

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2068

As Amended by Senate Committee on Public
Health and Welfare

Brief*

HB 2068, as amended, would enact the Cosmetologist Licensure Compact (Compact) and the Physician Assistant Licensure Compact (PA Compact). The uniform provisions for each compact are outlined below.

Cosmetologist Licensure Compact

Purpose

The purpose of the Compact would be to facilitate the interstate practice of cosmetology with the goal of improving public access to cosmetology services and achieving a number of objectives that reduce administrative burden while increasing licensure and mobility of licensed cosmetologists as well as cooperation between states' licensing bodies.

The Compact would preserve the regulatory authority of states to provide services through the current system of state licensure while also providing license portability for qualifying professionals through a multistate licensing system.

Definitions

The Compact would define various terms, including:

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- “Commission” would mean the governmental agency whose membership consists of all states that have enacted this Compact, which is known as the Cosmetology Licensure Compact Commission (Commission), and which shall operate as an instrumentality of member states;
- “Cosmetology,” “cosmetology services,” and the “practice of cosmetology” would mean the care and services provided by a cosmetologist as defined in the member state’s statutes and regulations in the state where the services are being provided; and
- “Multistate license” would mean a license issued by and subject to the enforcement jurisdiction of the state licensing authority in a licensee’s home state that authorizes the practice of cosmetology in member states and includes authorizations to practice cosmetology in all remote states pursuant to the Compact.

State Participation in the Compact

To be eligible to join the Compact, member states would be required to:

- License and regulate cosmetology;
- Have the ability to receive and investigate complaints about licensees practicing cosmetology in the state;
- Require licensees within the state to pass a cosmetology competency examination prior to being licensed to provide cosmetology services to the public;
- Require licensees to satisfy educational or training requirements in cosmetology prior to being licensed;

- Implement a procedure to consider applicants' criminal history, disciplinary history, or background check;
- Participate fully in the data system;
- Share adverse actions against a licensee with the Commission;
- Notify the Commission of the existence of investigative information or current significant investigative information in the state's possession regarding a state's licensee;
- Comply with the rules of the Commission; and
- Accept licensees from other member states who have met the terms of the Compact.

The Compact would authorize member states to charge a fee for granting a multistate license to practice cosmetology. The Compact would provide for member states to retain sole jurisdiction over the licensing requirements for a single state license to practice cosmetology.

Multistate License

The Compact would require an applicant for multistate licensure hold an active and unencumbered single-state license to practice cosmetology in the applicant's home state. If an applicant meets the educational and credentialing criteria to have a multistate license, the Compact would require the state licensing authority grant a multistate license within a reasonable amount of time. The Compact would require that a licensee practicing in a remote state adhere to that state's laws and regulations relating to cosmetology as well as the jurisdiction of the state licensing authority and the courts of the member state.

Reissuance of a Multistate License by a New Home State

The Compact would allow a licensee to have only one multistate license, issued by their home state, at any given time. The Compact would provide a procedure to change a licensee's home state license when relocating between member states.

Authority of the Compact Commission and Member State Licensing Authorities

The Compact would not limit, restrict, or in any way reduce the ability of a member state to enact and enforce laws, rules, or regulations to the practice of cosmetology that are not inconsistent with the Compact. Member states would be expected to cooperate with the Commission. The Compact would require that discipline would be the sole responsibility of the state where cosmetology services are provided. Member states would be required to communicate with each other regarding complaints and adverse actions.

Adverse Actions

The Compact would allow a member state to take adverse action against a licensee's multistate license in such member state and to issue subpoenas. Only the licensee's home state would have the power to take adverse action against the license issued by the home state. For the purposes of taking adverse action, the home state's licensing authority may act on reported conduct received from a remote state as though such conduct occurred within the home state, and the home state would apply its own state laws. The Compact would also allow joint investigations by member states of licensees. Member states would be permitted to recover costs of investigations or dispositions if permitted by their state law.

The Compact would require a licensee's home state to promptly report the conclusions of any investigation to the

data system. If an adverse action is taken by the home state, the multistate license would be deactivated in all member states until all encumbrances are removed from the home state license. The home state would be able to accept a licensee's participation in an alternative program in lieu of adverse action. A multistate license would be suspended for the duration of the participation in the alternative program.

Active Duty Military Personnel or Their Spouse

The Compact would allow active duty military personnel or their spouses to designate a home state where such service member or spouse has a current license in good standing and would allow such military personnel or spouse to retain that home state designation during the period of time the service member is on active duty.

Establishment and Operation of the Cosmetology Licensure Compact Commission

The Compact would create the Cosmetology Licensure Compact Commission (Commission) and include provisions relating to membership, voting, powers and duties, and financing of the Commission. The Compact would establish the Executive Committee, which would have the power to act on behalf of the Commission according to the terms of the Compact.

The Compact would provide for the Commission to pay for the reasonable expenses of its establishment, organization, and ongoing activities. The Commission would be able to levy and collect an annual assessment from each member state and impose fines on licensees of member states to cover the cost of operations. The Compact would require the Commission to adopt an annual report, including a financial review, and provide the report to member states.

The Compact would provide for the qualified immunity, defense, and indemnity of its members, officers, employees,

and representatives of the Commission acting within the scope of Commission employment, duties, or responsibilities. The protections would not apply for damage, loss, injury, or liability caused by the individual's intentional, willful, or wanton misconduct. The Compact would not limit the liability of any licensee for professional malpractice or misconduct governed by applicable state laws.

Data Systems

The Compact would require the Commission to develop, maintain, operate, and utilize a coordinated database and reporting system. The Compact would govern how the information would be provided to the data system by member states, the use of the data by member states, as well as its designation of information that would not be able to be shared with the public without the express permission of the contributing state. The Compact would also require removal of expunged information from the data system.

Rulemaking

The Compact would authorize the Commission to exercise rulemaking powers. The Compact would require notice of proposed rules to specified persons and locations to be provided at least 30 days prior to the meeting where the Commission will consider such rules. Additionally, the Commission would be required to provide notice of the public hearing, provide access to the meeting, and record all hearings. A majority of legislatures of the member states would be able to reject a rule by enactment of a statute or resolution within four years of adoption of the rule. The Compact would also provide for emergency rulemaking procedures.

Oversight, Dispute Resolution, and Enforcement

The Compact would provide that the executive and judicial branches in each member state would enforce and

implement the Compact. The Compact would establish judicial venue and service of process for the Compact Commission. The Compact would also establish a process to be followed by member states regarding default, requesting technical assistance, or termination from the Compact. The Compact would require the Commission, upon member request, to resolve disputes arising among member states and between member states and non-member states. In addition, the Commission would be allowed to enforce the provisions of the Compact, and, by majority vote, could initiate legal action in federal court against a member state.

Effective Date, Withdrawal, and Amendment

The Compact would be effective on the date on which the Compact statute is enacted into law in the seventh member state. [Note: As of February 6, 2025, the Compact has been enacted in eight states: Alabama, Arizona, Colorado, Kentucky, Maryland, Ohio, Tennessee, and Virginia. Ten additional states, including Kansas, are considering Compact legislation.]

Any member state would be allowed to withdraw from the Compact by enacting a statute that would repeal the Compact, but this would not take effect until 180 days after the enactment of the repealing statute. Member states could amend the Compact, but any amendment would not be effective until it is enacted by all member states. Additionally, the Compact would not invalidate or prevent any licensure agreement or cooperative arrangement between a member state and non-member state that did not conflict with the Compact.

Construction and Severability

The Compact and the Commission's rulemaking authority would be required to be liberally construed and the provisions of the Compact would be severable.

Consistent Effect and Conflict with Other State Laws

The Compact would not prevent the enforcement of any other law of a member state that is not inconsistent with the Compact. Laws in conflict with the Compact would be superseded to the extent of the conflict, and all lawful actions of the Commission would be binding upon member states.

Physician Assistant Licensure Compact

Purpose

The purpose of the PA Compact would be to facilitate the interstate practice of physician assistants (PAs) with the goal of improving public access to medical services and achieving a number of objectives that reduce administrative burden while increasing availability of licensed PAs as well as cooperation among member state licensing bodies.

The PA Compact would preserve the regulatory authority of states to safeguard the safety of patients through the current system of state licensure while also providing license portability for qualifying professionals.

The PA Compact would allow active duty military personnel or their spouses to obtain a compact privilege by having an unrestricted license in good standing from a participating state.

Definitions

The PA Compact would define various terms used throughout the PA Compact, including:

- “Compact privilege” would mean the authorization granted by a remote state to allow a licensee from another participating state to practice as a PA to provide medical services and other licensed activity

to a patient located in a remote state under the remote state's laws and regulations; and

- "PA" would mean an individual who is licensed as a PA in a state. For purposes of this compact, any other title or status adopted by a state to replace the term "physician assistant" shall be deemed synonymous with "physician assistant" and shall confer the same rights and responsibilities to the licensee under the provisions of this compact at its time of its enactment.

State Participation in the PA Compact

The PA Compact would require member states to:

- License PAs;
- Participate in the PA Compact Commission's (PA Commission) data system;
- Have a mechanism in place for receiving and investigating complaints against licensees and applicants for licensure;
- Notify the PA Commission of adverse actions and the existence of significant investigative information regarding a licensee or applicant for licensure;
- Implement and report a criminal background check, which would include the submission of fingerprints or other biometric-based information, per the PA Commission;
- Comply with the rules of the PA Commission;
- Utilize passage of a recognized national examination as a requirement for PA licensure; and

- Grant the PA Compact privilege to a qualifying licensee in a participating state.

The PA Compact would authorize member states to charge a fee for granting a PA Compact privilege.

PA Compact Privilege

The PA Compact would require PAs to meet certain educational, credentialing, criminal history, and controlled substances license, permit, or registration criteria to exercise PA Compact privileges. The bill would align PA Compact privilege with the underlying license's adverse actions limitations or restrictions unless a participating state does not have the same basis for disciplinary action, and the participating state would have the ability to exercise their discretion not to consider such action as an adverse action requiring denial or removal of a PA Compact privilege.

Designation of the State from which the Licensee is Applying for PA Compact Privilege

The PA Compact would require a licensee to designate their home state and the primary residential address to be used for service of process by mail. The PA Compact would require a licensee to consent to service of process by mail.

Adverse Actions

The PA Compact would allow a member state to take adverse action against a licensee's PA Compact privilege in such member state and to issue subpoenas, except that a subpoena could not be issued to gather evidence of conduct that is lawful in another state for the purpose of taking adverse action in the home state. Only the licensee's home state would have the power to take adverse action against the license issued by the home state. However, a member state would have the authority to take adverse action to

remove a PA Compact privilege or to protect the health and safety of its citizens.

Member states would be permitted to recover costs of investigations or dispositions if permitted by their state law. The PA Compact would authorize joint investigations by member states of licensees. The PA Compact would require that a PA Compact privilege would be deactivated until two years have elapsed after all restrictions have been removed from a state license that has had adverse action taken. Member states would have to report promptly any adverse action to the data system.

Establishment of the Physician Assistant Licensure Compact Commission

The PA Compact would create the Physician Assistant Licensure Compact Commission (PA Commission) and include provisions relating to membership, voting, powers and duties, and financing of the PA Commission. The PA Compact would establish the Executive Committee, which would have the power to act on behalf of the PA Commission according to the terms of the PA Compact.

The PA Compact would provide for the PA Commission to pay for the reasonable expenses of its establishment, organization, and ongoing activities. The PA Commission would be authorized to levy and collect an annual assessment from each member state and impose fines on licensees of member states to cover the cost of operations. The PA Compact would require the PA Commission to establish a code of ethics for the PA Commission; adopt an annual report, including a financial review; and provide the report to member states.

The PA Compact would provide for the qualified immunity, defense, and indemnity of its members, officers, employees, and representatives acting within the scope of PA Commission employment, duties, or responsibilities. The

protections would not apply for damage, loss, injury, or liability caused by the individual's intentional, willful, or wanton misconduct. The PA Compact would not limit the liability of any licensee for professional malpractice or misconduct governed by applicable state laws.

Data Systems

The PA Compact would require the PA Commission to develop, maintain, operate, and utilize a coordinated data system. The PA Compact would govern how the information would be provided to the data system by member states and the use of the data by member states, as well as its designation of information that could not be shared with the public without the express permission of the contributing state. The PA Compact would also require removal of expunged information from the data system.

Rulemaking

The PA Compact would authorize the PA Commission to exercise rulemaking powers. The bill would require notice of proposed rules to specified persons and locations to be provided at least 30 days prior to the meeting where the PA Commission will consider such rules. Additionally, the PA Commission would be required to provide notice of the public hearing, provide access to the meeting, and record all hearings. The PA Compact would state a majority of legislatures of the member states could reject a rule by enactment of a statute or resolution within four years of adoption of the rule. The PA Compact would also provide for emergency rulemaking procedures.

Oversight, Dispute Resolution, and Enforcement

The PA Compact would provide that the executive and judicial branches in each member state would enforce and implement the PA Compact. The PA Compact would establish judicial venue and service of process for the PA Commission.

The PA Compact would also establish a process to be followed by member states regarding default, requesting technical assistance, or termination from the PA Compact. The PA Compact would require the PA Commission, upon member request, to attempt to resolve disputes arising among member states and between member states and non-member states. In addition, the PA Commission would be authorized to enforce the provisions of the PA Compact, and, by majority vote, could initiate legal action in federal court against a member state in default.

Effective Date, Withdrawal, and Amendment

The PA Compact would be effective on the date on which the PA Compact statute is enacted into law in the seventh member state. [Note: As of May 2024, the PA Compact met the threshold of seven states participating. It is projected that the PA Compact Commission will begin granting PA Compact privileges to practice in early 2026.]

Any member state would be allowed to withdraw from the PA Compact by enacting a statute that would repeal the PA Compact, but this would not take effect until 180 days after the enactment of the repealing statute. Member states could amend the PA Compact, but any amendment would not be effective until it is enacted by all member states. Additionally, the PA Compact would not invalidate or prevent any licensure agreement or cooperative arrangement between a member state and non-member state that did not conflict with the PA Compact.

Construction and Severability

The PA Compact would state the PA Compact and the PA Commission's rulemaking authority shall be liberally construed, and the provisions of the PA Compact would be severable.

Binding Effect of Compact

The PA Compact would not prevent the enforcement of any other law of a member state not inconsistent with the PA Compact. Laws in conflict with the PA Compact would be superseded to the extent of the conflict, and all lawful actions of the PA Commission would be binding upon member states.

Background

The Senate Committee on Public Health and Welfare inserted the contents of HB 2219, as amended, into HB 2068 while retaining the contents of HB 2068. Background information for each bill may be found below.

HB 2068

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of a representative of the Kansas Chamber of Commerce.

House Committee on Health and Human Services

In the House Committee hearing, **proponent** testimony was provided by representatives of the Adjutant General's Department, Kansas Chamber of Commerce, U.S. Department of Defense, and Knee Regulatory Research Center at West Virginia University. The representatives generally spoke in support of the bill for the portability of licensing across states as well as for making the transition for military families easier.

Written-only proponent testimony was provided by representatives of the Future of the Beauty Industry Coalition and The Greater Kansas City Chamber of Commerce.

No other testimony was provided.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the Future of the Beauty Industry Coalition, Adjutant General's Department, Kansas Chamber of Commerce, and U.S. Department of Defense. The testimony generally mirrored testimony provided during the House Committee hearing.

Written-only proponent testimony was provided by a representative of the Military Officers Association of America.

Written-only neutral testimony was provided by a representative of The Council of State Governments.

No other testimony was provided.

HB 2219

The bill was introduced by the House Committee on Health and Human Services at the request of Representative Buehler on behalf of the Kansas Chamber of Commerce.

[*Note:* A companion bill, SB 126, has been introduced in the Senate.]

House Committee on Health and Human Services

In the House Committee hearing, **proponent** testimony was provided by representatives of the Kansas Academy of Physician Associates, Adjutant General's Department, Kansas Chamber of Commerce, and U.S. Department of Defense. The conferees noted the bill would provide portability of licensing across states as well as assist military families that relocate.

No other testimony was provided.

The House Committee amended the bill to make a technical change.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing, the Committee members elected not to hear verbal testimony on the bill, which had previously been heard during the hearing on the Senate companion bill, SB 126.

Proponent testimony was provided by representatives of the Adjutant General's Department, Kansas Chamber of Commerce, Kansas Academy of Physician Associates, and U.S. Department of Defense.

Written-only proponent testimony was provided by a representative of The Greater Kansas City Chamber of Commerce.

No other testimony was provided.

Fiscal Information

HB 2068

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Board of Cosmetology (Board) indicates enactment of the bill could have a fiscal effect on its revenues depending on how many Kansas licensees apply for a multistate license. Board revenues could also be affected if out-of-state licensees who currently pay to be dually licensed decided to get a multistate license. However, the Board is unable to estimate the fiscal effect. Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor's Budget Report*.

HB 2219

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the State Board of Healing Arts states enactment of the bill would increase agency fee fund expenditures by \$65,500 beginning in FY 2025, which would include \$55,000 for 1.0 licensing staff position. The agency also estimates \$8,000 to \$10,000 for office and computer expenses. Most of the expenses would be ongoing. The agency reports this position would be necessary as the bill includes new requirements for the agency with set timelines for completion of tasks.

The agency reports it has absorbed costs for similar requirements in the past but is now at capacity and cannot continue to do so. The agency states PAs who participate in the PA Compact would continue to pay a state fee for their license, but there is no mechanism to measure the number of licensees that would utilize the PA Compact for a Kansas license.

The PA Compact would allow for the PA Commission to levy fees for participating states; however, the agency notes the PA Compact would be new and not fully active at this time so it is unclear if states would be charged and what the fee would be.

Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Cosmetologist; Cosmetologist Licensure Compact; physician assistants; Physician Assistant Licensure Compact; health; health care; Board of Healing Arts; licensure; interstate practice privileges