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SENATE BILL NO. 226

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations
on January 27, 2026)

(Patron Prior to Substitute—Senator Surovell)

A BILL to amend the Code of Virginia by adding sections numbered 2.2-4328.4 and 15.2-937.1 and by adding in Article 3 of Chapter 9 of Title 22.1 a section numbered 22.1-141.2:1, relating to local competitive bidding for compost and other products containing organic soil amendments; waste disposal infrastructure; civil penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 2.2-4328.4 and 15.2-937.1 and by adding in Article 3 of Chapter 9 of Title 22.1 a section numbered 22.1-141.2:1 as follows:

§ 2.2-4328.4. *Purchase of compost and other products containing organic soil amendments by localities.*

In determining the award of any contract for compost or other products containing organic soil amendments to be purchased for use by a locality, the governing body of a locality may, in the case of a tie bid, give preference to compost or other products containing organic soil amendments produced in such locality or provided by persons, firms, or corporations maintaining a principal place of business in such locality, if such option is available; otherwise the tie shall be decided by lot, unless the provisions of § 2.2-4324 apply.

§ 15.2-937.1. *Localities may require separation of organic waste; civil penalty.*

A. For the purposes of this section:

"Generator" means a generator of large quantities of organic waste, including public and nonpublic school facilities; supermarkets, convenience stores, or similar establishments; a business, school, or institutional cafeteria; and a cafeteria operated by or on behalf of the Commonwealth or a locality.

"Organic waste" means material derived from the processing or discarding of food, including pre-consumer and post-consumer vegetables, fruits, grains, dairy products, and meats.

B. Any locality may by ordinance require that certain generators separate organic waste from other solid waste and ensure that such organic waste is diverted from final disposal in a refuse disposal system. The ordinance may require that generators divert organic waste from final disposal in a refuse disposal system by (i) reducing the amount of food residuals generated; (ii) donating servable food; (iii) managing the organic waste in an on-site organics recycling system; (iv) providing for the collection and transportation of organic waste for agricultural use, including for use as animal feed or for processing in an organics recycling facility; or (v) engaging in some combination of those waste diversion activities.

C. The ordinance shall only apply to a generator that generates a threshold amount of organic waste, as established in the ordinance. Such generator may apply for a waiver from the requirements described in subsection B if the generator demonstrates undue hardship in accordance with criteria established by the locality.

D. The ordinance may establish civil penalties for violations of the ordinance. A locality shall first issue a warning to a generator that violates the ordinance. After receiving a warning, a generator that subsequently violates the ordinance may be subject to a civil penalty of \$250 for a second violation, \$500 for a third violation, and \$1,000 for a fourth or subsequent violation. Each day a violation occurs is a separate violation. Such penalty shall be collected in a civil action brought by the locality and the proceeds shall be payable into the treasury of the locality.

§ 22.1-141.2:1. *Waste disposal infrastructure.*

A. For the purposes of this section:

"Organic waste" means the same as that term is defined in § 15.2-937.1.

"Waste disposal infrastructure" means a physical waste disposal line located near the cafeteria that allows a student to efficiently and properly dispose of organic waste at the end of a meal.

B. It is the intent of the General Assembly that new public school buildings and facilities and improvements and renovations to existing public school buildings and facilities include waste disposal infrastructure that includes a place for the disposal of trash, recyclables, and food scraps and a sink for liquid waste.