

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 1066

By Senator Woodrum

[Introduced February 23, 2026; referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
 2 designated §37-13B-1, §37-13B-2, §37-13B-3, §37-13B-4, §37-13B-5, §37-13B-6, §37-
 3 13B-7, §37-13B-8, §37-13B-9, §37-13B-10, §37-13B-11, §37-13B-12, §37-13B-13, §37-
 4 13B-14, §37-13B-15, §37-13B-16, §37-13B-17, §37-13B-18, and §37-13B-19, relating to
 5 cemeteries and burial grounds; the protection of burial rights and lot ownership; ensuring
 6 the continuity of responsibility for cemetery care, prevention, abandonment, and evasion of
 7 cemetery obligations; burial rights and cemetery operations; cemetery financial
 8 responsibility and continuity; endangered and abandoned cemeteries protection;
 9 prohibitions and enforcement; and authority of the Attorney General.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13B. CEMETERIES: RIGHTS, CONTINUITY, AND PROTECTION.

§37-13B-1. Legislative findings and intent.

1 The Legislature finds that cemeteries and burial grounds implicate fundamental matters of
 2 human dignity, religious observance, family rights, and public trust; that burial lots and grave
 3 spaces constitute vested property interests or legally protected rights once conveyed; that
 4 unreasonable restrictions on burial access and grave preparation have occurred in certain
 5 cemeteries unrelated to public health or safety; that some cemetery owners have abandoned
 6 cemeteries through insolvency, dissolution, or strategic withdrawal; that many cemeteries in this
 7 state are historic, family, or community cemeteries with no living owner or governing entity; and
 8 that the state of West Virginia has historically intervened to protect burial grounds where no
 9 responsible private party exists.

10 The purpose of this article is to protect burial rights and lot ownership interests, ensure
 11 continuity of responsibility for cemetery care, prevent abandonment and evasion of cemetery
 12 obligations, codify state authority to protect abandoned and endangered cemeteries, and provide
 13 enforceable standards consistent with constitutional principles.

§37-13B-2.

Definitions.

1 As used in this article:

2 "Abandoned cemetery" means a cemetery for which no identifiable or legally responsible
3 owner or governing body exists.

4 "Cemetery" means any land or structure used or intended to be used for the interment of
5 human remains.

6 "Cemetery operator" means any person, firm, corporation, association, partnership, or
7 other entity that owns, manages, or controls a cemetery.

8 "Continuing operator" means any person or entity that exercised control over cemetery
9 operations within five years preceding abandonment, insolvency, or dissolution.

10 "Endangered cemetery" means a cemetery threatened by erosion, land movement,
11 flooding, subsidence, or encroachment by public infrastructure.

12 "Grave preparation" means the opening, closing, or sealing of a grave or burial space.

13 "Interment" means the burial or placement of human remains.

14 "Lot owner" means a person holding fee title, easement, license, or other vested right of
15 interment in a cemetery lot or grave space.

16 "Perpetual care cemetery" means a cemetery maintaining a trust or fund for ongoing care
17 or maintenance.

§37-13B-3. Right to reasonable interment access.

1 (a) A cemetery operator shall provide lot owners and their authorized agents reasonable
2 interment access.

3 (b) Interment access may not be denied or restricted solely due to staffing convenience,
4 internal scheduling preferences, or corporate efficiency measures.

5 (c) Rules governing interment shall be reasonable, uniformly applied, directly related to
6 safety or maintenance, and shall not materially impair vested burial rights

§37-13B-4. Grave preparation; exclusivity limitations.

1 (a) A cemetery may require that grave preparation be performed exclusively by cemetery
2 personnel only if the cemetery is able and willing to perform such services within reasonable
3 timeframes.

4 (b) If a cemetery fails or refuses to provide timely grave preparation, the lot owner or the lot
5 owner’s authorized agent may perform or arrange for grave preparation, subject to reasonable
6 safety standards.

7 (c) A rule requiring exclusive grave preparation adopted after conveyance of a burial right
8 may not retroactively diminish that right.

§37-13B-5. Protection of lot ownership interests.

1 (a) Nothing in this article may be construed to convert fee ownership or vested burial rights
2 into a revocable license.

3 (b) Cemetery rules may not retroactively impair rights conveyed by deed, plat, or other
4 written instrument.

§37-13B-6. Prohibited practices.

1 A cemetery operator may not:

2 (1) Arbitrarily limit burial days or hours;

3 (2) Condition interment upon the purchase of unnecessary services;

4 (3) Deny interment access without just cause; or

5 (4) Retaliate against a lot owner for asserting rights under this article.

§37-13B-7. Enforcement; remedies.

1 (a) The following persons have standing to enforce this article:

2 (1) Lot owners;

3 (2) Immediate family members of the deceased;

4 (3) Licensed funeral establishments acting with authorization; and

5 (4) The Attorney General.

6 (b) Available remedies include injunctive relief, declaratory relief, actual damages, and
7 reasonable attorney fees.

§37-13B-8. Duty of continuity; abandonment prohibited.

1 (a) A cemetery operator may not abandon a cemetery or cease care without lawful transfer
2 or court-approved receivership.

3 (b) Insolvency, dissolution, or bankruptcy does not extinguish cemetery obligations
4 imposed by state law.

§37-13B-9. Continuing operator liability.

1 (a) A continuing operator remains responsible for unmet cemetery obligations following
2 abandonment, dissolution, or insolvency.

3 (b) Liability under this section attaches based upon control and benefit, not corporate form.

§37-13B-10. Bonding requirements for multi-cemetery operators.

1 (a) A cemetery operator controlling more than one cemetery in this state shall maintain a
2 performance bond in an amount sufficient to ensure ongoing care and closure obligations.

3 (b) Bond proceeds may be used for stabilization, maintenance, remediation, or lawful
4 transfer of cemetery operations.

§37-13B-11. Licensing and operational prohibitions.

1 (a) A cemetery operator that abandons a cemetery may not operate another cemetery in
2 this state until all obligations relating to the abandoned cemetery are satisfied.

3 (b) This section regulates future licensure and does not impose retroactive penalties.

§37-13B-12. Receivership authority.

1 (a) The Attorney General may petition a court of competent jurisdiction for appointment of
2 a receiver for a failed or abandoned cemetery.

3 (b) A receiver may stabilize operations, access available funds, and transfer the cemetery
4 to a qualified public, nonprofit, or private entity.

§37-13B-13. State authority where no responsible party exists.

1 (a) When no legally responsible party can be identified, the state of West Virginia may
2 enter upon a cemetery to protect, stabilize, repair, or lawfully relocate interred human remains.

3 (b) Actions taken under this section do not require a finding of abandonment under any
4 other provision of law.

§37-13B-14. Endangered cemeteries and public infrastructure.

1 (a) If a cemetery is endangered by public infrastructure constructed or materially altered
2 after the cemetery’s establishment, the responsible public agency shall participate in mitigation or
3 stabilization costs.

4 (b) Interagency agreements may be used to implement corrective measures.

§37-13B-15. Cemetery preservation and emergency response fund.

1 (a) There is created a special revenue account known as the Cemetery Preservation and
2 Emergency Response Fund.

3 (b) The fund consists of fees, civil penalties, residual trust funds, legislative appropriations,
4 and donations or grants.

5 (c) Fund expenditures are limited to protection, stabilization, remediation, or lawful
6 relocation of burial grounds.

§37-13B-16. No taking; preservation custody.

1 Actions taken under this article constitute protective custody for public safety and
2 preservation purposes and do not vest title to cemetery property in the state.

§37-13B-17. Rulemaking authority.

1 The Attorney General may propose legislative rules necessary to implement this article in
2 accordance with §29A-3-1 et seq. of this code.

§37-13B-18. Severability.

1 If any provision of this article or its application is held invalid, the invalidity does not affect
2 other provisions or applications of this article.

§37-13B-19. Effective date.

1 This article takes effect 90 days from passage.

NOTE: The purpose of this bill is to protect burial rights and lot ownership by ensuring the continuity of responsibility for cemetery care, prevention, abandonment and evasion of cemetery obligations.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.