

Federal Guidance Letter Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

House Sponsor: Casey Snider

LONG TITLE

General Description:

This bill establishes publication and reporting requirements for federal guidance letters received by state agencies.

Highlighted Provisions:

This bill:

- defines terms;
- requires a state agency to publish certain federal guidance letter information received by the state agency on public websites and transmit copies to the Legislature; and
- establishes standards for federal guidance letter information published on a state agency's website.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

63G-16-301, Utah Code Annotated 1953

63G-16-302, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63G-16-301** is enacted to read:

Part 3. Federal Guidance Letters

63G-16-301 . Definitions.

As used in this part:

- (1) "Applicable federal agency" means the federal agency that issued a federal guidance letter.
- (2) "Federal agency" means a department, agency, authority, commission, council, board, office, bureau, or other administrative unit of the executive branch of the United States government.
- (3)(a) "Federal guidance letter" means a written statement by a federal agency, regardless of format, that:
- (i) clarifies or provides instruction on:
 - (A) the federal agency's interpretation of a federal law; or
 - (B) the federal agency's policies for administering a federal law; and
 - (ii) is nonbinding and of general applicability.
- (b) "Federal guidance letter" does not include:
- (i) a written communication between a federal agency and a state agency regarding a specific entity;
 - (ii) a peer-to-peer communication; or
 - (iii) a written communication between a federal agency and the State Tax Commission containing guidance related to the protection, storage, or safeguarding of confidential information.
- (4) "Federal law" means:
- (a) a statute passed by the United States Congress; or
 - (b) a rule or regulation adopted by a federal agency.
- (5) "State agency" means a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit of the executive branch of state government.
- Section 2. Section **63G-16-302** is enacted to read:
- 63G-16-302 . Federal guidance letters received by state agencies -- Publication and reporting requirements -- Standards for information published on state agency website.**
- (1) A state agency shall publish and report federal guidance letters received by the state agency in accordance with this section.
- (2)(a) Beginning July 1, 2025, a state agency that receives a federal guidance letter shall:
- (i) publish the federal guidance letter on:
 - (A) the state agency's public website; and
 - (B) the Utah Open Data Portal Website created in Section 63A-16-107; and

- 62 (ii) transmit a copy of the federal guidance letter to:
63 (A) the Legislative Management Committee; and
64 (B) the chairs of the Legislature's Federalism Commission.
- 65 (b) A state agency shall comply with the requirements of Subsection (2)(a) within 15
66 days from the date on which the state agency receives the federal guidance letter.
- 67 (3)(a) This Subsection (3) applies to a state agency that:
68 (i) publishes and reports a federal guidance letter in accordance with Subsection (2);
69 and
70 (ii) receives a written communication from the applicable federal agency indicating
71 that the federal guidance letter has been rescinded.
- 72 (b) A state agency described in Subsection (3)(a) shall:
73 (i) publish the following documents on the websites described in Subsection (2)(a)(i):
74 (A) the written communication indicating the federal guidance letter's rescission;
75 and
76 (B) a disclaimer, linked to the federal guidance letter, notifying the public of the
77 federal guidance letter's rescission; and
78 (ii) transmit to the entities described in Subsection (2)(a)(ii) a copy of the written
79 communication indicating the federal guidance letter's rescission.
- 80 (c) A state agency shall comply with the requirements of Subsection (3)(b) within 15
81 days from the date on which the state agency receives the written communication
82 indicating the federal guidance letter's rescission.
- 83 (4) A state agency shall ensure that any information published on the state agency's public
84 website under this section is available:
85 (a) on a permanent basis;
86 (b) in a user-friendly manner; and
87 (c) via a link from the main page of the website.

88 Section 3. **Effective Date.**

89 This bill takes effect on May 7, 2025.