As Introduced

136th General Assembly
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2025-2026

Representatives Williams, Demetriou

To amend section 169.01 and to enact sections 169.20, 169.21, 169.22, 169.23, 169.24, 169.25, and 169.26 of the Revised Code to provide for the safekeeping and management of unclaimed digital assets.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 169.01 be amended and sections 169.20, 169.21, 169.22, 169.23, 169.24, 169.25, and 169.26 of the Revised Code be enacted to read as follows:

Sec. 169.01. As used in this chapter, unless the context otherwise requires:

(A) "Financial organization" means any bank, trust company, savings bank, safe deposit company, mutual savings bank without mutual stock, savings and loan association, credit union, or investment company.

(B)(1) "Unclaimed funds" means any moneys, rights to moneys, or intangible property, described in section 169.02 of the Revised Code, when, as shown by the records of the holder, the owner has not, within the times provided in section 169.02 of the Revised Code, done any of the following:

(a) Increased, decreased, or adjusted the amount of such

funds;

(b) Assigned, paid premiums, or encumbered such funds;

(c) Presented an appropriate record for the crediting of such funds or received payment of such funds by check, draft, or otherwise;

(d) Corresponded with the holder concerning such funds;

(e) Otherwise indicated an interest in or knowledge of such funds;

(f) Transacted business with the holder.

(2) "Unclaimed funds" does not include any of the following:

(a) Money received or collected under section 9.39 of the Revised Code;

(b) Any payment or credit due to a business association from a business association representing sums payable to suppliers, or payment for services rendered, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;

(c) Any payment or credit received by a business association from a business association for tangible goods sold, or services performed, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;

(d) Either of the following:

(i) Any credit or obligation due a retail customer that is

represented by a gift certificate, gift card, merchandise credit, or merchandise credit card, redeemable only for goods or services, including gift cards issued by financial organizations or business associations;

(ii) Any electronic payment device that is issued by a financial organization or a business association that has no expiration date and meets all of the following conditions:

(I) It is purchased or loaded on a prepaid basis for the future purchase or delivery of goods or services.

(II) It is redeemable upon presentation to a single merchant or service provider or an affiliated group of merchants or service providers.

(III) It is not redeemable for cash in whole or in part.

(e) Any open-loop prepaid card that is issued by a financial organization or a business association for which the underlying funds do not expire. For purposes of division (B)(2)(e) of this section, "open-loop prepaid card" means an electronic payment device that meets all of the following conditions:

(i) It is purchased or loaded on a prepaid basis for the future purchase or delivery of any goods or services.

(ii) It can be used to purchase goods and services at multiple unaffiliated merchants or service providers.

(iii) It is not redeemable for cash in whole or in part.

(f) Any rewards card. For purposes of division (B)(2)(f) of this section, "rewards card" includes any loyalty, incentive, or promotional type program that is issued by a financial organization or a business association whether represented by a

card or electronic record, which program is established for the purposes of providing cardholder awards, rewards, rebates, or other amounts to reward the cardholder for the cardholder's relationship with the entity sponsoring the rewards card, provided that no direct money was paid by the cardholder for the rewards card. "Rewards card" includes both of the following:

(i) Cards or electronic records consisting of points, cash, or other tokens of value given to a cardholder as a reward or incentive for engaging in a transaction or a series of transactions;

(ii) The unpaid portion of a rewards card when the rewards card is partially loaded by the cardholder with the remaining portion funded as a reward or incentive.

(g) "Digital assets" as defined in section 169.20 of the Revised Code.

A minimal annual fee charged to the cardholder for joining any such loyalty, incentive, or promotional type program shall not be considered direct money paid by the cardholder for the rewards card. For purposes of division (B)(2)(f) of this section, "cardholder" means the holder of a rewards card, regardless of whether the rewards card is represented by a card or by an electronic record.

For purposes of division (B)(2) of this section, "business association" means any corporation, joint venture, business trust, limited liability company, partnership, association, or other business entity composed of one or more individuals, whether or not the entity is for profit.

(C) "Owner" means any person, or the person's legal representative, entitled to receive or having a legal or

equitable interest in or claim against moneys, rights to moneys, or other intangible property, subject to this chapter.

(D)(1) "Holder" means any person that has possession, custody, or control of moneys, rights to moneys, or other intangible property, or that is indebted to another, if any of the following applies:

(a) Such person resides in this state;

(b) Such person is formed under the laws of this state;

(c) Such person is formed under the laws of the United States and has an office or principal place of business in this state;

(d) The records of such person indicate that the last known address of the owner of such moneys, rights to moneys, or other intangible property is in this state;

(e) The records of such person do not indicate the last known address of the owner of the moneys, rights to moneys, or other intangible property and the entity originating or issuing the moneys, rights to moneys, or other intangible property in this state or any political subdivision of this state, or is incorporated, organized, created, or otherwise located in this state. Division (D)(1)(e) of this section applies to all moneys, rights to moneys, or other intangible property that is in the possession, custody, or control of such person on or after July 22, 1994, whether the moneys, rights to moneys, or other intangible property becomes unclaimed funds prior to or on or after that date.

(2) "Holder" does not mean any hospital granted tax-exempt status under section 501(c)(3) of the Internal Revenue Code or any hospital owned or operated by the state or by any political

subdivision. Any entity in order to be exempt from the definition of "holder" pursuant to this division shall make a reasonable, good-faith effort to contact the owner of the unclaimed funds.

(E) "Person" includes a natural person; corporation, whether for profit or not for profit; copartnership; unincorporated nonprofit association; public authority; estate; trust; two or more persons having a joint or common interest; eleemosynary organization; fraternal or cooperative association; other legal or community entity; the United States government, including any district, territory, possession, officer, agency, department, authority, instrumentality, board, bureau, or court; or any state or political subdivision thereof, including any officer, agency, board, bureau, commission, division, department, authority, court, or instrumentality.

(F) "Mortgage funds" means the housing ~~guarantee~~ development fund created by division (D) of section ~~128.11~~ 175.11 of the Revised Code.

(G) "Lawful claims" means any vested right a holder of unclaimed funds has against the owner of such unclaimed funds.

(H) "Public utility" means any entity defined as such by division (A) of section 745.01 or by section 4905.02 of the Revised Code.

(I) "Deposit" means to place money in the custody of a financial organization for the purpose of establishing an income-bearing account by purchase or otherwise.

(J) "Income-bearing account" means a time or savings account, whether or not evidenced by a certificate of deposit, or an investment account through which investments are made

solely in obligations of the United States or its agencies or instrumentalities or guaranteed as to principal and interest by the United States or its agencies or instrumentalities, debt securities rated as investment grade by at least two nationally recognized rating services, debt securities which the director of commerce has determined to have been issued for the safety and welfare of the residents of this state, and equity interests in mutual funds that invest solely in some or all of the above-listed securities and involve no general liability, without regard to whether income earned on such accounts, securities, or interests is paid periodically or at the end of a term.

(K) "Director of commerce" may be read as the "division of unclaimed funds" or the "superintendent of unclaimed funds."

(L) "Attorney unclaimed funds" means any unclaimed funds, as defined in division (B)(1) of this section, that are any of the following:

(1) Funds held in interest on lawyer trust accounts pursuant to section 4705.09 of the Revised Code;

(2) Funds held in an interest on trust accounts pursuant to section 3953.231 of the Revised Code;

(3) Residual settlement funds whether for named or unnamed plaintiffs, received by the division of unclaimed funds, and held, paid out, or allocated by the division pursuant to or consistent with the terms and conditions of the court order authorizing the settlement fund.

Sec. 169.20. As used in sections 169.20 to 169.26 of the Revised Code:

(A) "Act of ownership interest" includes any of the following actions by the owner of a digital asset account:

(1) Conducting a transaction utilizing the digital asset account, whether by a one-time transaction or a recurring transaction previously authorized by the owner, including both of the following:

(a) Buying or selling digital assets;

(b) Depositing into or withdrawing from the account fiat currency or other property.

(2) Electronically accessing the digital asset account;

(3) Conducting any activity with respect to another digital asset account or any other property owned by the owner with the same holder;

(4) Taking any other action that reasonably demonstrates to the holder that the owner knows that the property exists.

(B) "Digital asset" means virtual currencies, cryptocurrencies, native electronic assets, including stablecoins and nonfungible tokens, and other digital-only assets that confer economic, proprietary, or access rights or powers.

(C) "Digital asset account" means a customer account, wallet, or other repository device maintained by an owner with a holder, that contains one or more types of digital assets. A digital asset account may also contain fiat currency or other property, in addition to one or more digital assets.

(D) "Private key" means a unique element of cryptographic data, used for signing transactions on a blockchain, and is known to the owner of the element.

(E) "Qualified custodian" means a company that sells digital assets to customers and offers custody services for

them, or any federal or state-chartered bank, trust company, or special purpose depository institution that is authorized to sell digital assets or offer custody services for them.

Sec. 169.21. (A) Digital assets held within a digital asset account are presumed abandoned two years after either of the following:

(1) The date a written or electronic communication from the digital asset account holder to the owner is returned undelivered by the United States postal service or by electronic mail or other electronic messaging method, as applicable;

(2) If the owner does not receive written or electronic communications from the holder, or if the holder does not have the means of systematically tracking or monitoring the nondelivery of such communications, the date of the last exercise of an act of ownership interest by the owner in the digital asset account.

(B) A period of abandonment described under division (A) of this section ceases to run immediately upon the exercise of an act of ownership interest in the digital asset account or a written, oral, or electronic communication with the holder as evidenced by a memorandum or other record on file with the holder or its agents.

Sec. 169.22. (A) If a digital asset within a digital asset account is presumed abandoned under section 169.21 of the Revised Code and the holder has full control of the necessary private keys required to transfer the asset, the holder shall report and deliver the asset in its native form to the qualified custodian designated by the director of commerce under section 169.24 of the Revised Code within thirty days of reporting.

(B) The holder shall provide the director of commerce with proof of delivery upon request.

(C) In the event the holder possesses only a partial private key to the asset or is otherwise unable to move the asset to the director's designated qualified custodian, the holder shall maintain the asset until the additional key or keys required to transfer the asset become available or the holder is otherwise able to transfer the asset to the director's designated qualified custodian.

Sec. 169.23. (A) The director of commerce shall require the qualified custodian to maintain a presumed abandoned digital asset in its native form for a minimum period of two years prior to arranging for the sale of the asset in accordance with division (B) of this section, in order to enable owners to make claims to the asset prior to sale. If an owner makes a claim to the asset still in the custody of the director of commerce in its native form, the director shall cooperate with the owner to transfer the property to the owner's selected custodian.

(B)(1) The director of commerce may sell or arrange for the sale of an asset held under sections 169.21 and 169.22 of the Revised Code not sooner than two years after the asset is delivered to the qualified custodian.

(2) Proceeds of the sale of an asset under division (B)(1) of this section shall be deposited as unclaimed funds into the unclaimed funds trust fund created under section 169.05 of the Revised Code.

(C) The director of commerce may not sell an asset for less than the prevailing market price at the time of sale. If an asset does not have a prevailing market price or the director of

commerce does not have a means of determining the prevailing market price, the director may sell the asset by any commercially reasonable method.

Sec. 169.24. (A) The director of commerce shall select a qualified custodian for the management and safekeeping of presumed abandoned digital assets held under sections 169.21 and 169.22 of the Revised Code not later than one year after the effective date of this section.

(B) The director shall select a qualified custodian based on evaluation of all of the following criteria:

(1) Use of secure storage solutions to ensure the safekeeping of digital assets, including robust cybersecurity measures to prevent unauthorized access;

(2) The capability to manage private keys associated with digital assets and ensure the ability to transfer or transact with the assets when required;

(3) Proven experience in handling digital assets;

(4) Compliance with all applicable federal and state regulations related to digital asset custody;

(5) Regular reporting mechanisms to the director of commerce regarding the status and value of the digital assets under custody;

(6) Processes used to reunite owners with their digital assets, including maintaining updated contact records and issuing timely notifications;

(7) Qualifying as a "financial institution" under 31 C.F.R. part 1010;

(8) Any other factors the director determines relevant.

Sec. 169.25. The qualified custodian selected pursuant to section 169.24 of the Revised Code shall enter into a formal agreement with the director of commerce. This agreement shall specify the custodian's duties, obligations, and compensation, as well as terms governing termination of the agreement and auditing rights by the state.

Sec. 169.26. Nothing in sections 169.20 to 169.25 of the Revised Code shall be construed to apply to any money, rights to money, or intangible property, described in section 169.02 of the Revised Code, considered to be unclaimed funds for the purposes of sections 169.01 to 169.17 of the Revised Code.

Section 2. That existing section 169.01 of the Revised Code is hereby repealed.