

AN ACT

relating to the regulation of composting in certain counties;
authorizing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 364, Health and Safety
Code, is amended by adding Section 364.020 to read as follows:

Sec. 364.020. DEPOSIT OF CERTAIN FOOD WASTE FOR COMPOSTING
IN CERTAIN COUNTIES PROHIBITED. (a) In this section:

(1) "Commercial food waste composting ordinance"
means a municipal ordinance that requires a multifamily residential
property, a business holding a food permit, or another business
owner to divert food waste from disposal in a landfill.

(2) "Composting facility" means a facility that
composts source-separated yard trimmings, clean wood material,
vegetative material, paper, manure, meat, fish, dead animal
carcasses, dairy materials, or meat and vegetable oils and greases
from a municipal, commercial, or institutional source.

(b) Except as provided by Subsection (e), a person may not
deposit at a composting facility located in a county that does not
contain a municipality with a commercial food waste composting
ordinance food waste that is:

(1) collected for composting in a municipality that
has a commercial food waste composting ordinance; and

(2) subject to such an ordinance.

1 (c) A person is liable for a civil penalty of \$1,000 for each
2 violation of Subsection (b).

3 (d) The attorney general may bring an action in a court of
4 competent jurisdiction to recover the civil penalty imposed under
5 this section.

6 (e) This section does not apply to:

7 (1) an agricultural operation as defined by Section
8 [251.002](#), Agriculture Code;

9 (2) a composting facility located in a county
10 described by Subsection (b) if the commissioners court of the
11 county by resolution or order authorizes the deposit of food waste
12 subject to a commercial food waste composting ordinance at the
13 facility; or

14 (3) a composting facility that:

15 (A) is authorized to operate under a valid
16 notification issued by the commission on or before January 1, 2025;
17 and

18 (B) accepted food waste described by Subsection
19 (b) before January 1, 2025.

20 SECTION 2. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2078 passed the Senate on April 15, 2025, by the following vote: Yeas 27, Nays 4; and that the Senate concurred in House amendment on May 26, 2025, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

I hereby certify that S.B. No. 2078 passed the House, with amendment, on May 23, 2025, by the following vote: Yeas 102, Nays 32, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor