

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

As Engrossed: S1/30/25

**A Bill**

SENATE BILL 59

5 By: Senators J. Dismang, C. Tucker  
6 By: Representatives Gramlich, McCullough  
7

**For An Act To Be Entitled**

9 AN ACT TO PROVIDE EACH PUBLIC SCHOOL STUDENT WITH ONE  
10 BREAKFAST AT NO COST DURING EACH SCHOOL DAY UPON HIS  
11 OR HER REQUEST WITHOUT CONSIDERATION OF THE PUBLIC  
12 SCHOOL STUDENT’S ELIGIBILITY FOR A FEDERALLY FUNDED  
13 FREE OR REDUCED-PRICE MEAL; TO DECLARE AN EMERGENCY;  
14 AND FOR OTHER PURPOSES.

**Subtitle**

16  
17  
18 TO PROVIDE EACH STUDENT WITH ONE  
19 BREAKFAST AT NO COST EACH SCHOOL DAY  
20 UPON REQUEST WITHOUT CONSIDERATION OF  
21 THE STUDENT’S ELIGIBILITY FOR A  
22 FEDERALLY FUNDED FREE OR REDUCED-PRICE  
23 MEAL; AND TO DECLARE AN EMERGENCY.  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

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

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

35 (2)(A) If necessary to comply with the requirements of  
36 subdivision (f)(1) of this section, the department shall provide funds that



1 have been disbursed to the department from the United States Government for  
 2 purposes of funding child nutrition programs to each public school to cover  
 3 the cost of providing one (1) breakfast at no cost during each school day to  
 4 each public school student who is not a qualifying student under this  
 5 section.

6 (B) If federal funds appropriated to the department for a  
 7 child nutrition program are insufficient to cover the cost of providing one  
 8 (1) breakfast at no cost during each school day to each public school student  
 9 who is not a qualifying student, the department shall use funds as authorized  
 10 by law to cover the cost of providing one (1) breakfast at no cost during  
 11 each school day to each public school student who is not a qualifying  
 12 student.

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

17 (g) The department may promulgate rules to implement this section."  
 18

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

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

27 *(b) The Treasurer of State shall then deduct*  
 28 *an amount equal to the amount certified under subdivision (b)(2)(B)(v)(a) of*  
 29 *this section from the General Revenue Fund Account and transfer the amount to*  
 30 *the ~~Restricted Reserve Fund to be used to address food insecurity and health~~*  
 31 *~~needs~~ Food Insecurity Fund; and*

32  
 33 *SECTION 3. Arkansas Code Title 19, Chapter 5, Subchapter 12, is*  
 34 *amended to add an additional section to read as follows:*

35 19-5-1287. Food Insecurity Fund.

36 (a) There is created on the books of the Treasurer of State, the

1 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous  
2 fund to be known as the "Food Insecurity Fund".

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

4 (1) General Revenues authorized by law;

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

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

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

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

11 (A) The Department of Education shall submit a  
12 certification to the Chief Fiscal Officer of the State of the amount expensed  
13 by the Department of Education the prior fiscal year to comply with § 6-18-  
14 722(b) to eliminate a charge to students for a reduced-price copayment for a  
15 school breakfast or a school lunch, which shall be reviewed by the Chief  
16 Fiscal Officer of the State; and

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

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

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

27 (B) Purpose; and

28 (C) Preferred spending priority.

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

35 (d) Any unexpended balance of moneys in the fund accounts designated  
36 by the Department of Education and the Department of Human Services to be

1 allocated for the purposes under subsection (c) of this section that are  
2 remaining at the end of each fiscal year shall be designated and retained for  
3 the purposes under subsection (c) of this section for the following fiscal  
4 year, and certifications required under subdivision (c)(1) of this section  
5 shall be adjusted to reflect the remaining balances.

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

11 (f) Any unexpended balance of moneys in the fund account designated by  
12 the Department of Education allocated for the purposes under subdivision (e)  
13 of this section that are remaining at the end of each fiscal year shall be  
14 designated and retained for the purposes outlined under subdivision (e) of  
15 this section for the following fiscal year.

16  
17 SECTION 4. DO NOT CODIFY. Funding transfer.

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

22  
23 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the  
24 General Assembly of the State of Arkansas that for planning purposes, public  
25 school districts need to know what the legal expectations are with respect to  
26 student meals; that before the upcoming school year and fiscal year, it is  
27 necessary to capture the correct funding in order to fund this act; and that  
28 this act is immediately necessary to give the Department of Finance and  
29 Administration, the Division of Elementary and Secondary Education, and the  
30 Department of Human Services ample time to implement this act and create the  
31 funds required by this act. Therefore, an emergency is declared to exist, and  
32 this act being immediately necessary for the preservation of the public  
33 peace, health, and safety shall become effective on:

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

35 (2) If the bill is neither approved nor vetoed by the Governor,  
36 the expiration of the period of time during which the Governor may veto the

1 bill; or

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

4

5 /s/J. Dismang

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36