

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

SENATE BILL 315

By: Senator B. Johnson  
By: Representative Torres

## For An Act To Be Entitled

AN ACT TO ESTABLISH THE FARMER PROTECTION ACT; AND  
FOR OTHER PURPOSES.

## Subtitle

TO ESTABLISH THE FARMER PROTECTION ACT.

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

SECTION 1. Arkansas Code Title 2, Chapter 1, is amended to add an additional subchapter to read as follows:

### Subchapter 4 – Farmer Protection Act

#### 2-1-401. Title.

This subchapter shall be known and may be cited as the "Farmer Protection Act".

#### 2-1-402. Findings.

The General Assembly finds that:

(1) Environmental, social, and governance activists demand “zero emissions on farm machinery” but ignore that electric heavy farm machinery would be far larger than diesel counterparts, would require extensive charging infrastructure on farms to meet harvesting demands, may struggle in cold weather, and simply is not feasible for farmers in Arkansas;

(2) Farmers in Arkansas depend on the availability of financing, and consumers depend on farmers for food;

(3) Reducing financing, restricting fertilizer usage, or forcing farmers to purchase electric farm machinery may put farmers out of business



and raise food prices for consumers; and

(4) State governments should take steps to ensure that financial institutions do not unfairly discriminate against agriculture producers.

2-1-403. Definitions.

As used in this subchapter:

(1)(A) "Agriculture producer" means a natural person or company engaged in the production of goods derived from plants or animals.

(B) "Agriculture producer" includes without limitation:

(i) The growing of crops;

(ii) Animal husbandry; and

(iii) The production of livestock or dairy products;

(2)(A) "Company" means a for-profit organization, association, corporation, partnership, joint venture, sole proprietorship, limited partnership, limited liability partnership, or limited liability company.

(B) "Company" includes without limitation a wholly-owned subsidiary, majority-owned subsidiary, parent company, or affiliate of the entity or business association;

(3) "Discriminate in the provision of financial services" means to directly or indirectly deny or restrict services or decline to provide full and equal enjoyment in the provision of financial services;

(4)(A) "Environmental, social, and governance commitment" means a public or private commitment to use market position, market power, influence, or ability to withhold or provide business or credit to eliminate, reduce, offset, or disclose greenhouse gas emissions or achieve other environmental standards or objectives beyond the standards or objectives imposed by applicable laws by a:

(i) Financial institution;

(ii) Subsidiary or affiliate of a financial institution;

(iii) Financial institution's board of directors; or

(iv) Financial institution's officers.

(B) "Environmental, social, and governance commitment" includes a financial institution's decision to join an initiative or organization that has a purpose for its signatories' or members' customers to be aligned with environmental, social, or political goals;

(5) "Financial institution" means a company that:

(A) Offers financial services;

(B) Has total assets over one hundred billion dollars (\$100,000,000,000), including without limitation the assets of a subsidiary or affiliate of the company; and

(C) Has financial services that account for at least ten percent (10%) of the company's revenues; and

(6) "Financial services" means a product or service that is of a financial nature, including without limitation:

(A) Banking services;

(B) Lending;

(C) Credit card or debit card services;

(D) Investment banking services;

(E) Securities brokerage or securities dealing;

(F) Investment advice;

(G) Insurance;

(H) Electronic payment services; and

(I) Money transfer services.

2-1-404. Prohibition on unlawful discrimination in agriculture financing.

(a) A financial institution shall not discriminate in the provision of financial services to an agriculture producer based, in whole or in part, upon the agriculture producer's:

(1) Greenhouse gas emissions;

(2) Use of fossil-fuel derived fertilizer; or

(3) Use of fossil-fuel powered machinery.

(b)(1) If a financial institution has made an environmental, social, and governance commitment, there is a rebuttable presumption that the financial institution's denial or restriction of a financial service to an agriculture producer violates subsection (a) of this section.

(2) Evidence of an environmental, social, and governance commitment includes without limitation:

(A) Advertising;

(B) Public or private statements, resolutions, explanations, reports, memoranda, or other communications; or

(C) Participation in, affiliation with, or status as a signatory to any coalition, initiative, joint statement of principles, or agreement, the purpose of which is to use business activity to further environmental, social, or governance goals.

(3)(A) A financial institution may overcome the rebuttable presumption in subdivision (b)(1) of this section by demonstrating, through clear and convincing evidence, that its denial or restriction of a financial service was based solely on a documented ordinary business purpose and not on an environmental, social, and governance commitment.

(B) An ordinary business purpose used to overcome the rebuttable presumption in subdivision (b)(1) of this section shall not include any purpose to further environmental, social, or governance interests.

2-1-405. Enforcement.

(a) A violation of § 2-1-404 is a violation of the Arkansas Civil Rights Act of 1993, § 16-123-101 et seq., and the Deceptive Trade Practices Act, § 4-88-101 et seq.

(b) The Attorney General and the Secretary of the Department of Agriculture shall coordinate efforts to enforce this subchapter.

(c) The Attorney General may investigate and seek remedies as provided under the Arkansas Civil Rights Act of 1993, § 16-123-101 et seq., and the Deceptive Trade Practices Act, § 4-88-101 et seq.

(d)(1) If the secretary has reasonable cause to believe that a financial institution has engaged in or is engaging in a violation of this subchapter, the secretary may:

(A) Require the financial institution to file a statement or report in writing on forms prescribed by the secretary, under oath, as to all the facts and circumstances concerning the violation as well as other data and information the secretary deems necessary;

(B) Examine under oath any person in connection with the violation; and

(C) Examine any record, book, document, account, or paper the secretary deems necessary.

(2) In enforcing this subchapter, the secretary may:

(A) Conduct hearings;

(B) Make recommendations;

(C) Issue orders;

(D) Adopt rules;

(E) Conduct statistical studies or surveys in order to collect data related to the existence and effect of environmental, social, and governance commitments or environmental, social, and governance policies that are related to agriculture;

(F) Prepare and disseminate the information gathered under subdivision (d)(2)(E) of this section or any other information related to the existence and impact of those environmental, social, and governance commitments or environmental, social, and governance policies; and

(G) Assess civil penalties of up to ten thousand dollars (\$10,000) per violation.

(e)(1) The secretary may refer cases to the Attorney General for additional action, including without limitation to bring a civil action for relief.

(2) The additional action authorized under subdivision (e)(1) of this section may include an application for a permanent or temporary injunction, restraining order, or other order as necessary to enforce this subchapter.

SECTION 2. DO NOT CODIFY. SEVERABILITY CLAUSE. If any provision of this act or the application of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared severable.