

STATE OF OHIO



**2023 ANNUAL REPORT
of the
STATE COUNCIL OF UNIFORM STATE LAWS
to the
GOVERNOR OF THE STATE OF OHIO,
NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS,
AND OTHERS**

STATE OF OHIO

STATE COUNCIL OF UNIFORM STATE LAWS
and
DELEGATION
to the
NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

Commissioner Jeffrey T. Ferriell
Commissioner Larry T. Garvin
Commissioner Leon M. McCorkle, Jr.*
Commissioner Cassandra Burke Robertson (Commission Expired June 2024)
Commissioner Greg Stype
Commissioner Boris Auerbach*

*Life Member of the National Conference

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I. PREAMBLE

To: Honorable Mike DeWine, Governor of the State of Ohio
Copies: Honorable Sharon L. Kennedy, Chief Justice,
Honorable Dave Yost, Attorney General of the State of Ohio
Honorable Frank LaRose, Secretary of State of the State of Ohio
Honorable Matt Huffman, President, Ohio Senate
Honorable Kirk Schuring, President Pro Tempore, Ohio Senate
Honorable Nickie J. Antonio, Senate Minority Leader
Honorable, Jason Stephens, Speaker, Ohio House of Representatives
Honorable Scott Oelslager, Speaker Pro Tempore, Ohio House of Representatives
Honorable Allison Russo, House Minority Leader
Honorable Paul Pfeiffer, Executive Director, Ohio Judicial Conference
Ms. Wendy Zahn Director, Ohio Legislative Service Commission
Mr. Tim Schnabel, Executive Director, ULC
Daniel R. Griffith, Esq., President, Ohio State Bar Association
Ms. Mary Amos Augsburger, Esq., Executive Director, Ohio State Bar Association
Mr. Scott Lundregan, Directory of Policy & Legislative Counsel, Ohio State Bar Association
Ms. Kirstin Krumsee Ziegler, Library Consultant – Data & Research, The State Library of Ohio

The 2023 State Council of Uniform State Laws (“Council”), comprised of Jeffrey T. Ferriell, Larry T. Garvin, Cassandra Burke Robertson, and Greg Stype, submits herewith its report under Section 105.27 of the Ohio Revised Code. Mssrs. Boris Auerbach and Lee McCorkle are Life members of the National Conference of Commissioners on Uniform State Laws (“ULC”) who, having previously served as members of the Ohio Council, caucus with the Ohio Delegation to the ULC.

By copies hereof, the Commissioners are fulfilling their duty under Section 5.1(6) of the ULC Constitution to report to its President and are submitting copies of their report to the Governor of Ohio and other interested persons.

Members of the Council and Mssrs. Boris Auerbach and Lee McCorkle are members of the National Conference of Commissioners on Uniform State Laws (“ULC”). By copies hereof, the Commissioners are fulfilling their duty under Section 5.1(6) of the ULC Constitution to report to its President and are submitting copies of their report to the Governor of Ohio and other interested persons.

II. OVERVIEW OF THE ULC

The Uniform Law Commission (ULC), also known as the National Conference of Commissioners on Uniform State Laws (NCCUSL), has worked for the uniformity of state laws since 1892. It is comprised of state commissions on uniform laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Each jurisdiction determines the method of appointment and the number of commissioners appointed. Most jurisdictions provide for their commission by statute. The statutory authority governing Ohio's uniform law commission can be found at Ohio Revised Code § 105.21.

There is only one fundamental requirement for the nearly 400 uniform law commissioners: that they are members of the bar of a state. While some commissioners serve as state legislators and other state officials, most are practitioners, judges, and law professors. Uniform law commissioners serve for specific terms and receive no compensation for their work with the Uniform Law Commission. Their time is donated. Most commissioners devote at least 200 hours per year to their work as members of the Ohio Council and members of the ULC.

Commissioners study and review the law of the states to determine which areas of law should be uniform. The commissioners promote the principle of uniformity by drafting and proposing specific statutes in areas of the law where uniformity between the states is desirable. The ULC can only propose – no uniform law is effective until a state legislature adopts it.

The work of the ULC simplifies the legal life of businesses and individuals by providing rules and procedures that are consistent from state to state. Representing both state government and the legal profession, it is a genuine coalition of state interests. It has sought to bring uniformity to the divergent legal traditions of more than 50 sovereign jurisdictions and has done so with significant success.

III. HISTORY OF THE ULC

On August 24, 1892, representatives from seven states – Delaware, Georgia, Massachusetts, Michigan, New York, New Jersey, and Pennsylvania – met in Saratoga Springs, New York, to form what is now known as the Uniform Law Commission. By 1912, every state was participating in the ULC. The U.S. Virgin Islands was the last jurisdiction to join, appointing its first commission in 1988. Ohio adopted Ohio Revised Code § 105.21 and joined the ULC in 1898. Ohio has been a member of the ULC for 135 years.

The ULC quickly became known as a distinguished body of lawyers. Since its inception, it has attracted some of the best members of the profession. In 1901, Woodrow Wilson became a member. This, of course, was before his more notable prominence and services as President of the United States. Several persons, later to become Justices of the Supreme Court of the United States, have been members: former Justices Brandeis, O'Connor, Souter, and Rutledge, and former Chief Justice Rehnquist. Legal scholars have served in large numbers, including

Professors Wigmore, Williston, Pound, and Bogert. Many other distinguished lawyers have served since 1892, though their names are not as well known in legal affairs and the affairs of the United States.

In each year of service, the ULC steadily increased its contribution to state law. Since its founding, the ULC has drafted more than 200 uniform laws on numerous subjects and in various fields of law, setting patterns of uniformity across the nation. Uniform Acts include the Uniform Probate Code, the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Anatomical Gift Act, the Uniform Interstate Family Support Act, and the Uniform Child Custody Jurisdiction and Enforcement Act.

Most significant was the 1940 ULC decision to address major commercial problems with comprehensive legal solutions – a decision that set in motion the project to produce the Uniform Commercial Code (UCC). Working with the American Law Institute, the UCC took ten years to complete and another 14 years before it was enacted across the country. It remains the signature product of the ULC. Ohio’s enactment appears in Chapter 1301 through 1310 of the Ohio Revised Code. In 2022, the ULC promulgated a new Article of the UCC, dealing with digital assets. New Article 12 has not yet been considered by the Ohio Legislature.

Today, the ULC is recognized primarily for its work in commercial law, family law, the law of probate and estates, the law of business organizations, health law, and conflicts of law.

The Uniform Law Commission arose out of the concerns of state government for the improvement of the law and for better interstate relationships. Its sole purpose has been, and remains, service to state government and improvement of state law.

IV. DIVERSITY STATEMENT

Each member jurisdiction determines the number of uniform law commissioners it appoints to the Uniform Law Commission, the terms of uniform law commissioners and the individuals who are appointed from the legal profession of that jurisdiction. The Uniform Law Commission has no appointment authority. The Uniform Law Commission, however, does encourage the appointment authorities to consider among other factors, diversity of membership in their uniform law commissions, including race, ethnicity and gender, in making appointments. The Uniform Law Commission does its best work when the uniform law commissioners are drawn from diverse backgrounds and experiences.

V. THE OPERATION OF THE ULC

The ULC is convened as a body once a year. It meets for a period of six to eight days, usually in mid-July. In 2023, the ULC met in Honolulu, Hawaii, from July 21, 2023 through July 27th, 2024. Between annual meetings, drafting committees composed of Commissioners meet to supply the working drafts which are considered at the annual meeting. At each National Conference, the work of the drafting committees is read and debated. Each Act must be considered over a period of at least two years. No Act becomes officially recognized as a Uniform Act until the Uniform Law Commission is satisfied that it is ready for consideration in the state legislatures. It is then put to a vote of the states, during which each state caucuses and votes as a unit.

The governing body is the ULC Executive Committee, and is composed of the officers, certain ex-officio members, and members appointed by the President of the ULC. Certain activities are conducted by standing committees. For example, the Committee on Scope and Program considers all new subject areas for possible Uniform Acts. The Legislative Committee superintends the relationships of the ULC to the state legislatures.

A small staff located in Chicago operates the national office of the ULC. The national office handles meeting arrangements, publications, legislative liaison, and general administration for the ULC.

The ULC maintains relations with several sister organizations. Official liaison is maintained with the American Bar Association, which contributes an amount each year to the operation of the ULC. Liaison is also maintained with the American Law Institute, the Council of State Governments, and the National Conference of State Legislatures, the National Association of Secretaries of State, the National Association of Attorneys General, the Conference of Chief Justices, and the National Center on State Courts.

VI. BENEFITS AND COSTS TO OHIO

Ohio's active participation in the Uniform Law Commission carries many benefits. The Ohio Revised Code currently incorporates about 40 acts based in part in or in full on uniform legislation drafted by the Uniform Law Commission. These include the Uniform Child Custody Jurisdiction and Enforcement Act, the Uniform Anatomical Gift Act, the Uniform Legal Materials Act, the Uniform Deceptive Trade Practices Act, the Uniform Fraudulent Transfer Act, the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Mediation Act, the Uniform Prudent Investor and Management of Institutional Funds Act, the Uniform Reciprocal Enforcement of Support Act, the Uniform Electronic Transactions Act, the Uniform Trade Secrets Act, the Uniform Duties to Disabled Persons Act, and eleven Articles of the Uniform Commercial Code. In all, Ohio has enacted 88 Uniform and Model Acts developed by the Uniform Law Commission.

Ohio also benefits from the volunteer work of individual members of the Ohio Council. They serve on a wide variety of conference committees as members, reporters, and chairs. They work directly on drafting uniform legislation that is subsequently approved by the ULC and submitted to Ohio and other states for enactment. Several Ohio Commissioners play significant roles in the work of the ULC. Two members of the Ohio delegation serve on the ULC's Uniform Commercial Code Committee. Working together, Ohio commissioners devote more than a thousand hours each year working to develop and enact uniform legislation in Ohio and elsewhere.

Uniform legislation has direct benefits for Ohio's citizens. Uniformity facilitates interstate commerce as well as intrastate and interstate legal expectations and enforcements over a wide range of commercial, consumer, and family relationships. When Ohio's laws are uniform with those of other states, members of the nationwide business community, for example, can trade with Ohio businesses without incurring additional costs of navigating variations in state law. In addition, uniformity makes it easier for members of families to determine and enforce their property, support, and custodial rights across state lines. Without uniform laws, these advantages could be achieved only through federal legislation, enacted by Congress.

Further, the ULC's process for considering uniform legislation is careful, thoughtful, and deliberate. Uniform laws are crafted through a multi-year process in which experts, generalists, industry representatives, and state and federal officials work together to try to reach consensus before legislation is submitted to state legislatures for enactment. The ULC's annual meeting and meetings of its drafting committees are open to the public, and representatives of businesses and industries that might be affected by any Uniform legislation that is approved by the ULC and adopted by the states usually actively participate in the drafting process. Members of the Ohio legislature can be confident that proposed uniform legislation has been carefully vetted before it is submitted to Ohio for adoption.

The costs of these benefits are small. Ohio's Commissioners volunteer their time and, as commissioners in other states, have never received financial or other compensation for their work. The primary expense of Ohio's continued participation in the ULC consists of dues assessed by the Conference, which are to defray the expenses of its national office and small professional staff. Dues are based upon state population. For at least the last 30 years Ohio's dues have been paid through the budget of the Ohio Judicial Conference. Ohio's dues for 2023 were \$95,250. Dues for 2024 will be \$99,710. Both of these amounts includes \$6000 that partially defrays Council members' expenses to attend the ULC's week-long annual meeting. Commissioners pay any additional expenses out of their own pockets or in some cases, receive additional reimbursement from their employers. With dues paid by other states, this funding supports the ULC's operations generally and supports Ohio members' participation in ULC drafting and study committees.

The ULC works as a cooperative venture of all fifty states. It functions well only because of each state's commitment to the uniform law process. The Annual Meeting is the pinnacle of this process. It is an intensive working session lasting six to eight days. All the important

substantive decisions about uniform state laws are made at that meeting. The quality of the uniform acts, their very integrity, depends upon the attendance of Uniform Law Commissioners from every state. Only if the Ohio Uniform Law Commissioners participate can we be assured that Ohio has been adequately represented in the development of an Act.

The ULC works efficiently for all the states because individual lawyers are willing to donate time to the uniform law movement, and because it is a genuine cooperative effort of all the states. The ULC continues to be a very good idea, well over a century since its founding. The states have chosen to maintain the ULC because it has been useful to their citizens and because it strengthens the states in the federal system of government. Different law in different states continues to be a problem. Either the states solve the problem, or the issues are removed to Congress. Without a state-sponsored, national institution like the ULC, more and more legislative activity would shift from the state capitols to Capitol Hill in Washington, DC.

During the past couple years, ULC has committed to being more transparent and technologically savvy. It started a blog and several years ago updated its website to allow users to search uniform laws by state, bill date, and status. The ULC Archives were moved to the Tarlton Law Library at The University of Texas School of Law, helping both to preserve the collection as well as to make it available to researchers. ULC commissioners and two committees worked with Bryan Garner to publish *Guidelines on Drafting and Editing Legislation*.

ULC has begun to work on issues related to an aging population, such as trust decanting, as well as technology issues, such as driverless cars and drones. The process includes committee work, reading and debating proposed acts, and voting on which acts will be approved at the end of the annual ULC conference.

At its 131st Annual meeting in 2023, the ULC concluded its work and recommended enactment of the following:

- The Uniform Consumer Debt Default Judgments Act
- The Uniform Health Care Decisions Act
- The Uniform Special Deposits Act (now enacted in CO, OK, & WA)
- The Uniform Unlawful Restrictions in Land Records Act (enacted in AZ, CO, PA, & WA)
- The Model Public-Health Emergency Authority Act

The previous year, at its 130th Annual meeting in 2022, in Philadelphia, the ULC concluded its work and recommended enactment of:

- The Uniform Commercial Code & Emerging Technologies Act (enacted in AL, AZ, CA, CO, DC, GA, HI, IA, IN, KY, LA, ME, MN, ND, NH, NE, NV, OK, PA, SD, VA, & WA) (pending in 6 other states)
- The Uniform Alcohol Direct Shipping Compliance Act

- The Uniform Electronic Estate Planning Documents Act (enacted in CO, IL, OK & WA) (pending in 2 other states)
- The Uniform Telehealth Act (enacted in WA)
- The Model Public Meeting During Emergencies Act

Ohio's continued participation in terms of contributing funds is essential. Ohio benefits from the excellent body of law created for its consideration. The ULC, and all the states, benefit from Ohio's direct contribution to the work of the ULC. Ohio's ideas and experience influence the whole, and the uniform law process is not complete without them. Value contributed returns value, and everybody in every state benefits.

VII. ACTIVITIES OF THE OHIO COMMISSIONERS IN 2023

A. The Ohio Commissioners in 2023:

Boris Auerbach (life member of the National Conference)
 Jeffrey T. Ferriell
 Larry T. Garvin
 Leon M. McCorkle, Jr. (life member of the National Conference)
 Cassandra Burke Robertson
 Greg Stype

Commissioner Leon M. McCorkle, Jr., was elected as a life member of the ULC in 2011 and permitted his gubernatorial appointment to the Ohio Council to expire in 2012.

In 2023, Commissioner Boris Auerbach celebrated his 57th year of service to the ULC.

B. The ULC committee assignments and service during 2023-24 for Commissioners from Ohio are:

- Commissioner Auerbach
 - Permanent Editorial Board of Uniform Commercial Code, Emeritus
 - UCC Article 8 Companion Act to the Regulation of Virtual Currency Businesses Act
 - ULC History Committee
 - Uniform Commercial Code Committee
 - Standby Committee on Virtual Currency Business Act

- Commissioner Ferriell
 - Uniform Commercial Code Committee
 - Legislative Committee
 - Debt Collection Default Judgments Act Committee
 - Recurring Service Charges Act Committee
 - State Uniform Law Commission Act
 - Commissioner Garvin
 - Restrictive Covenants in Deeds Act
 - Use of Tokens or Other Similar Products in Real Estate Transactions Act
 - Uniform Commercial Code
 - Uniform Commercial Code & Emerging Technologies
 - Commissioner McCorkle
 - Civil Litigation and Dispute Resolution, Vice-Chair
 - Public Expression Protection Act, Standby Committee
 - Commissioner Robertson
 - Review ULC Acts
 - U.N. Convention on International Settlement Agreements Resulting from Mediation, Vice-Chair
 - Commissioner Stype
 - Legislative Committee
- C. Meetings held by the Ohio Commissioners from in 2023 included:
- The Commissioners conducted an Annual Meeting during the ULC Annual meeting and various informal on-line meetings.

VIII. A SUMMARY OF RECENT ACTS (2022-2023)

Uniform Consumer Debt Default Judgments Act

Numerous studies report that default judgments are entered in more than half of all debt collection actions. The purpose of this Act is to provide consumer debtors and courts with the information necessary to evaluate debt collection actions. The Act provides consumer debtors with access to information needed to understand claims being asserted against them and identify available defenses; advises consumers of the adverse effects of failing to raise defenses or seek the voluntary settlement of claims; and makes consumers aware of assistance that may be available from legal aid organizations. The Act also seeks to provide a uniform framework in which courts can fairly, efficiently, and promptly evaluate the merits of requests for default judgments while balancing the interests of all parties and the courts.

Uniform Health-Care Decisions Act (2023)

This Act is intended to supersede the 1993 Uniform Health-Care Decisions Act. This Act enables individuals to appoint agents to make health care decisions for them should they be unable to make those decisions for themselves, provide their health-care professionals and agents with instructions about their values and priorities regarding their health care, and to indicate particular medical treatment they do or do not wish to receive. It also authorizes certain people to make health-care decisions for individuals incapable of making their own decisions but who have not appointed agents, thus avoiding the need to appoint a guardian or otherwise involve a court in most situations. In addition, it sets forth the related duties and powers of agents and healthcare professionals, and provides protection in the form of immunity to both under specified circumstances. This Act shares the goals of the 1993 Act but is revised to reflect changes in how health care is delivered, increases in non-traditional familial relationships and living arrangements, the proliferation of the use of electronic documents, the growing use of separate advance directives exclusively for mental health care, and other recent developments. The Act also seeks to improve upon the 1993 Act based on decades of experience and knowledge about how people make health-care decisions and about the challenges associated with creating and using advance directives.

Model Public-Health Emergency Authority Act

This Act is designed to improve the preparedness of states for public health emergencies. Specifically, the Act clarifies the powers of a governor to declare a public health emergency and to issue orders in response to that emergency. Simultaneously, the Act establishes measures to promote a governor's accountability to the Legislature and to the public at large. The goal of the Act is to empower a governor to act quickly and decisively while also clarifying substantive and procedural limitations to a governor's authority. The Model Act also imposes a sunset provision on every public-health emergency declaration and public-health emergency order, and it requires a governor to make a new record as a condition of renewing declaration or an order.

Uniform Special Deposits Act

A special deposit is an account at a bank that holds funds that may be paid upon the occurrence of one or more contingencies. Although such accounts are common, the legal protections afforded to them are uncertain and outdated in the context of modern banking. This uniform act minimizes these legal uncertainties by providing clear and executable rules. First, the Act sets forth several elements for when a deposit is considered a "special deposit." Second, the Act specifies that a special deposit is a debt owed to the beneficiary after determination of a stated contingency. Third, the Act clarifies that a special deposit is remote from a depositor's bankruptcy estate unless the depositor has a determined right to the special deposit in its capacity as a beneficiary. Finally, the Act reduces the vulnerability created by the prospect of the bank holding the special deposit exercising a right of set off against the special deposit for a mature debt of the depositor or a beneficiary. The Special Deposits Act gives banks and their customers legal certainty that the expectations of special deposit account users will be respected.

Uniform Unlawful Restrictions in Land Records Act

This Act allows property owners whose deed contains a discriminatory, prohibited restriction to record an amendment to the land records that effectively removes the restriction. Under the Act, individuals who own property in a common interest community that is subject to a prohibited restriction are empowered to record an amendment to the governing instruments that removes the restriction, either by majority vote of the members of the association or by sending a request to the governing body. The Act creates a path forward for property owners who want to correct the record on the often painful history of their homes.

UNIFORM ALCOHOL DIRECT-SHIPPIING COMPLIANCE ACT

The Uniform Alcohol Direct-Shipping Compliance Act enhances an enacting state’s capability to detect and stop unlawful direct-to-consumer (“DTC”) shipments of alcoholic beverages to the state’s residents. The Act integrates with existing state law as to whether DTC shipping is allowed, and for which types of alcoholic beverages. The Act does not create new or additional authorization burdens to ship alcoholic beverages directly to a consumer. Instead, the Act creates new tools for state regulators to use to ensure that existing state laws regarding DTC shipping are obeyed. For instance, the Act provides state regulators a mechanism for distinguishing between DTC shipments originating from shippers licensed under the state’s existing law and DTC shipments originating from non-licensed shippers.

UNIFORM ELECTRONIC ESTATE PLANNING DOCUMENTS ACT

The Uniform Electronic Estate Planning Documents Act will fill a gap in the law regarding the execution of certain estate planning documents, including trusts and powers of attorney. The Uniform Electronic Transactions Act (UETA) authorizes the electronic execution of bilateral contracts if the parties to a transaction agree. The Uniform Electronic Wills Act (UEWA) authorizes the testator of a will and witnesses to execute a will in electronic form. However, trusts, powers of attorney, and some other types of estate planning documents fell into a legal grey area where the law governing electronic execution was ambiguous. The Uniform Electronic Estate Planning Documents Act clarifies that these documents may also be executed in electronic form. The new act was drafted to complement UEWA and could be adopted by a state simultaneously with that act to comprehensively authorize the electronic execution of wills, trusts, powers of attorney, and several other types of common estate planning documents.

MODEL PUBLIC MEETINGS DURING EMERGENCIES ACT

The Covid-19 pandemic has highlighted the need for public bodies to meet when disasters and other emergencies make in-person meetings of public bodies either impossible or inadvisable. The Model Public Meetings During Emergencies Act is intended to provide a process to ensure that important public meetings can go forward when these events occur consistent with protecting public access to meetings. The Act builds on existing state laws authorizing the declaration of emergencies and subjecting public meetings to various procedural and public access requirements. This Act is intended to work in harmony with those laws, particularly open meetings and other laws providing for public comment on and participation in the deliberations of public bodies.

UNIFORM TELEHEALTH ACT

In recent years, improvements in telecommunication technologies have transformed the delivery of health care. The arrival of the Covid-19 pandemic greatly expanded patient demand for telehealth services. To meet patient needs, many states chose to modify licensure and other requirements that served as barriers to the delivery of telehealth services. Today, many states are re-examining laws related to telehealth, often with an eye toward expanding access to care while maintaining protections for patients. The Uniform Telehealth Act has two broad goals. The first is to make clear that, as a general matter, health care services may be provided through telehealth, if doing so is consistent with applicable professional practice standards and the practitioner’s scope of practice, as defined by the state in which the patient is located. The second goal is to establish a registration system for practitioners who hold licenses in other states. This Act permits a registered practitioner to provide telehealth services to patients located in the state adopting the act.

UNIFORM COMMERCIAL CODE AND EMERGING TECHNOLOGIES

The 2022 Amendments to the Uniform Commercial Code (UCC) update and modernize the UCC to address emerging technologies. A new UCC Article 12 on Controllable Electronic Records governs transactions involving new types of digital assets (such as virtual currencies, electronic money, and nonfungible tokens), and corresponding changes to UCC Article 9 address security interests in digital assets. The 2022 amendments also update terminology to account for digital records, electronic signatures, and distributed ledger technology, provide rules for electronic negotiable instruments, and clarify the rules for UCC applicability to hybrid transactions involving both goods and services.

IX. RECOMMENDATIONS FOR ENACTMENT

The Ohio Commissioners recommend that the foregoing Uniform Acts be considered in the 135th General Assembly, and that particular and immediate attention be given to these acts promulgated by the ULC in 2022 & 2023

- Uniform Commercial Code and Emerging Technologies Act
- The Uniform Consumer Debt Default Judgments Act
- The Uniform Health Care Decisions Act
- The Uniform Public Expression Protection Act (pending in the 135th General Assembly as SB 237 & HB 637)
- The Uniform Special Deposits Act
- The Uniform Unlawful Restrictions in Land Records Act
- The Model Public-Health Emergency Authority Act
- The Uniform Telehealth Act
- The Uniform Electronic Estate Planning Documents Act
- The Uniform Alcohol Direct-Shipping Compliance Act
- The Model Public Meetings During Emergencies Act

The Ohio Commissioners also recommend adoption of the following Acts developed by the ULC in the recent years:

- The Uniform Directed Trust Act
- The Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act
- The Uniform Parentage Act
- The Uniform Protected Series Act
- The Uniform Regulation of Virtual-Currency Businesses Act

X. LEGISLATIVE ACTIVITY IN OHIO

Work is currently underway to introduce the ULC's 2022 amendments to various Articles of the Uniform Commercial Code dealing with transfers of and security interests in various types of digital assets. We hope for an introduction before the end of 2024.

The Uniform Public Expression Protection Act, promulgated by the ULC in 2020 is pending in the 135th General Assembly as Senate Bill 237 (Sens. Gavarone & Manning) and House Bill 637 (Rep. Forhan & Stewart). Senate Bill 237 was passed by the Senate and House Bill 637 is before the House Civil Justice Committee.

The most recent Uniform Acts adopted in Ohio became effective in 2017:

- Revised Uniform Fiduciary Access to Digital Assets Act (2015) (HB 432, by Rep. Cupp; amended from SB 358 by Sen. Oelslager), in Chapter 2137 of the Ohio Revised Code, effective April 6, 2017.
- Uniform Principal and Income Amendments (2008) (HB 432, by Reps. Cupp and Rezabek), in Ohio Revised Code §§ 5812.32, 5812.46, and 5812.51, effective January 1, 2017.
- Uniform Simultaneous Death Act (HB 432, by Reps. Cupp and Rezabek), in Chapter 2105 of the Ohio Revised Code, effective April 6, 2017.

In 2016, the 131st General Assembly enacted House Bill 463, Sponsored by Rep. Deaver, adopting adopted the Uniform Law Commission's 2002 revisions to UCC Articles 3 & 4 in Ohio Revised Code Chapter 1303 & 1304

In 2016, the 131st General Assembly also enacted Senate Bill 358, Sponsored by Sen. Oelslager, enacting the Uniform Fiduciary Access to Digital Assets Act in Ohio Revised Code Chapter 2137.

In 2012, the 129th General Assembly adopted several uniform acts:

- H.B. 9, Sponsored by Rep. Coley, enacting revisions to Articles 1 and 7 of the Uniform Commercial Code in Ohio Revised Code Chapters 1301 and 1307.
- Substitute Senate Bill 333, adopting a a change to UCC Section 4A-108 enacted

in Ohio Revised Code § 1304.55, regarding “remittance transfers.”

- Senate Bill 208, adopting amendments to UCC Article 9, enacted in Ohio in Ohio Revised Code Chapter 1309.
- Senate Bill 337, adopting portions of the Uniform Collateral Consequences of Conviction Act.

The enactment of uniform legislation requires considerable time and effort on the part of legislative bill sponsors, legislative committee chairs, and members of the Legislative Service Commission. Legislative activity in Ohio has diminished over the past several years due primarily to the Covid Pandemic and its effect on the attention of members of the Ohio delegation.

Respectfully submitted,

/s/Jeffrey T. Ferriell
Chair, Ohio Council on Uniform State Laws

July 2023