

HB 5087 -- Redline

Committee Substitute to Committee Substitute -- Relating to Interstate Cosmetology Licensure Compact.

Deletions ~~struck~~ · Insertions underlined

WEST VIRGINIA LEGISLATURE REGULAR SESSION ~~ENGROSSED~~ENROLLED Committee Substitute for House Bill 5087
~~By~~BY~~DELEGATES~~FERRELL, Delegates~~OHRBACH, Ferrell, MOORE, AND Rohrbach, D Moore, ITTMAN and~~[Passed
Dittman March 12, 2026; the Subcommittee on Government Administration;
reported in one effect February 90 17, days 2026]~~from Engpassage (June 10, 2026)]~~ Enr CS for HB 5087 AAN
BILLACT to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated
Sec.30-27-5a;

~~1Enr-Eng~~ CS for HB 5087 (c) The results of the state and national criminal history record check may not be released to or by a private entity except:

~~2Enr-Eng~~ CS for HB 5087 (1) Provide opportunities for interstate practice by cosmetologists who meet uniform requirements for multistate licensure;

~~3Enr-Eng~~ CS for HB 5087 "Alternative program" means a non-disciplinary monitoring or prosecutorial diversion program approved by a member state's state licensing authority.

"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 ~~Sec.30-27A~~Sec.30- 1327A-13 of this code.

~~4Enr-Eng~~ CS for HB 5087 "Data system" means a repository of information about licensees, including, but not limited to, license status, investigative information, and adverse actions.

~~5Enr-Eng~~ CS for HB 5087 "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.

(8) 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 ~~6Enr-Eng~~ CS for HB 5087 significant investigative information in the state's possession regarding a licensee practicing in that state;

~~7Enr-Eng~~ CS for HB 5087 (c) 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.

~~8Enr-Eng~~ CS for HB 5087 (b) If a licensee changes their home state by moving between two member states:
Enr CS for HB 5087 Sec.30-27A-6.

~~9~~(a) 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.

and Enr CS for HB 5087 (B) 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 ~~Eng CS for HB 5087~~ if such conduct had occurred within the home state.

The home Enr CS for HB 5087 state shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the data system.

~~11 Eng CS for HB 5087~~ (e) 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.

(a) 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 Enr CS for HB 5087 Cosmetology Licensure Compact Commission.

The commission ~~12 Eng CS for HB 5087~~ shall come into existence on or after the effective date of the compact as set forth in Sec.30-27A-13 of this code.

~~13Enr-Eng~~ CS for HB 5087 (6) 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;

~~14Enr-Eng~~ CS for HB 5087 (15) Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

~~15Enr-Eng~~ CS for HB 5087 (B) 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;

~~16Enr-Eng~~ CS for HB 5087 (3) The commission may remove any member of the executive committee as provided

in the commission's bylaws.

~~17Enr-Eng~~ CS for HB 5087 (3) 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, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting.

~~18Enr-Eng~~ CS for HB 5087 (5) 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.

All receipts and disbursements of funds ~~19Enr-Eng~~ CS for HB 5087 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.

(3) 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 ~~20Enr-Eng~~ CS for HB 5087 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.

~~21Enr-Eng~~ CS for HB 5087 (5) 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);

A rule shall be invalid and ~~22Enr-Eng~~ CS for HB 5087 have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rulemaking 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.

(d) If a majority of the legislatures of the member states ~~rejects~~reject 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.

~~23Enr-Eng~~ CS for HB 5087 (h) The notice of proposed rulemaking shall include:

~~24Enr-Eng~~ CS for HB 5087 (l) 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 rulemaking procedures provided in the compact and in this section 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.

~~25Enr-Eng~~ CS for HB 5087 (2) 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.

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 ~~26Enr-Eng~~ CS for HB 5087 legislature, the defaulting state's state licensing authority, and each of the member states' state licensing authority.

~~27Enr-Eng~~ CS for HB 5087 (2) 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.

~~28Enr-Eng~~ CS for HB 5087 (B) 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 fewer than seven.

Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to ~~29Enr-Eng~~ CS for HB 5087 recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

Otherwise, if this compact shall be held to be contrary to the constitution of any member state, the compact shall ~~30Enr-Eng~~ CS for HB 5087 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.

~~31Enr~~ CS for HB 5087 The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

Clerk of the Senate Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

President of the Senate _____ The within is

this the.....

Day of

..., 2026.

Governor 33

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