

1 **Federal Guidance Letter Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keven J. Stratton**

House Sponsor:

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3 **LONG TITLE**

4 **General Description:**

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

7 **Highlighted Provisions:**

8 This bill:

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

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 ENACTS:

20 **63G-16-301**, Utah Code Annotated 1953

21 **63G-16-302**, Utah Code Annotated 1953

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

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

25 **Part 3. Federal Guidance Letters**

26 **63G-16-301 . Definitions.**

27 As used in this part:

28 (1) "Applicable federal agency" means the federal agency that issued a federal guidance  
29 letter.

30 (2) "Federal agency" means a department, agency, authority, commission, council, board,

31 office, bureau, or other administrative unit of the executive branch of the United States  
32 government.

33 (3) "Federal guidance letter" means a written statement by a federal agency, regardless of  
34 format, that:

35 (a) clarifies or provides instruction on:

36 (i) the federal agency's interpretation of a federal law; or

37 (ii) the federal agency's policies for administering a federal law; and

38 (b) is nonbinding and of general applicability.

39 (4) "Federal law" means:

40 (a) a statute passed by the United States Congress; or

41 (b) a rule or regulation adopted by a federal agency.

42 (5) "State agency" means a department, division, board, council, committee, institution,  
43 office, bureau, or other similar administrative unit of the executive branch of state  
44 government.

45 Section 2. Section **63G-16-302** is enacted to read:

46 **63G-16-302 . Federal guidance letters received by state agencies -- Publication**  
47 **and reporting requirements -- Standards for information published on state agency**  
48 **website.**

49 (1) A state agency shall publish and report federal guidance letters received by the state  
50 agency in accordance with this section.

51 (2)(a) Beginning July 1, 2025, a state agency that receives a federal guidance letter shall:

52 (i) publish the federal guidance letter on:

53 (A) the state agency's public website; and

54 (B) the Utah Open Data Portal Website created in Section 63A-16-107; and

55 (ii) transmit a copy of the federal guidance letter to:

56 (A) the Legislative Management Committee; and

57 (B) the chairs of the Legislature's Federalism Commission.

58 (b) A state agency shall comply with the requirements of Subsection (2)(a) within 15  
59 days from the date on which the state agency receives the federal guidance letter.

60 (3)(a) This Subsection (3) applies to a state agency that:

61 (i) publishes and reports a federal guidance in accordance with Subsection (2); and

62 (ii) receives a written communication from the applicable federal agency indicating  
63 that the federal guidance letter has been rescinded.

64 (b) A state agency described in Subsection (3)(a) shall:

- 65 (i) publish the following documents on the websites described in Subsection (2)(a)(i):  
66 (A) the written communication indicating the federal guidance letter's rescission;  
67 and  
68 (B) a disclaimer, linked to the federal guidance letter, notifying the public of the  
69 federal guidance letter's rescission; and  
70 (ii) transmit to the entities described in Subsection (2)(a)(ii) a copy of the written  
71 communication indicating the federal guidance letter's rescission.  
72 (c) A state agency shall comply with the requirements of Subsection (3)(b) within 15  
73 days from the date on which the state agency receives the written communication  
74 indicating the federal guidance letter's rescission.  
75 (4) A state agency shall ensure that any information published on the state agency's public  
76 website under this section is available:  
77 (a) on a permanent basis;  
78 (b) in a user-friendly manner; and  
79 (c) via a link from the main page of the website.

80 Section 3. **Effective Date.**

81 This bill takes effect on May 7, 2025.