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# HOUSE BILL No. 1387

AM138702 has been incorporated into introduced printing.

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**Synopsis:** Release and sale of cemetery plots.

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2026

IN 1387—LS 7009/DI 154



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Introduced

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

## HOUSE BILL No. 1387

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

*Be it enacted by the General Assembly of the State of Indiana:*

1        SECTION 1. IC 23-14-58.5-1.5 IS ADDED TO THE INDIANA  
2        CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3        [EFFECTIVE JULY 1, 2026]: **Sec. 1.5. (a) Subject to this chapter, if**  
4        **a burial space in a cemetery that is subject to IC 23-14-41 or any**  
5        **other Indiana law:**

6            **(1) has remained unused for a period of at least one hundred**  
7            **(100) years from the date of sale or last recorded designation**  
8            **or transfer; and**

9            **(2) has no improvements on the burial space, including the**  
10          **placement of a monument, memorial, or other permanent**  
11          **appurtenance;**

12          **the person or entity having jurisdiction over the cemetery may**  
13          **terminate the rights and interests of the owner of the burial space.**

14          **(b) If records regarding the sale, designation, or transfer of a**  
15          **burial space have been damaged or destroyed, the requirement in**

2026

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1 subsection (a)(1) is satisfied if a person or entity having jurisdiction  
 2 over the cemetery reasonably believes that a burial space has  
 3 remained unused for a period of at least one hundred (100) years  
 4 from the date of sale or last recorded designation or transfer.

5 (c) If the person or entity having jurisdiction over the  
 6 cemetery does not have a record that details whether a burial space  
 7 has been used, before terminating an owner's rights and interests  
 8 in a burial space under subsection (a), the person or entity shall use  
 9 an industry accepted method to determine whether human remains  
 10 are present on the burial space.

11 (d) After July 1, 2026, a contract for the purchase of a burial  
 12 space must include notice that the contract is subject to  
 13 termination as provided in subsection (a).

14 SECTION 2. IC 23-14-58.5-2.5 IS ADDED TO THE INDIANA  
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) If the person or entity  
 17 having jurisdiction over the cemetery:

18 (1) desires to terminate the rights and interests of the owner  
 19 of the burial space; and

20 (2) determines that the conditions specified in section 1.5 of  
 21 this chapter have been met;

22 the person or entity shall advertise in a newspaper of general  
 23 circulation in the county where the cemetery is located seeking the  
 24 owner's current address and informing the owner of the person or  
 25 entity's desire to terminate any rights and interests that the owner  
 26 has in the burial space. If the cemetery has a website or is owned  
 27 by an entity that has a website, the person or entity shall publish  
 28 the advertisement on the website.

29 (b) The advertisement described in subsection (a) shall include  
 30 the following information:

31 (1) The name of the owner of the burial space.

32 (2) The last known address of the owner of the burial space.

33 (c) If there is no record owner of the burial space, then the  
 34 advertisement described in subsection (a) shall provide information  
 35 that identifies the burial space.

36 (d) If the person or entity having jurisdiction over the  
 37 cemetery has not received a response from the owner of the burial  
 38 space within sixty (60) days after placing the advertisement  
 39 required in subsection (a), the owner's rights and interests in the  
 40 burial space are terminated.

41 (e) If the person or entity having jurisdiction over the  
 42 cemetery has received a response to the advertisement required in



1       **subsection (a) that provides an address for the owner of the burial**  
 2       **space within sixty (60) days after placing the advertisement, the**  
 3       **person or entity shall send a notice to the address provided**  
 4       **notifying the owner of the intent to terminate the owner's rights**  
 5       **and interests in the burial space. If the person or entity having**  
 6       **jurisdiction over the cemetery has not received a response from the**  
 7       **owner of the burial space within sixty (60) days after sending the**  
 8       **notice required by this subsection, the owner's rights and interests**  
 9       **in the burial space are terminated. The notice required by this**  
 10      **subsection shall be sent by certified mail.**

11      SECTION 3. IC 23-14-58.5-3, AS ADDED BY P.L.113-2007,  
 12      SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13      JULY 1, 2026]: Sec. 3. (a) An owner who has received a termination  
 14      notice under section 2 of this chapter **or is subject to section 1.5 of**  
 15      **this chapter** may inform the person or entity having jurisdiction over  
 16      the cemetery of the owner's continued intent to use the burial space. If  
 17      the person or entity having jurisdiction over the cemetery has been  
 18      informed of the owner's intent, the person or entity having jurisdiction  
 19      over the cemetery may not terminate the rights and interests of the  
 20      owner of the burial space.

21      (b) An owner who has received a termination notice under section  
 22      2 of this chapter **or is subject to section 1.5 of this chapter** may  
 23      request the person or entity having jurisdiction over the cemetery to  
 24      purchase the burial space for the amount originally paid for the burial  
 25      space.

26      SECTION 4. IC 23-14-58.5-6 IS ADDED TO THE INDIANA  
 27      CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 28      [EFFECTIVE JULY 1, 2026]: **Sec. 6. In the case of a cemetery**  
 29      **owned by a unit (as defined in IC 3-5-9-3), any funds generated**  
 30      **from the resale of a burial space under this chapter shall be used**  
 31      **exclusively to maintain and improve the cemetery.**

32      SECTION 5. IC 36-1-8-20.1 IS ADDED TO THE INDIANA  
 33      CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 34      [EFFECTIVE JULY 1, 2026]: **Sec. 20.1. If a business is sold or**  
 35      **transferred, a unit shall:**

- 36       **(1) transfer all permits that the seller obtained as the owner**  
      **of the business to the new owner;**
- 37       **(2) not require the new owner to obtain a permit that the**  
      **previous owner obtained, unless the permit has:**
- 38           **(A) expired;**
- 39           **(B) been revoked; or**
- 40           **(C) been suspended;**



1                   **(3) not interrupt the business operations while the business**  
2                   **ownership is being transferred; and**  
3                   **(4) not require a new permit that the previous owner was not**  
4                   **required to obtain.**

5                   SECTION 6. IC 36-1-8-21 IS ADDED TO THE INDIANA CODE  
6                   AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7                   1, 2026]: Sec. 21. A unit may not adopt standards, rules, or  
8                   regulations that are more stringent than the rules adopted by a  
9                   state agency under IC 4-22-2.

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