

256.9A Limitation on guidance and interpretations.

1. For the purposes of [this section](#), “*guidance*” means a document or statement issued by the department, the state board, or the director that purports to interpret a law, a rule, or other legal authority and is designed to provide advice or direction to a person regarding the implementation of or compliance with the law, the rule, or the other legal authority being interpreted.

2. The department, the state board, or the director shall not issue guidance inconsistent with any statute, rule, or other legal authority and shall not issue guidance that imposes any legally binding obligations or duties upon any person unless such legally binding obligations or duties are required or reasonably implied by any statute, rule, or other legal authority.

3. [This section](#) shall not apply to a rule adopted pursuant to [chapter 17A](#), a declaratory order issued pursuant to [section 17A.9](#), a document or statement required by federal law or a court, or a document or statement issued in the course of a contested case proceeding, an administrative proceeding, or a judicial proceeding to which the department, the state board, or the director is a party.

4. Guidance issued by the department, the state board, or the director in violation of [subsection 2](#) shall not be deemed to be legally binding.

[2018 Acts, ch 1112, §1, 16; 2018 Acts, ch 1119, §18, 19](#)

See Code editor's note on simple harmonization at the end of Vol VI
NEW section