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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.*