of ownership change, and be approved prior to a license being issued.

(4) School and instructor licenses issued by the department shall be posted in the reception area of the school. [2002 c 111 s 9; 1991 c 324 s 11; 1987 c 445 s 1; 1984 c 208 s 6.]

Effective date—2002 c 111: See note following RCW 18.16.010.

RCW 18.16.150 Schools—Compliance with chapter. Schools shall be audited and inspected by the director or the director's designee for compliance with this chapter at least once a year. If the director determines that a licensed school is not maintaining the standards required according to this chapter, written notice thereof shall be given to the school. A school which fails to correct these conditions to the satisfaction of the director within a reasonable time may be subject to penalties imposed under RCW 18.235.110. [2002 c 86 s 215; 1997 c 178 s 1; 1991 c 324 s 12; 1984 c 208 s 8.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 18.16.160 Schools—Claims against—Procedure. In addition to any other legal remedy, any student or instructor-trainee having a claim against a school may bring suit upon the approved security required in RCW 18.16.140(1)(d) in the superior or district court of Thurston county or the county in which the educational services were offered by the school. Action upon the approved security shall be commenced by filing the complaint with the clerk of the appropriate superior or district court within one year from the date of the cancellation of the approved security: PROVIDED, That no action shall be maintained upon the approved security for any claim which has been barred by any nonclaim statute or statute of limitations of this state. Service of process in an action upon the approved security shall be exclusively by service upon the director. Two copies of the complaint shall be served by registered or certified mail upon the director at the time the suit is started. Such service shall constitute service on the approved security and the school. The director shall transmit the complaint or a copy thereof to the school at the address listed in the director's records and to the surety within forty-eight hours after it has been received. The approved security shall not be liable in an aggregate amount in excess of the amount named in the approved security. In any action on an approved security, the prevailing party is entitled to reasonable attorney's fees and costs.

The director shall maintain a record, available for public inspection, of all suits commenced under this chapter upon approved security. [2004 c 51 s 8; 1991 c 324 s 13; 1984 c 208 s 16.]

Notice of chapter 51, Laws of 2004—Effective date—2004 c 51: See notes following RCW 18.16.060.

RCW 18.16.170 Expiration of licenses. (1) Subject to subsection (2) of this section, licenses issued under this chapter expire as follows:

(a) A salon/shop, personal services, or mobile unit license expires one year from issuance or when the insurance required by RCW 18.16.175(1)(g) expires, whichever occurs first;

(b) A school license expires one year from issuance; and

(c) Cosmetologist, hair designer, barber, manicurist, esthetician, master esthetician, and instructor licenses expire two years from issuance.

(2) The director may provide for expiration dates other than those set forth in subsection (1) of this section for the purpose of establishing staggered renewal periods. [2015 c 62 s 6; 2013 c 187 s 6; 2002 c 111 s 10; 1991 c 324 s 9.]

Effective date—2002 c 111: See note following RCW 18.16.010.

RCW 18.16.175 Salon/shop or mobile unit requirements—Liability insurance—Complaints—Inspection—Registration—Use of motor homes—

Posting of licenses. (1) A salon/shop or mobile unit shall meet the following minimum requirements:

(a) Maintain an outside entrance separate from any rooms used for sleeping or residential purposes;

(b) Provide and maintain for the use of its customers adequate toilet facilities located within or adjacent to the salon/shop or mobile unit;

(c) Any room used wholly or in part as a salon/shop or mobile unit shall not be used for residential purposes, except that toilet facilities may be used for both residential and business purposes;

(d) Meet the zoning requirements of the county, city, or town, as appropriate;

(e) Provide for safe storage and labeling of chemicals used in the practices under this chapter;

(f) Meet all applicable local and state fire codes; and

(g) Certify that the salon/shop or mobile unit is covered by a public liability insurance policy in an amount not less than one hundred thousand dollars for combined bodily injury and property damage liability.

(2) The director may by rule determine other requirements that are necessary for safety and sanitation of salons/shops, personal services, or mobile units. The director may consult with the state board of health and the department of labor and industries in establishing minimum salon/shop, personal services, and mobile unit safety requirements.

(3) Personal services license holders shall certify coverage of a public liability insurance policy in an amount not less than one hundred thousand dollars for combined bodily injury and property damage liability.

(4) Upon receipt of a written complaint that a salon/shop or mobile unit has violated any provisions of this chapter, chapter 18.235 RCW, or the rules adopted under either chapter, or at least once every two years for an existing salon/shop or mobile unit, the director or the director's designee shall inspect each salon/shop or mobile unit. If the director determines that any salon/shop or mobile unit is not in compliance with this chapter, the director shall send written notice to the salon/shop or mobile unit. A salon/shop or mobile unit which fails to correct the conditions to the satisfaction of the director within a reasonable time shall, upon due notice, be subject to the penalties imposed by the director under RCW 18.235.110. The director may enter any salon/shop or mobile unit during business hours for the purpose of inspection. The director may contract with health authorities of local governments to conduct the inspections under this subsection.

(5) A salon/shop, personal services, or mobile unit shall obtain a certificate of registration from the department of revenue.

(6) This section does not prohibit the use of motor homes as mobile units if the motor home meets the health and safety standards of this section.

(7) Salon/shop or mobile unit licenses issued by the department must be posted in the salon/shop or mobile unit's reception area.

(8) Cosmetology, hair design, barbering, esthetics, master esthetics, and manicuring licenses issued by the department must be posted at the licensed person's workstation. [2015 c 62 s 7; 2013 c 187 s 7; 2008 c 20 s 6. Prior: 2002 c 111 s 11; 2002 c 86 s 216; 1997 c 178 s 2; 1991 c 324 s 15.]

Effective date—2002 c 111: See note following RCW 18.16.010.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 18.16.180 Salon/shop—Apprenticeship shop—Notice required. (1) The director shall prepare and provide to all licensed salons/shops a notice to consumers. At a minimum, the notice shall state that cosmetology, hair design, barber, esthetics, master esthetics, and manicure salons/shops are required to be licensed, that salons/shops are required to maintain minimum safety and sanitation standards, that customer complaints regarding salons/shops may be reported to the department, and a telephone number and address where complaints may be made.

(2) An approved apprenticeship shop must post a notice to consumers in the reception area of the salon/shop stating that services may be provided by an apprentice. At a minimum, the notice must state: "This shop is a participant in a state-approved apprenticeship program. Apprentices in this program are in training and have not yet received a license." [2015 c 62 s 8; 2013 c 187 s 8; 2008 c 20 s 7; 1991 c 324 s 16.]

RCW 18.16.190 Location of practice—Penalty—Placebound clients. It is a violation of this chapter for any person to engage in the commercial practice of cosmetology, hair design, barbering, esthetics, master esthetics, or manicuring, except in a licensed salon/shop or the home, office, or other location selected by the client for obtaining the services of a personal service operator, or with the appropriate individual license when delivering services to placebound clients. Placebound clients are defined as persons who are ill, disabled, or otherwise unable to travel to a salon/shop. [2015 c 62 s 9; 2013 c 187 s 9; 1991 c 324 s 20.]

RCW 18.16.200 Disciplinary action—Grounds. In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action against any applicant or licensee under this chapter if the licensee or applicant:

(1) Has been found to have violated any provisions of chapter 19.86 RCW;

(2) Has engaged in a practice prohibited under RCW 18.16.060 without first obtaining, and maintaining in good standing, the license required by this chapter;

(3) Has engaged in the commercial practice of cosmetology, hair design, barbering, manicuring, esthetics, or master esthetics in a school;

(4) Has not provided a safe, sanitary, and good moral environment for students in a school or the public;

(5) Has failed to display licenses required in this chapter; or

(6) Has violated any provision of this chapter or any rule adopted under it. [2015 c 62 s 10; 2013 c 187 s 10; 2004 c 51 s 4.

Prior: 2002 c 111 s 12; 2002 c 86 s 217; 1991 c 324 s 14; 1984 c 208 s 13.]

Notice of chapter 51, Laws of 2004—Effective date—2004 c 51: See notes following RCW 18.16.060.

Effective date—2002 c 111: See note following RCW 18.16.010.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 18.16.210 Violations—Penalties. If, following a hearing, the director finds that any person or an applicant or licensee has violated any provision of this chapter or any rule adopted under it, the director may impose one or more of the following penalties:

(1) Denial of a license or renewal;

(2) Revocation or suspension of a license;

(3) A fine of not more than five hundred dollars per violation;

(4) Issuance of a reprimand or letter of censure;

(5) Placement of the licensee on probation for a fixed period of time;

(6) Restriction of the licensee's authorized scope of practice;

(7) Requiring the licensee to make restitution or a refund as determined by the director to any individual injured by the violation; or

(8) Requiring the licensee to obtain additional training or instruction. [2002 c 111 s 13; 1984 c 208 s 14.]

Effective date—2002 c 111: See note following RCW 18.16.010.

RCW 18.16.220 Appeal—Procedure. Any person aggrieved by the refusal of the director to issue any license provided for in this chapter, or to renew the same, or by the revocation or suspension of any license issued under this chapter or by the application of any penalty under RCW 18.16.210, shall have the right to appeal the decision of the director to the superior court of the county in which the person maintains his or her place of business. Such appeal shall be filed within thirty days of the director's decision. [1984 c 208 s 15.]

RCW 18.16.240 License suspension—Noncompliance with support order—Reissuance. The department shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. [2002 c 111 s 15; 1997 c 58 s 815.]

Effective date—2002 c 111: See note following RCW 18.16.010.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

RCW 18.16.250 Finding—Consumer protection act. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW. [2002 c 111 s 14.]

Effective date—2002 c 111: See note following RCW 18.16.010.

RCW 18.16.260 License renewal—Fee—Examination—Fee. ***(Effective until June 30, 2027.)*** (1)(a) Prior to July 1, 2005, (i) a cosmetology licensee who held a license in good standing between June 30, 1999, and June 30, 2003, may request a renewal of the license or an additional license in barbering, manicuring, and/or esthetics; and (ii) a licensee who held a barber, manicurist, or esthetics license between June 30, 1999, and June 30, 2003, may request a renewal of such licenses held during that period.

(b) A license renewal fee, including, if applicable, a renewal fee, at the current rate, for each year the licensee did not hold a license in good standing between July 1, 2001, and the date of the renewal request, must be paid prior to issuance of each type of license requested. After June 30, 2005, any cosmetology licensee wishing to renew an expired license or obtain additional licenses must meet the applicable renewal, training, and examination requirements of this chapter.

(2)(a) Any person holding an active license in good standing as an esthetician prior to January 1, 2015, may be licensed as an esthetician licensee after paying the appropriate license fee.

(b) Prior to January 1, 2015, an applicant for a master esthetician license must have an active license in good standing as an esthetician, pay the appropriate license fee, and provide the department with proof of having satisfied one or more of the following requirements:

(i)(A)(I) A minimum of thirty-five hours employment as a provider of medium depth peels under the delegation or supervision of a licensed physician, *advanced registered nurse practitioner, or physician assistant, or other licensed professional whose licensure permits such delegation or supervision; or

(II) Seven hours of training in theory and application of medium depth peels; and

(B)(I) A minimum of one hundred fifty hours employment as a laser operator under the delegation or supervision of a licensed physician,

*advanced registered nurse practitioner, or physician assistant, or other licensed professional whose licensure permits such delegation or supervision; or

(II) Seventy-five hours of laser training;

(ii) A national or international diploma or certification in esthetics that is recognized by the department by rule;

(iii) An instructor in esthetics who has been licensed as an instructor in esthetics by the department for a minimum of three years; or

(iv) Completion of one thousand two hundred hours of an esthetic curriculum approved by the department.

(3) The director may, as provided in RCW 43.24.140, modify the duration of any additional license granted under this section to make all licenses issued to a person expire on the same date. [2013 c 187 s 11; 2004 c 51 s 5; 2002 c 111 s 16.]

***Reviser's note:** The term "advanced registered nurse practitioner" was changed to "advanced practice registered nurse" by 2024 c 239 s 1, effective June 30, 2027.

Notice of chapter 51, Laws of 2004—Effective date—2004 c 51: See notes following RCW 18.16.060.

Effective date—2002 c 111: See note following RCW 18.16.010.

RCW 18.16.260 License renewal—Fee—Examination—Fee. *(Effective June 30, 2027.)* (1)(a) Prior to July 1, 2005, (i) a cosmetology licensee who held a license in good standing between June 30, 1999, and June 30, 2003, may request a renewal of the license or an additional license in barbering, manicuring, and/or esthetics; and (ii) a licensee who held a barber, manicurist, or esthetics license between June 30, 1999, and June 30, 2003, may request a renewal of such licenses held during that period.

(b) A license renewal fee, including, if applicable, a renewal fee, at the current rate, for each year the licensee did not hold a license in good standing between July 1, 2001, and the date of the renewal request, must be paid prior to issuance of each type of license requested. After June 30, 2005, any cosmetology licensee wishing to renew an expired license or obtain additional licenses must meet the applicable renewal, training, and examination requirements of this chapter.

(2)(a) Any person holding an active license in good standing as an esthetician prior to January 1, 2015, may be licensed as an esthetician licensee after paying the appropriate license fee.

(b) Prior to January 1, 2015, an applicant for a master esthetician license must have an active license in good standing as an esthetician, pay the appropriate license fee, and provide the department with proof of having satisfied one or more of the following requirements:

(i)(A)(I) A minimum of thirty-five hours employment as a provider of medium depth peels under the delegation or supervision of a licensed physician, advanced practice registered nurse, or physician assistant, or other licensed professional whose licensure permits such delegation or supervision; or

(II) Seven hours of training in theory and application of medium depth peels; and

(B)(I) A minimum of one hundred fifty hours employment as a laser operator under the delegation or supervision of a licensed physician, advanced practice registered nurse, or physician assistant, or other licensed professional whose licensure permits such delegation or supervision; or

(II) Seventy-five hours of laser training;

(ii) A national or international diploma or certification in esthetics that is recognized by the department by rule;

(iii) An instructor in esthetics who has been licensed as an instructor in esthetics by the department for a minimum of three years; or

(iv) Completion of one thousand two hundred hours of an esthetic curriculum approved by the department.

(3) The director may, as provided in RCW 43.24.140, modify the duration of any additional license granted under this section to make all licenses issued to a person expire on the same date. [2025 c 58 s 5070; 2013 c 187 s 11; 2004 c 51 s 5; 2002 c 111 s 16.]

Effective date—2025 c 58 ss 5058-5170: See note following RCW 7.68.030.

Explanatory note—2025 c 58: See note following RCW 1.16.050.

Notice of chapter 51, Laws of 2004—Effective date—2004 c 51: See notes following RCW 18.16.060.

Effective date—2002 c 111: See note following RCW 18.16.010.

RCW 18.16.270 Uniform regulation of business and professions act. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter. [2002 c 86 s 218.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 18.16.280 Cosmetology apprenticeship program. (1) An approved cosmetology apprenticeship program is hereby created. The apprenticeship program allows for the direct entry of individuals into a training program approved as provided in this chapter and chapter 49.04 RCW.

(2) The department of licensing shall adopt rules, including a mandatory requirement that apprentices complete in-classroom theory courses as a part of their training, to provide for the licensure of participants of the apprenticeship program.

(3) Apprenticeship salon/shops participating in the apprenticeship program must:

(a) Be approved as an approved apprenticeship program conducted in an approved salon/shop by the Washington state apprenticeship and training council in accordance with chapter 49.04 RCW; and

(b) Provide the department with the names of all individuals acting as apprentice trainers.

(4) To act as an apprentice trainer, an individual must be approved by the department. To be approved, the trainer must hold a current license in the practice for which he or she is providing training and must have held that license for a minimum of three consecutive years.

(5) If an approved apprenticeship program or apprenticeship shop implements changes affecting the information required to be provided to the department under this section or rules adopted under this section, the revised information must be submitted to the department before implementing the changes.

(6) The director or the director's designee shall audit and inspect approved apprenticeship shops for compliance with this chapter at least annually. If the director determines that an approved apprenticeship shop is not maintaining the standards required by this chapter, written notice thereof must be given to the approved apprenticeship program and apprenticeship shop. An approved apprenticeship shop that fails to correct the conditions listed in the notice to the satisfaction of the director within a reasonable time may be subject to penalties imposed under RCW 18.235.110. [2008 c 20 s 8; 2006 c 162 s 2; 2003 c 400 s 1.]

Finding—2006 c 162: "The legislature finds that direct-entry apprenticeship programs can be very beneficial to both students and employers. However, there is also concern that apprenticeship programs may reduce the number of students who enroll in traditional cosmetology school. The advisory committee is to update the legislature on the program with an updated final report by December 31, 2008, and is to include an evaluation of the effectiveness of the apprenticeship program, including but not limited to the number of apprentices who complete the program, the number of apprentices who take and pass the licensing examination, and a formal review of any impact the expansion of such an apprenticeship program may have on the enrollment of traditional cosmetology schools, including but not limited to whether the enrollment of traditional cosmetology schools is negatively impacted by the direct-entry apprenticeship programs." [2006 c 162 s 1.]

Effective date—2003 c 400: "This act takes effect September 15, 2003." [2003 c 400 s 6.]

RCW 18.16.290 License—Inactive status. (1) If the holder of an individual license in good standing submits a written and notarized request that the licensee's cosmetology, hair design, barber, manicurist, esthetician and master esthetician, or instructor license be placed on inactive status, together with a fee equivalent to that established by rule for a duplicate license, the department shall place the license on inactive status until the expiration date of the license. If the date of the request is no more than six months before the expiration date of the license, a request for a two-year extension of the inactive status, as provided under subsection (2) of this section, may be submitted at the same time as the request under this subsection.

(2) If the holder of a license placed on inactive status under this section submits, by the expiration date of the license, a written and notarized request to extend that status for an additional two years, the department shall, without additional fee, extend the expiration date of: (a) The licensee's individual license; and (b) the inactive status for two years from the expiration date of the license.

(3) A license placed on inactive status under this section may not be extended more frequently than once in any twenty-four month period or for more than six consecutive years.

(4) If, by the expiration date of a license placed on inactive status under this section, a licensee is unable, or fails, to request that the status be extended and the license is not renewed, the license shall be canceled. [2015 c 62 s 11; 2013 c 187 s 12; 2004 c 51 s 2.]

Notice of chapter 51, Laws of 2004—Effective date—2004 c 51: See notes following RCW 18.16.060.

RCW 18.16.300 Military training or experience. An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the director determines that the military training or experience is not substantially equivalent to the standards of this state. [2011 c 351 s 3.]

RCW 18.16.305 Recognition as institution of postsecondary study. Schools shall be recognized as institutions of postsecondary study under the following conditions:

(1) The school admits as regular students only those individuals who have earned a recognized high school diploma or the equivalent of a recognized high school diploma, or who are beyond the age of compulsory education as provided in RCW 28A.225.010; and

(2) The school is licensed by name by the department under this chapter to offer one or more training programs beyond the secondary level. [2013 c 201 s 2.]

Intent—2013 c 201: "It is the intent of the legislature to maintain and expand access to postsecondary education and improve opportunities for students. The legislature recognizes that access to federal financial aid is a major avenue for overcoming financial barriers to higher education for many students in Washington. The legislature recognizes that recent federal changes in federal regulations require the adjustment of definitions of certain postsecondary institutions in state statutes to ensure that those schools that currently meet the requirements are eligible for student financial aid programs provided by the federal government." [2013 c 201 s 1.]

RCW 18.16.310 Department of licensing tuition recovery trust fund. (1)(a) For the purpose of providing relief to students impacted by the voluntary or involuntary closure of schools regulated under this chapter, the director shall establish, maintain, and administer a department of licensing tuition recovery trust fund created in RCW 18.16.320. The department of licensing tuition recovery trust fund

shall be established no later than January 1, 2019. All funds collected for the department of licensing tuition recovery trust fund are payable to the state for the benefit and protection of any student or enrollee of a private school licensed under this chapter, for purposes including but not limited to the settlement of claims related to school closures.

(b) No liability accrues to the state from claims made against the department of licensing tuition recovery trust fund.

(2)(a) The director may impose a fee structure, set forth in rule, on schools licensed under this chapter to fund the department of licensing tuition recovery trust fund.

(b) The director must determine an amount that would be sufficient in the department of licensing tuition recovery trust fund to provide relief to students in the event of a school closure. The director shall adopt schedules of times and amounts for effecting payments of fees. To reach the amount determined, the director may phase in the collection of fees, but must achieve the amount determined to be sufficient no later than five years from June 7, 2018.

(3) Money from the department of licensing tuition recovery trust fund may be used for:

(a) Providing refunds to students affected by school closures;

(b) Securing and administering student records; and

(c) Any other response the director determines is necessary to mitigate impacts of a potential or actual school closure.

(4) In order for a school to be and remain licensed under this chapter, each school owner shall, in addition to other requirements under this chapter, make cash deposits on behalf of the school into the department of licensing tuition recovery trust fund.

(5) The department of licensing tuition recovery trust fund's liability with respect to each participating school commences on the date of the initial deposit into the department of licensing tuition recovery trust fund made on its behalf and ceases one year from the date the school is no longer licensed under this chapter.

(6) The director shall adopt by rule a matrix for calculating the deposits into the department of licensing tuition recovery trust fund on behalf of each school.

(7) No vested right or interest in deposited funds is created or implied for the depositor at any time during the operation of the department of licensing tuition recovery trust fund or at any such future time that the department of licensing tuition recovery trust fund may be dissolved. All funds deposited are payable to the state for the purposes described in this section. The director shall maintain the department of licensing tuition recovery trust fund, serve appropriate notices to affected owners when scheduled deposits are due, collect deposits, and make disbursements to settle claims against the department of licensing tuition recovery trust fund.

(8) The director shall adopt rules to address notifying potential claimants, settling claims, disbursing funds, and any other processes necessary to implement the purpose of this section. [2018 c 203 s 9.]

Finding—Intent—2018 c 203: See note following RCW 28B.85.095.

RCW 18.16.320 Department of licensing tuition recovery trust fund—State treasurer. The department of licensing tuition recovery

trust fund is created in the custody of the state treasurer. All receipts from each school owner under RCW 18.16.310 must be deposited into the fund. Expenditures from the fund may be used only for the purposes in RCW 18.16.310. Only the director or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2018 c 203 s 10.]

Finding—Intent—2018 c 203: See note following RCW 28B.85.095.

RCW 18.16.400 Cosmetology licensure compact. ***(Effective June 1, 2028.)***

ARTICLE 1
PURPOSE

The purpose of this compact is to facilitate the interstate practice and regulation of cosmetology with the goal of improving public access to, and the safety of, cosmetology services and reducing unnecessary burdens related to cosmetology licensure. Through this compact, the member states seek to establish a regulatory framework which provides for a new multistate licensing program. Through this new licensing program, the member states seek to provide increased value and mobility to licensed cosmetologists in the member states, while ensuring the provision of safe, effective, and reliable services to the public.

This compact is designed to achieve the following objectives, and the member states hereby ratify the same intentions by subscribing hereto:

(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.

ARTICLE 2
DEFINITIONS

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

(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.

(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.

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

(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.

(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 in 28 C.F.R. Sec. 20.3(d), from the federal bureau of investigation and the agency responsible for retaining state criminal or disciplinary history in the applicant's home state.

(6) "Charter member state" means member states who have enacted legislation to adopt this compact where such legislation predates the effective date of this compact as defined in Article 13 of this compact.

(7) "Commission" means the government agency whose membership consists of all states that have enacted this compact, which is known as the cosmetology licensure compact commission, as defined in Article 9 of this compact, and which shall operate as an instrumentality of the member states.

(8) "Cosmetologist" means an individual licensed in their home state to practice cosmetology.

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

(10) "Current significant investigative information" means:

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

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

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

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

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

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

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

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

(17) "Investigative information" means information, records, or documents received or generated by a state licensing authority pursuant to an investigation or other inquiry.

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

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

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

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

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

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

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

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

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

ARTICLE 3
MEMBER STATE REQUIREMENTS

(1) To be eligible to join this compact, and to maintain eligibility as a member state, a state must:

(a) License and regulate cosmetology;

(b) Have a mechanism or entity in place to receive and investigate complaints about licensees practicing in that state;

(c) Require that licensees within the state pass a cosmetology competency examination prior to being licensed to provide cosmetology services to the public in that state;

(d) Require that licensees satisfy educational or training requirements in cosmetology prior to being licensed to provide cosmetology services to the public in that state;

(e) Implement procedures for considering one or more of the following categories of information from applicants for licensure: Criminal history; disciplinary history; or background check. Such procedures may include the submission of information by applicants for the purpose of obtaining an applicant's background check as defined in this compact;

(f) Participate in the data system, including through the use of unique identifying numbers;

(g) Share information related to adverse actions with the commission and other member states, both through the data system and otherwise;

(h) Notify the commission and other member states, in compliance with the terms of the compact and rules of the commission, of the existence of investigative information or current significant investigative information in the state's possession regarding a licensee practicing in that state;

(i) Comply with such rules as may be enacted by the commission to administer this compact; and

(j) Accept licensees from other member states as established in this compact.

(2) Member states may charge a fee for granting a license to practice cosmetology.

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

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

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

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

ARTICLE 4
MULTISTATE LICENSE

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

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

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

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

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

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

(a) Agree to abide by the rules of the state licensing authority, and the state scope of practice laws governing the practice of cosmetology, of any member state in which the licensee provides services;

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

(c) Comply with any and all other requirements regarding multistate licenses which the commission may by rule provide.

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 6
AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE

LICENSING AUTHORITIES

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

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

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

ARTICLE 7
ADVERSE ACTIONS

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

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

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

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

(i) Only the licensee's home state shall have the power to take adverse action against the multistate license issued by the home state; and

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

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

(c) Complete any pending investigations of a licensee who changes their primary state of residence during the course of such an investigation. The state licensing authority shall also be empowered to report the results of such an investigation to the commission through the data system as described in this compact;

(d) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a state licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing

state licensing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located;

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

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

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

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

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

(7) Joint investigations.

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

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

ARTICLE 8
ACTIVE MILITARY MEMBERS AND THEIR SPOUSES

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

ARTICLE 9
ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY LICENSURE COMPACT COMMISSION

(1) The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the cosmetology licensure compact commission. The commission is an instrumentality of the compact member states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in Article 13 of this compact.

(2) Membership, voting, and meetings.

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

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

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

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

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

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

(g) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, videoconference, or other similar electronic means.

(3) The commission shall have the following powers:

(a) Establish the fiscal year of the commission;

(b) Establish code of conduct and conflict of interest policies;

(c) Adopt rules and bylaws;

(d) Maintain its financial records in accordance with the bylaws;

(e) Meet and take such actions as are consistent with the provisions of this compact, the commission's rules, and the bylaws;

(f) Initiate and conclude legal proceedings or actions in the name of the commission, provided that the standing of any state licensing authority to sue or be sued under applicable law shall not be affected;

(g) Maintain and certify records and information provided to a member state as the authenticated business records of the commission, and designate an agent to do so on the commission's behalf;

(h) Purchase and maintain insurance and bonds;

(i) Borrow, accept, or contract for services of personnel including, but not limited to, employees of a member state;

(j) Conduct an annual financial review;

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

(l) As set forth in the commission rules, charge a fee to a licensee for the grant of a multistate license and thereafter, as may be established by commission rule, charge the licensee a multistate license renewal fee for each renewal period. Nothing in this compact shall be construed to prevent a home state from charging a licensee a fee for a multistate license or renewals of a multistate license, or a fee for the jurisprudence requirement if the member state imposes such a requirement for the grant of a multistate license;

(m) Assess and collect fees;

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

(o) Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

(p) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(q) Establish a budget and make expenditures;

(r) Borrow money;

(s) Appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(t) Provide and receive information from, and cooperate with, law enforcement agencies;

(u) Elect a chair, vice chair, secretary, and treasurer and such other officers of the commission as provided in the commission's bylaws;

(v) Establish and elect an executive committee, including a chair and a vice chair;

(w) Adopt and provide to the member states an annual report;

(x) Determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

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

(4) The executive committee.

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

(i) Overseeing the day-to-day activities of the administration of the compact including compliance with the provisions of the compact, the commission's rules and bylaws, and other such duties as deemed necessary;

(ii) Recommending to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees, and other fees;

(iii) Ensuring compact administration services are appropriately provided, including by contract;

(iv) Preparing and recommending the budget;

(v) Maintaining financial records on behalf of the commission;

(vi) Monitoring compact compliance of member states and providing compliance reports to the commission;

(vii) Establishing additional committees as necessary;

(viii) Exercising the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and

(ix) Other duties as provided in the rules or bylaws of the commission.

(b)(i) The executive committee shall be composed of up to seven voting members:

(A) The chair and vice chair of the commission and any other members of the commission who serve on the executive committee shall be voting members of the executive committee; and

(B) Other than the chair, vice chair, secretary, and treasurer, the commission shall elect three voting members from the current membership of the commission.

(ii) The commission may elect ex officio, nonvoting members from a recognized national cosmetology professional association as approved

by the commission. The commission's bylaws shall identify qualifying organizations and the manner of appointment if the number of organizations seeking to appoint an ex officio member exceeds the number of members specified in this Article.

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

(d) The executive committee shall meet at least annually.

(i) Annual executive committee meetings, as well as any executive committee meeting at which it does not take or intend to take formal action on a matter for which a commission vote would otherwise be required, shall be open to the public, except that the executive committee may meet in a closed, nonpublic session of a public meeting when dealing with any of the matters covered under subsection (6)(d) of this Article.

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

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

(i) Meet an imminent threat to public health, safety, or welfare;

(ii) Prevent a loss of commission or member state funds; or

(iii) Protect public health and safety.

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

(6) Meetings of the commission.

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

(b) Notwithstanding (a) of this subsection, the commission may convene an emergency public meeting by providing at least 24 hours' prior notice on the commission's website, and any other means as provided in the commission's rules, for any of the reasons it may dispense with notice of proposed rule making under Article 11(12) of this compact. The commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

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

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

(i) Noncompliance of a member state with its obligations under the compact;

(ii) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(iii) Current or threatened discipline of a licensee by the commission or by a member state's state licensing authority;

(iv) Current, threatened, or reasonably anticipated litigation;

(v) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(vi) Accusing any person of a crime or formally censuring any person;

(vii) Trade secrets or commercial or financial information that is privileged or confidential;

(viii) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(ix) Investigative records compiled for law enforcement purposes;

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

(xi) Legal advice;

(xii) Matters specifically exempted from disclosure to the public by federal or member state law; or

(xiii) Other matters as promulgated by the commission by rule.

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

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

(7) Financing of the commission.

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

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

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

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

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

(8) Qualified immunity, defense, and indemnification.

(a) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any

claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this subsection (8)(a) shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

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

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

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

(e) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman act, Clayton act, or any other state or federal antitrust or anticompetitive law or regulation.

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

ARTICLE 10
DATA SYSTEM

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

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

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

(a) Identifying information;

(b) Licensure data;

(c) Adverse actions against a license and information related thereto;

(d) Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation;

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

(f) The existence of investigative information;

(g) The existence of current significant investigative information; and

(h) Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

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

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

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

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

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

ARTICLE 11
RULE MAKING

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

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

(3) The commission shall exercise its rule-making powers pursuant to the criteria set forth in this Article and the rules adopted

thereunder. Rules shall become binding as of the date specified by the commission for each rule.

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

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

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

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

(a) On the website of the commission or other publicly accessible platform;

(b) To persons who have requested notice of the commission's notices of proposed rule making; and

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

(8) The notice of proposed rule making shall include:

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

(b) If the hearing is held via telecommunication, videoconference, or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rule making;

(c) The text of the proposed rule and the reason therefor;

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

(e) The manner in which interested persons may submit written comments.

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

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

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

(a) The commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

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

(c) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in Article 11(12) of this compact, the effective date of the rule shall be no sooner than 45 days after the commission issuing the notice that it adopted or amended the rule.

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

(a) Meet an imminent threat to public health, safety, or welfare;

(b) Prevent a loss of commission or member state funds;

(c) Meet a deadline for the promulgation of a rule that is established by federal law or rule; or

(d) Protect public health and safety.

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

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

ARTICLE 12
OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(1) Oversight.

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

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

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

(2) Default, technical assistance, and termination.

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

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

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

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

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

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

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

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

(3) Dispute resolution.

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

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

(4) Enforcement.

(a) The commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact and the commission's rules.

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

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

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

ARTICLE 13
EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

(1) The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh member state.

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

(i) A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in Article 12 of this compact.

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

(b) Member states enacting the compact subsequent to the charter member states shall be subject to the process set forth in Article 9(3)(x) of this compact to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

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

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

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

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

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

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

(3) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative

arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

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

ARTICLE 14
CONSTRUCTION AND SEVERABILITY

(1) This compact and the commission's rule-making authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rule-making authority solely for those purposes.

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

(3) Notwithstanding subsection (2) of this Article, the commission may deny a state's participation in the compact or, in accordance with the requirements of Article 12 of this compact, terminate a member state's participation in the compact, if it determines that a constitutional requirement of a member state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the Constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

ARTICLE 15
CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

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

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

(3) All permissible agreements between the commission and the member states are binding in accordance with their terms. [2025 c 238 s 1.]

Short title—2025 c 238 s 1: "Section 1 of this act may be known and cited as the cosmetology licensure compact." [2025 c 238 s 2.]

Effective date—2025 c 238: "This act takes effect June 1, 2028." [2025 c 238 s 6.]

RCW 18.16.410 Cosmetology licensure compact—Adoption—Applicability. ***(Effective June 1, 2028.)*** (1) By enacting the

cosmetology licensure compact in RCW 18.16.400, Washington state hereby adopts the compact as of June 1, 2028.

(2) This compact only applies to multistate licenses for the practice of cosmetology as defined in RCW 18.16.020. [2025 c 238 s 4.]

Effective date—2025 c 238: See note following RCW 18.16.400.

RCW 18.16.900 Short title. This chapter shall be known and may be cited as the "Washington cosmetologists, hair designers, barbers, manicurists, and estheticians act." [2015 c 62 s 12; 2002 c 111 s 17; 1984 c 208 s 20.]

Effective date—2002 c 111: See note following RCW 18.16.010.

RCW 18.16.907 Effective date—1984 c 208. This act shall take effect July 1, 1984. [1984 c 208 s 23.]