

**Stricken language would be deleted from and underlined language would be added to present law.
Act 123 of the Regular Session**

1 State of Arkansas *As Engrossed: S1/30/25 S2/4/25 H2/12/25*

2 95th General Assembly

A Bill

3 Regular Session, 2025

SENATE BILL 59

4

5 By: Senators J. Dismang, C. Tucker, J. Boyd, Crowell, B. Davis, Dees, J. Dotson, J. English, S. Flowers,
6 Gilmore, K. Hammer, Hester, Irvin, B. Johnson, M. Johnson, G. Leding, F. Love, R. Murdock, J. Payton,
7 J. Petty, Rice, J. Scott, Stone, G. Stubblefield, D. Wallace

8 *By: Representatives Gramlich, McCullough, Vaught, Achor, F. Allen, Andrews, Barker, Barnes, Barnett,*
9 *Beaty Jr., Bentley, S. Berry, Breaux, Brooks, K. Brown, M. Brown, Joey Carr, Cavanaugh, Childress,*
10 *Clowney, A. Collins, Cozart, Crawford, Eaton, Eaves, Ennett, Evans, K. Ferguson, Furman, D. Garner,*
11 *Gazaway, Gonzales Worthen, Hall, Henley, Holcomb, Hollowell, Hudson, Jean, Maddox, Magie,*
12 *McClure, M. McElroy, McGruder, McNair, Milligan, K. Moore, Painter, Perry, Pilkington, Puryear, J.*
13 *Richardson, R. Scott Richardson, Rye, Schulz, T. Shephard, Springer, Steele, Tosh, Walker, Warren, D.*
14 *Whitaker, Wooten*

15

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For An Act To Be Entitled

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AN ACT TO PROVIDE EACH PUBLIC SCHOOL STUDENT WITH ONE
18 BREAKFAST AT NO COST DURING EACH SCHOOL DAY UPON HIS
19 OR HER REQUEST WITHOUT CONSIDERATION OF THE PUBLIC
20 SCHOOL STUDENT'S ELIGIBILITY FOR A FEDERALLY FUNDED
21 FREE OR REDUCED-PRICE MEAL; TO DECLARE AN EMERGENCY;
22 AND FOR OTHER PURPOSES.

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24

25

Subtitle

26

TO PROVIDE EACH STUDENT WITH ONE
27 BREAKFAST AT NO COST EACH SCHOOL DAY
28 UPON REQUEST WITHOUT CONSIDERATION OF
29 THE STUDENT'S ELIGIBILITY FOR A
30 FEDERALLY FUNDED FREE OR REDUCED-PRICE
31 MEAL; AND TO DECLARE AN EMERGENCY.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code § 6-18-722, concerning free and reduced-price
36 meals, is amended to add an additional subsection to read as follows:



1 (f)(1) Beginning with the 2025-2026 school year and each school year
2 thereafter, a public school student who is not a qualifying student under
3 this section and does not receive a free breakfast through any local, state,
4 or federal program shall be provided one (1) breakfast at no cost during each
5 school day upon his or her request without consideration of his or her
6 eligibility for a federally funded free or reduced-price meal.

7 (2)(A) If necessary to comply with the requirements of
8 subdivision (f)(1) of this section, the department shall provide funds that
9 have been disbursed to the department from the United States Government for
10 purposes of funding child nutrition programs to each public school to cover
11 the cost of providing one (1) breakfast at no cost during each school day to
12 each public school student who is not a qualifying student under this
13 section.

14 (B) If federal funds appropriated to the department for a
15 child nutrition program are insufficient to cover the cost of providing one
16 (1) breakfast at no cost during each school day to each public school student
17 who is not a qualifying student, the department shall use funds as authorized
18 by law to cover the cost of providing one (1) breakfast at no cost during
19 each school day to each public school student who is not a qualifying
20 student.

21 (C) The cost of providing one (1) breakfast shall not
22 exceed the rate of reimbursement to public schools established by the
23 National School Lunch Act, 42 U.S.C. § 1751 et seq., and the Child Nutrition
24 Act of 1966, 42 U.S.C. § 1771 et seq., for a free school breakfast.

25 (g) The department may promulgate rules to implement this section."
26

27 *SECTION 2. Arkansas Code § 19-5-202(b)(2)(B)(v), concerning*
28 *distributions from the net general revenue in the General Revenue Fund*
29 *Account, is amended to read as follows:*

30 *(v)(a) Next, the Secretary of the Department of*
31 *Finance and Administration shall certify the amount distributed to the*
32 *General Revenue Fund Account from the sales tax and the special privilege tax*
33 *on medical marijuana under § 17(c) of the Arkansas Medical Marijuana*
34 *Amendment of 2016, Arkansas Constitution, Amendment 98, for the month.*

35 *(b) The Treasurer of State shall then deduct*
36 *an amount equal to the amount certified under subdivision (b)(2)(B)(v)(a) of*

1 ~~this section from the General Revenue Fund Account and transfer the amount to~~
2 ~~the Restricted Reserve Fund to be used to address food insecurity and health~~
3 ~~needs Food Insecurity Fund; and~~

4
5 SECTION 3. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
6 amended to add an additional section to read as follows:

7 19-5-1287. Food Insecurity Fund.

8 (a) There is created on the books of the Treasurer of State, the
9 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous
10 fund to be known as the "Food Insecurity Fund".

11 (b) The Food Insecurity Fund shall consist of:

12 (1) General Revenues authorized by law;

13 (2) Funds transferred from the General Revenue Fund Account as
14 set out in § 19-5-202;

15 (3) Moneys obtained from private grants or other sources that
16 are designated to be credited to the Food Insecurity Fund; and

17 (4) Any other funds authorized or provided by law.

18 (c)(1) By July 31 each fiscal year:

19 (A) The Department of Education shall submit a
20 certification to the Chief Fiscal Officer of the State of the amount expensed
21 by the Department of Education the prior fiscal year to comply with § 6-18-
22 722(b) to eliminate a charge to students for a reduced-price copayment for a
23 school breakfast or a school lunch, which shall be reviewed by the Chief
24 Fiscal Officer of the State; and

25 (B) The Department of Human Services shall submit a
26 certification to the Chief Fiscal Officer of the State of the estimated
27 amount required to fund the state matching funds requirement for the federal
28 Summer Electronic Benefit Transfer Program for Children, commonly known as
29 "Summer EBT", for the current fiscal year, which shall be reviewed by the
30 Chief Fiscal Officer of the State.

31 (2) After reviewing the certifications submitted under
32 subdivision (c)(1) of this section, the Chief Fiscal Officer of the State may
33 deny, modify, or approve the certifications based on the:

34 (A) Estimated amount of funding needed and available;

35 (B) Purpose; and

36 (C) Preferred spending priority.

1 (3) Based on the certifications from the Department of Education
2 and the Department of Human Services in subdivision (c)(1) of this section,
3 the Chief Fiscal Officer of the State shall instruct the Treasurer of State
4 to transfer those amounts on a pro rata basis to the fund or fund accounts
5 designated by the Secretary of the Department of Education and the Secretary
6 of the Department of Human Services.

7 (d) Any unexpended balance of moneys in the fund accounts designated
8 by the Department of Education and the Department of Human Services to be
9 allocated for the purposes under subsection (c) of this section that are
10 remaining at the end of each fiscal year shall be designated and retained for
11 the purposes under subsection (c) of this section for the following fiscal
12 year, and certifications required under subdivision (c)(1) of this section
13 shall be adjusted to reflect the remaining balances.

14 (e) After making the transfers under subdivision (c)(3) of this
15 section, the Treasurer of State shall then transfer the remainder of the
16 balance of the Food Insecurity Fund to the fund account designated by the
17 Department of Education to be used by the Department of Education to comply
18 with § 6-18-722(f).

19 (f) Any unexpended balance of moneys in the fund account designated by
20 the Department of Education allocated for the purposes under subdivision (e)
21 of this section that are remaining at the end of each fiscal year shall be
22 designated and retained for the purposes outlined under subdivision (e) of
23 this section for the following fiscal year.

24
25 SECTION 4. DO NOT CODIFY. Funding transfer.

26 On June 30, 2025, the Chief Fiscal Officer of the State shall transfer
27 on his or her books and those of the Treasurer of State and the Auditor of
28 the State the fund balance remaining in the Food Insecurity and Health Needs
29 Set-Aside of the Restricted Reserve Fund to the Food Insecurity Fund.

30
31 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
32 General Assembly of the State of Arkansas that for planning purposes, public
33 school districts need to know what the legal expectations are with respect to
34 student meals; that before the upcoming school year and fiscal year, it is
35 necessary to capture the correct funding in order to fund this act; and that
36 this act is immediately necessary to give the Department of Finance and

1 Administration, the Division of Elementary and Secondary Education, and the
2 Department of Human Services ample time to implement this act and create the
3 funds required by this act. Therefore, an emergency is declared to exist, and
4 this act being immediately necessary for the preservation of the public
5 peace, health, and safety shall become effective on:

6 (1) The date of its approval by the Governor;

7 (2) If the bill is neither approved nor vetoed by the Governor,
8 the expiration of the period of time during which the Governor may veto the
9 bill; or

10 (3) If the bill is vetoed by the Governor and the veto is
11 overridden, the date the last house overrides the veto.

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13 /s/J. Dismang
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16 **APPROVED: 2/20/25**
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