

Keven J. Stratton proposes the following substitute bill:

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

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

35 (i) clarifies or provides instruction on:

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

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

38 (ii) is nonbinding and of general applicability.

39 (b) "Federal guidance letter" does not include:

40 (i) a written communication between a federal agency and a state agency regarding a
41 specific entity; or

42 (ii) a peer-to-peer communication.

43 (4) "Federal law" means:

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

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

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

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

50 **63G-16-302 . Federal guidance letters received by state agencies -- Publication**
51 **and reporting requirements -- Standards for information published on state agency**
52 **website.**

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

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

56 (i) publish the federal guidance letter on:

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

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

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

60 (A) the Legislative Management Committee; and

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

62 (b) A state agency shall comply with the requirements of Subsection (2)(a) within 15

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- 67 that the federal guidance letter has been rescinded.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

84 **Section 3. Effective Date.**

85 This bill takes effect on May 7, 2025.