



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIFTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 26, 2026 AT 2.30 PM

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM OF THE SENATE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being a Quorum before the expiry of the ten minutes;

The Speaker invited the Clerk to call the Orders of the day.

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair:

a) Visiting Delegation from the County Assembly of Bungoma

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation of members of staff from the County Assembly of Bungoma who are undertaking a training on Legislative Public Policy Analysis at the Centre for Parliamentary Studies and Training (CPST).

Honourable Senators,

On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit.

I thank you.”

b) Visit by the Members of the Finance, Budget and Appropriation Committee from the County Assembly of Kwale

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the County Assembly of Kwale, comprising members of the Finance, Budget and Appropriation Committee and its secretariat. The delegation is undertaking a training programme at the Centre for Parliamentary Studies and Training (CPST).

Honourable Senators,

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition –

- | | |
|-----------------------------------|--|
| 1. Hon. Hanifa Mwajirani | - Majority Leader/Member |
| 2. Hon. Manza Beja | - Chairperson |
| 3. Hon. Teresia B. Muoki | - Member |
| 4. Hon. Ali Bedzame | - Member |
| 5. Hon. Yusuf Sengeza | - Member |
| 6. Hon. Augustine Ndegwa Fredrick | - Member |
| 7. Hon. Juma Maone | - Member |
| 8. Hon. Hamisi Mkaha | - Member |
| 9. Hon. Mulki Adan | - Member |
| 10. Mr. Said Mwamazima | - Assistant Director, Hansard Services |
| 11. Mr. Omari Juma Gambere | - Principal Finance Officer |
| 12. Mr. Mrina M. Komboza | - Principal Clerk Assistant |
| 13. Mr. Chimba Sindi | - Serjeant-At-Arms |
| 14. Ms. Fatuma Kingi | - Legal Counsel |
| 15. Mr. Juma Hassan Zani | - Clerk Assistant |

Honourable Senators,

On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit.

I thank you.”

c) Visiting Delegation from the Mombasa Youth Council (MYC)

“Honorable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of a visiting delegation of youth leaders from the Mombasa Youth Council (MYC). The delegation is in the Senate on a courtesy call to Sen. Miraj Abdillahi, MP.

Honorable Senators,

Mombasa Youth Council (MYC) is a youth-led, non-partisan representative body that brings together young people from across all the thirty (30) wards of Mombasa County through their elected Youth MCAs, providing a unified and legitimate voice for youth in governance and development. The Council promotes meaningful youth participation in decision-making while upholding leadership, accountability, and inclusivity.

Honorable Senators,

MYC operates under four key thematic areas: youth leadership and policy advocacy; education, arts and innovation; health and social well-being; and climate and environmental action. Through these pillars, the Council works closely with county and national government, civil society, and development partners to empower young people, strengthen social cohesion, and advance sustainable youth-led solutions for Mombasa County.

Honorable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the delegation and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

5. **PAPERS LAID**

The following Papers were laid on the Table of the Senate:

- i) Report of the Standing Committee on Health on the County Oversight and Networking Engagements in Kitui, Makueni and Machakos Counties.

(The Vice-Chairperson, Standing Committee on Health)

- ii) The Traffic (School Transport) Rules, Legal Notice No. 11 of 2026;
- iii) The Traffic (Drink – Driving) Rules, Legal Notice No. 12 of 2026;
- iv) The Traffic (Motor Vehicle Inspection) Rules, Legal Notice No. 13 of 2026; and
- v) The National Transport and Safety (Operation of Commercial Service Vehicles) Rules, Legal Notice No. 14 of 2026

(The Senate Majority Whip)

- vi) Statement on the business of the Senate for the week commencing Tuesday, 3rd March, 2026

(The Senate Majority Leader)

6. **NOTICE OF MOTION - REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE REPORT ON THE COUNTY OVERSIGHT AND NETWORKING ENGAGEMENTS IN KITUI, MAKUENI AND MACHAKOS COUNTIES**

(The Vice-Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on the County Oversight and Networking Engagements in Kitui, Makueni and Machakos Counties, laid on the Table of the Senate on Thursday, 26th October, 2026.

7. **QUESTIONS AND STATEMENTS**

a) Statement pursuant to Standing Order 52(1)

Nominated Senator (Sen. Catherine Mumma, MP) made a Statement regarding the secret recording and circulation of intimate encounters involving Kenyan women by a foreign national for online distribution and profit.

Thereupon, the Senator stated that she was dissatisfied with the circulation of the disturbing videos on various social media platforms, noting that the concealed recording of the women was immoral and constituted a gross violation of constitutional rights under Articles 28 and 31 of the Constitution.

She further stated that such incidents underscored the dangerous intersection between technology and gender-based exploitation and reflected a broader pattern of online gender-based violence that continued to threaten the safety, dignity, and equality of women and girls in the country. She informed the Senate that the speed and scale at which the content spread online demonstrated the urgent need for relevant agencies to act swiftly to identify and prosecute the perpetrators and to take down the harmful media.

In conclusion, the Senator called for strengthened survivor-centered responses and a renewed national commitment to combating technology-facilitated gender-based violence.

b) Statement pursuant to Standing Order 53(1)

i) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the shooting of Mr. Vincent Ayomo and the police action at a public gathering in Kitengela.

- ii) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the implementation status of the World Intellectual Property Organisation (WIPO) performance treaty.
- iii) The request for statement by the Senator for Nandi County (Sen. Samson Cherarkey, MP) from the Standing Committee on Land, Environment and Natural Resources regarding operations of the Nairobi Water and Sewerage Company (NWSC) and welfare of citizens was dropped in view of the ongoing investigation on the matter by the Committee on County Public Investments and Special Funds.
- iv) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement from the Standing Committee on Education regarding the recent unrest and indefinite closure of Ollessos National Polytechnic in Nandi County.
- v) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a Statement on behalf of the Senator for Trans Nzoia County (Sen. Allan Chesang, MP) from the Standing Committee Devolution and Intergovernmental Relations regarding the unlawful closure of the County Public Service Board (CPSB) of Trans Nzoia County government and the transfer of its staff.
- vi) The Senator for Nakuru County (Sen. Tabitha Keroche, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the destruction of plants, crops and property by a herd of stray buffaloes from Longonot National Park.
- vii) The Senator for Busia County (Sen. Andrew Omtatah Okoiti, MP) sought a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding governance, regulatory compliance and accountability at the Co-operative Insurance Company (CIC Group).
- viii) The Senator for Busia County (Sen. Andrew Omtatah Okoiti, MP) sought a Statement from the Standing Committee on Finance and Budget regarding illegalities surrounding the procurement, restructuring and concessioning of the Rironi-Nakuru-Mau Summit toll road project.
- ix) The Senator for Mombasa County (Sen. Mohammed Faki Mwinyihaji, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources regarding unplanned urban development in the counties.
- x) The Senator for Tharaka Nithi County (Sen. Mwenda Gataya Mo Fire, MP) sought a Statement from the Standing Committee on Health regarding the inadequacy of public health facilities in Mukothima Ward, Tharaka North Sub-County, Tharaka Nithi County.

c) Statement pursuant to Standing Order 57(1)

The Senate Majority Leader issued a Statement on the business of the Senate for the week commencing Tuesday, 3rd March, 2026.

8. THE MINING (AMENDMENT) BILL (SENATE BILLS NO. 22 OF 2025)

(Sen. Karen Nyamu, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Lands, Environment and Natural Resources.

9. COMMITTEE OF THE WHOLE

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Veronica Maina, MP) – in the Chair)

The President’s recommendations on the Cancer Prevention and Control (Amendment) Bill (National Assembly Bills No. 45 of 2022)

President’s recommendation on Clause 2

THAT, Clause 2 of the Bill be deleted.

Motion made and Question proposed;

THAT, the President’s recommendation to delete Clause 2 be approved.

(The Vice-Chairperson, Standing Committee on Health)

There being no Senators wishing to contribute;

President’s recommendation on Clause 2 - vote deferred.

President’s recommendation on Clause 3

THAT, Clause 3 of the Bill be deleted.

Motion made and Question proposed;

THAT, the President’s recommendation to delete Clause 3 be approved.

(The Vice-Chairperson, Standing Committee on Health)

There being no Senators wishing to contribute;

President’s recommendation on Clause 3 - vote deferred.

President’s recommendation on Clause 4

THAT, Clause 4 of the Bill be deleted.

Motion made and Question proposed;

THAT, the President’s recommendation to delete Clause 4 be approved.

(The Vice-Chairperson, Standing Committee on Health)

There being no Senators wishing to contribute;

President’s recommendation on Clause 4 - vote deferred.

Progress report –

Motion made –

THAT, the Committee of the Whole House do report to the Senate its consideration of the President’s recommendations on the Cancer Prevention and Control (Amendment) Bill (National Assembly Bills No. 45 of 2022) and seek leave to sit again tomorrow;

(The Vice-Chairperson, Standing Committee on Health)

Before the Question was put and pursuant to Standing Order 84 (2), the Acting Chairperson (Sen. Veronica Maina, MP) ruled that the Question does not affect counties;

Question put and agreed to.

10. **HOUSE RESUMED** – (Temporary Speaker (Sen. Catherine Mumma, MP) – in the Chair)

11. **THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)**

Progress reported;

THAT, the Senate do agree with the Committee of the Whole in the said Report.

(The Vice-Chairperson, Standing Committee on Health)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (2), the Temporary Speaker (Sen. Catherine Mumma, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

12. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Veronica Maina, MP) – in the Chair)

The National Assembly Amendments to the Meteorology Bill (Senate Bills No. 45 of 2023)

National Assembly amendment to Clause 7

THAT, clause 7 of the Bill be amended in sub-clause (2) by—

- (a) inserting the words “Civil Aviation Act and the relevant regulations” immediately after of the word “Aviation” appearing in paragraph (d);
- (b) inserting the following new paragraph immediately after paragraph (f)—
 - (fa) integrate traditional indigenous knowledge with modern science in weather forecasting through participatory scenario planning; and
- (c) inserting the following new paragraph immediately after paragraph (l)—
 - (la) collaborate with the National Drought Management Authority in the development of drought early warning systems;

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 7 be approved.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources)

And there being no Senators wishing to contribute;

National Assembly amendment to Clause 7 - vote deferred.

National Assembly amendment to Clause 12

THAT, clause 12 of the Bill be amended —

- (a) in sub-clause (1) by deleting the words “board of directors to be known as the Kenya Meteorological Service Authority Board” and substituting therefor the word “Board”;

(b) in sub-clause (2)—

- (i) by deleting the words “in the ministry” appearing in paragraph (b) and substituting therefor the words “for the time being”;
- (ii) by deleting the words “in the ministry” appearing in paragraph (c) and substituting therefor the words “for the time being”;
- (iii) by deleting the words “in the ministry” appearing in paragraph (d) and substituting therefor the words “for the time being”;
- (iv) by inserting the following new paragraph immediately after paragraph (d)—
“(da) the Principal Secretary for the time being responsible for agriculture or his or her representative”;
- (v) by deleting the words “his representative” appearing in paragraph (e) and substituting therefor the words “a representative”; and
- (vi) in paragraph (g) by inserting the following new sub-paragraph immediately after sub-paragraph (v)—
- (vii) drought risk management.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 12 be approved.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources)

There being no Senators wishing to contribute;

National Assembly amendment to Clause 12 - vote deferred.

National Assembly amendment to Clause 19

THAT, clause 19 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

- (3) The Board may, where it deems appropriate, co-opt or invite any person who has knowledge and experience in traditional indigenous knowledge on weather forecasting, to act as an advisor or consultant at any of its meetings.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 19 be approved.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources)

There being no Senators wishing to contribute;

National Assembly amendment to Clause 19 - vote deferred.

National Assembly amendment to Clause 38

THAT, clause 38 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (3)—

(4) An owner of land may consent in writing to the development of a meteorological observation station, upon agreement being reached with the Authority as to the amount of compensation payable, if any, and any consent so given shall be binding on all parties having an interest in the land.

(5) If any difficulty or question arises as to the amount, entitlement to compensation or person entitled to compensation payable under this Act, the determination shall be made in accordance with the provisions of the relevant written law.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 38 be approved.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources)

There being no Senators wishing to contribute;

National Assembly amendment to Clause 38 - vote deferred.

National Assembly amendment to Clause 53

THAT, clause 53 of the Bill be amended—

(a) in sub-clause (3) by inserting the words “and non-technical” immediately after the word “technical”;

(b) in sub-clause (5) by inserting the words “and non-technical” immediately after the word “technical”; and

(c) by deleting sub-clause (6) and substituting therefor the following new sub-clause—

(6) Despite subsection (3), a technical or non-technical member of staff shall upon the commencement of this Act, be given an option to elect to serve in the Authority or be redeployed in the civil service within a period of one year.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 53 be approved.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources)

There being no Senators wishing to contribute;

National Assembly amendment to Clause 53 - vote deferred.

National Assembly amendment to introduce a New Clause 43 A

THAT, the Bill be amended by inserting the following new clause immediately after clause 43—

Consequential amendment to Cap.475. **43A.** Section 3 of the Air Passenger Service Charge Act is amended in subsection (3) by inserting the words “the Kenya Meteorological Services Authority” immediately after the words “the Kenya Civil Aviation Authority”.

Motion made and Question proposed;

THAT, the National Assembly amendment to introduce a New Clause 43 A be approved.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources)

There being no Senators wishing to contribute;

National Assembly amendment to introduce a New Clause 43 A - vote deferred.

National Assembly amendment to Clause 1

THAT, clause 1 of the Bill be amended by deleting the words “and shall come into operation on such date as the Cabinet Secretary may, by notice in the *Gazette*, appoint”.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 1 be approved.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources)

There being no Senators wishing to contribute;

National Assembly amendment to Clause 1 - vote deferred.

Progress report –

Motion made –

THAT, the Committee of the Whole House do report to the Senate its consideration of The National Assembly Amendments to the Meteorology Bill (Senate Bills No. 45 of 2023) and seek leave to sit again tomorrow;

(The Chairperson, Standing Committee on Land, Environment and Natural Resources)

Before the Question was put and pursuant to Standing Order 84 (2), the Acting Chairperson (Sen. Veronica Maina, MP) ruled that the Question does not affect counties;

Question put and agreed to.

13. **HOUSE RESUMED** – (Temporary Speaker (Sen. Catherine Mumma, MP) – in the Chair)

14. **THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**

Progress reported;

Motion made and Question proposed;

THAT, the Senate do agree with the Committee of the Whole in the said Report.

(The Chairperson, Standing Committee on Land, Environment and Natural Resources)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (2), the Temporary Speaker (Sen. Catherine Mumma, MP) ruled that the Motion does not affect counties;

Question put and agreed to.

15. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Veronica Maina, MP) – in the Chair)

The National Assembly amendments to the Election Offences (Amendment) (No. 2) Bill (Senate Bills No. 28 of 2024)

National Assembly amendment to Clause 2

THAT, Clause 2 of the Bill be amended by —

(a) deleting paragraph (a) and substituting therefor the following new paragraph —

(a) in paragraph (h), by inserting the words "or unreasonably delays" immediately after the word "fails";

(b) deleting paragraph (c) and substituting therefor the following new paragraph —

(c) by inserting the following new paragraphs immediately after paragraph (m)—

(n) conducts or holds an election in a polling station which has not been published in the Gazette and publicised through electronic and print media of national circulation and other easily accessible medium;

(o) knowingly or intentionally interferes or alters declared results or knowingly or intentionally causes another person to interfere or alter declared results.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 2 be approved.

(Sen. Daniel Maanzo, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

There being no Senators wishing to contribute;

National Assembly amendment to Clause 2 - vote deferred.

National Assembly amendment to Clause 4

THAT, the Bill be amended by deleting Clause 4.

Motion made and Question proposed;

THAT, the National Assembly amendment to delete Clause 4 be approved.

(Sen. Daniel Maanzo, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

There being no Senators wishing to contribute;

National Assembly amendment to delete Clause 4 - vote deferred.

Progress report –

Motion made –

THAT, the Committee of the Whole House do report to the Senate its consideration of the National Assembly amendments to the Election Offences (Amendment) (No. 2) Bill (Senate Bills No. 28 of 2024) and seek leave to sit again tomorrow;

(Sen. Daniel Maanzo, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

Before the Question was put and pursuant to Standing Order 84 (2), the Acting Chairperson (Sen. Veronica Maina, MP) ruled that the Question does not affect counties;

Question put and agreed to.

16. **HOUSE RESUMED** – (Temporary Speaker (Sen. Catherine Mumma, MP) – in the Chair)
17. **THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 28 OF 2024)**

Progress reported;

Motion made and Question proposed;

THAT, the Senate do agree with the Committee of the Whole in the said Report.

(Sen. Daniel Maanzo, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (2), the Temporary Speaker (Sen. Catherine Mumma, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

18. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Veronica Maina, MP) – in the Chair)

The Public Finance Management (Amendment) (No. 4) Bill (National Assembly Bills No. 45 of 2024)

Clause 2

- amendment proposed

THAT clause 2 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a) —

(aa) by inserting the following new subsection immediately after subsection 7—
(7A) Notwithstanding subsection (7) Parliament may, by resolution, extend the time for consideration of the Budget Policy Statement by a further seven days.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

Clause 2

- vote deferred

Clause 3

Motion made and Question proposed;

THAT, clause 3 be part of the Bill.

(The Senate Majority Leader)

There being no Senators wishing to contribute;

Clause 3

- vote deferred

Clause 4

- amendment proposed

THAT clause 4 of the Bill be amended in paragraph (a) by inserting the following new paragraph immediately after paragraph (eb)—

(ec) prescribe sustainability reporting standards and formats for reporting by State organs and public entities.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

Clause 4

- vote deferred

New Clause 1A

- insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 1 –

Amendment 1A. The Public Finance Management Act, of section 23 hereinafter referred to as the “principal Act”, is

of Cap. amended in section 23 by deleting the words “three
412A. months” appearing immediately after the words “not
later than” in subsection (1) and substituting therefor
the words “two months”.

Motion made and Question proposed;

THAT, New Clause 1A be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 1A - vote deferred

New Clause 1B - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause
immediately after Clause 1 –

Amendment 1B. The principal Act is amended in section 24
of section 24 (10) by deleting the words “three months” appearing
of Cap. immediately after the words “not later than” in
412A. paragraph (b) and substituting therefor the words
“two months”.

Motion made and Question proposed;

THAT, New Clause 1B be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 1B - vote deferred

New Clause 3A - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause
immediately after Clause 3 –

Amendment 3A. Section 68 of the principal Act is amended—
of section (a) in subsection (2) by deleting the words “three
68 of Cap months” appearing immediately after the words
412A. “year within” in paragraph (k) and substituting
therefor the words “two months”;

(b) in subsection (4) —

- (i) by inserting the words “or the Auditor-General under Article 229 of the Constitution” immediately after the words “of the Constitution” appearing in the introductory phrase;
- (ii) by inserting the words” Auditor-General” immediately after the words “National Treasury” in paragraph (b); and
- (c) by inserting the following subsection immediately after sub-section (4) —
 - “(4A) An accounting officer who does not implement the recommendations made under subsection (4) shall be liable to the penalty provided for under section 199.”

Motion made and Question proposed;

THAT, New Clause 3A be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3A - vote deferred

New Clause 3B - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment 3B. The principal Act is amended in section 80 by of section deleting the words “four months” appearing immediately 80 of Cap after the words “not later than” in subsection (4) and 412A. substituting therefor the words “two months”.

Motion made and Question proposed;

THAT, New Clause 3B be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3B - vote deferred

New Clause 3C - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment 3C. The principal Act is amended in section 81 by of section deleting the words “three months” appearing immediately 81 of Cap after the words “not later than” in subsection (4) and 412A. substituting the words “two months”.

Motion made and Question proposed;

THAT, New Clause 3C be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3C - vote deferred

New Clause 3D - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment 3D. The principal Act is amended in section 82 — of section 82 of Cap 412A. (a) by deleting the words “three months” appearing immediately after the words “not later than” in subsection (3) and substituting therefor the words “two months”; and (b) by deleting the words “three months” appearing immediately after the words “not later than” in subsection (4) and substituting therefor the words “two months”.

Motion made and Question proposed;

THAT, New Clause 3D be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3D - vote deferred

New Clause 3E - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment 3E. Section 94 of the principal Act is amended in of section subsection (1)(a) by inserting the following new 94 of Cap subparagraph immediately after subparagraph (ii)— 412A.

(iiA) has persistently delayed or failed to remit employee salaries, statutory deductions including taxes, pension, social health insurance or cooperative societies deductions;

Motion made and Question proposed;

THAT, New Clause 3E be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3E - vote deferred

New Clause 3F - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment 3F. Section 109 of the principal Act is amended by of section inserting the following new subsections immediately after 109 of Cap subsection (7) — 412A.

(7A) A county shall, every quarter, submit the following additional documents to the Controller of Budget and the National Treasury—

- (a) a statement of statutory deductions status;
- (b) a statement on the county government’s progress in implementing the previous year’s plan for paying its outstanding statutory deductions;
- (c) a certification of payment of previous statutory deductions issued by the relevant statutory institutions; and
- (d) a statement of the county government’s plan for repaying the statutory deductions which shall be accompanied by an agreement signed by the relevant statutory institution accepting the repayment plan.

Motion made and Question proposed;

THAT, New Clause 3F be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3F - vote deferred

New Clause 3G - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment 3G. The principal Act is amended in section 115 by of section deleting the words “three months” appearing immediately 115 of Cap after the words “not later than” in subsection (1) and 412A. substituting therefor the words “two months”.

Motion made and Question proposed;

THAT, New Clause 3G be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3G - vote deferred

New Clause 3H - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment 3H. The principal Act is amended in section 116 (7) by of section deleting the words “three months” appearing immediately 116 of Cap after the words “not later than” in paragraph (b) and 412A. substituting therefor the words “two months”.

Motion made and Question proposed;

THAT, New Clause 3H be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3H - vote deferred

New Clause 3I - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment of section 117 of Cap 412A.

- 3I. Section 117 of the principal Act is amended—
- (a) in subsection (1) by deleting the expression “by the 28th February” appearing immediately after the words “county assembly,” and substituting therefor the expression “by the 7th March.”
- (b) in subsection (6) by deleting the word “fourteen” appearing immediately after the words “not later than” and substituting therefore the word “twenty-one.”

Motion made and Question proposed;

THAT, New Clause 3I be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3I - vote deferred

New Clause 3J - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment of section 129 of Cap 412A.

- 3J. Section 129 of the principal Act is amended in subsection (2)(a) by deleting the words “except the Finance Bill” appearing immediately after the words “implement the budget”.

Motion made and Question proposed;

THAT, New Clause 3J be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3J - vote deferred

New Clause 3K - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment
of section
131 of Cap
412A.

3K. Section 131 of the principal Act is amended—

(a) by deleting subsection (2) and substituting therefor the following new subsection—

(2) The County Executive Committee member for finance shall submit to the County Assembly, on or before 30th April, the County Finance Bill setting out the revenue measures for the County Government together with a policy statement expounding measures on those measures.

(b) by inserting the following new subsections immediately after subsection (2)

(2A) Upon submission of the County Finance Bill under subsection (1), the relevant committee of the County Assembly shall introduce the Bill in the County Assembly.

(2B) The recommendation of the County Executive Committee member for finance shall be included in a report of the Committee and tabled in the County Assembly

(2C) The County Assembly shall consider and pass the County Finance Bill, in time for it to be presented for assent by 30th June each year.

Motion made and Question proposed;

THAT, New Clause 3K be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3K - vote deferred

New Clause 3L - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Repeal of section 133 3L. The principal Act is amended by repealing section 133.

of Cap
412A.

Motion made and Question proposed;

THAT, New Clause 3L be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3L - vote deferred

New Clause 3M - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment of section 149 of Cap 412A. 3M. The principal Act is amended in section 149—

(a) in subsection (2) by deleting the words “three months” appearing immediately after the words “not later than” in paragraph (k) and substituting therefor the words “two months”;

(b) in subsection (3) by –

(i) inserting the words “or the Auditor-General under Article 229(7) of the Constitution” immediately after the word “Constitution” appearing in the introductory phrase;

(ii) inserting the words “Controller of Budget and Auditor-General” immediately after the words “County Treasury” appearing in paragraph (b).

(c) by inserting the following new subsection immediately after subsection (3)—

(3A) An accounting officer who does not implement the recommendations made under subsection (3) shall be liable to the penalty provided for under section 199.

Motion made and Question proposed;

THAT, New Clause 3M be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3M - vote deferred

New Clause 3N - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment 3N. The principal Act is amended in section 163 by of section deleting the words “four months” appearing immediately 163 of Cap after the words “not later than” in subsection (4) and 412A. substituting therefor the words “two months”.

Motion made and Question proposed;

THAT, New Clause 3N be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3N - vote deferred

New Clause 3O - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment 3O. The principal Act is amended in section 164 by of section deleting the words “three months” appearing immediately 164 of Cap after the word “within” in the introductory phrase to 412A. subsection (4) and substituting therefor the words “two months”.

Motion made and Question proposed;

THAT, New Clause 3O be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3O - vote deferred

New Clause 3P - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment of section 165 of Cap 412A. 3P. The principal Act is amended in section 165 by deleting the words “three months” appearing immediately after the words “not later than” in the introductory phrase to subsection (3) and substituting therefor the words “two months”.

Motion made and Question proposed;

THAT, New Clause 3P be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3P - vote deferred

New Clause 3Q - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Amendment of section 167 of Cap 412A. 3Q. The principal Act is amended in section 167 by deleting the words “three months” appearing immediately after the words “not later than” in subsection (3) and substituting therefor the words “two months”.

Motion made and Question proposed;

THAT, New Clause 3Q be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3Q - vote deferred

New Clause 3R - insertion of new clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 3 –

Insertion of new Part in Cap 412A. 3R. The principal Act is amended by inserting the following new Part immediately after section 186—

Part IVA - FINANCING OF TRANSFERRED FUNCTIONS

Interpretation of this Part. 186A. In this Part, unless the context otherwise requires—

Cap. 265F. “transfer agreement” means the agreement on transfer or delegation of powers, functions or competencies as provided for under section 26 of the Intergovernmental Relations Act.

Application of the Part to transfer of functions. 186B. This Part applies to transfer of functions as provided for under Article 187 of the Constitution and sections 24 to 28 of the Intergovernmental Relations Act.

Cap. 265F. 186C. (1) Subject to the Constitution, this Act and any other Act of Parliament, and with the approval of the National Assembly and the respective county assembly, transferred functions shall continue to be funded from previous sources as contained in the approved budgets of the transferring level of government.

(2) Where there is need for additional financial resources for a transferred function—

(a) the parties shall consult and agree on the need for the additional financial resources; and

(b) the transferring government shall provide the additional financial resources.

(3) The process of approval and disbursement of the additional financial resources in subsection (2) shall be provided for in the transfer agreement between the two levels of government.

Costing of transferred functions. 186D. (1) The cost of the transferred functions shall be based on the costing framework provided in the national and county government budget manuals.

(2) The cost of transferred functions as determined under subsection (1) shall form the basis for the additional financial resources for the transferred functions.

(3) The additional financial resources for transferred functions —

(a) in the case of a county government to the national government for a financial year, shall be provided as a separate schedule in the budget estimates, identifying allocations from the county government revenue and clearly specifying appropriations-in-aid, additional allocations and proceeds from loans and grants; and

(b) in the case of the national government to a county government for a financial year, shall be provided as a separate schedule in the budget estimates, identifying allocations from the national government revenue and clearly specifying appropriations-in-aid, additional allocations and proceeds from loans and grants.

(4) The allocations under subsection (3) shall be included in the budget estimates of both the county and national government and shall be submitted to Parliament and the respective county assembly for approval.

Management of assets and liabilities.

186E. (1) A transfer agreement between the two levels of government shall, in addition to the requirements under section 26 of the Intergovernmental Relations Act, include a provision on acquisition, disposal and transfer of assets and liabilities.

(2) Where assets are acquired and liabilities incurred in the duration of a transfer of a function to either level of

government, the level of government receiving the functions shall—

(a) keep, maintain and update the register of assets and liabilities in accordance with the applicable law; and

(b) take appropriate measures to ensure that at the end of the transfer period, the assets and liabilities are transferred to the transferring level of government.

(3) The process of transfer of assets and liabilities upon the expiry of the transfer period shall be in accordance with the transfer agreement or as may be prescribed by the Cabinet Secretary in regulations.

Cash flow projections in relation to the transferred functions.

186F. (1) The transferring level of government shall prepare cash flow projections based on revenue projections from various sources of revenue.

(2) The transferring level of government shall publish and publicize the cash flow projections within fifteen days of the commencement of the transfer period.

Quarterly and annual financial and non-financial reports.

186G. (1) The accounting officer in a county government, in case of a transfer of a function from the national government to a county government, shall prepare and submit quarterly and annual financial and non-financial reports to the Controller of Budget; the National Treasury and the responsible national government entity.

(2) The accounting officer in the national government in case of a transfer of a function from a county government to the national government shall prepare and submit quarterly and annual financial and non-financial reports to the Controller of Budget; the County

Treasury; and the responsible county government entity.

(3) The copies of the reports prepared under subsections (1) and (2) shall be submitted to the Senate, the National Assembly, the Auditor General and the respective county assembly in accordance with the Act.

Motion made and Question proposed;

THAT, New Clause 3R be now read a Second Time.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

New Clause 3R - vote deferred

The Title and Clause 1

Motion made and Question proposed;

THAT, the Title and Clause 1 be part of the Bill.

(The Senate Majority Leader)

There being no Senators wishing to contribute;

The Title and Clause 1 - vote deferred

Progress report –

Motion made;

THAT, the Committee of the Whole House do report to the Senate its consideration of the Public Finance Management (Amendment) (No. 4) Bill (National Assembly Bills No. 45 of 2024) and seek leave to sit again tomorrow;

(The Senate Majority Whip)

There being no Senators wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Acting Chairperson (Sen. Veronica Maina, MP) ruled that the Question did not affect counties;

Question put and agreed to.

19. **HOUSE RESUMED** – (Temporary Speaker, Sen. Catherine Mumma, MP – in the Chair)

20. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO. 4) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2024)**

Progress reported;

Motion made and Question proposed;

THAT, the Senate do agree with the Committee of the Whole in the said Report.

(The Vice-Chairperson, Standing Committee on Finance and Budget)

There being no Senators wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Temporary Speaker (Sen. Catherine Mumma, MP) ruled that the Motion does not affect counties;

Question put and agreed to.

21. **COMMITTEE OF THE WHOLE**

Order for the Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Veronica Maina, CBS, MP) – in the Chair)

The Labour Migration and Management (No.2) Bill (Senate Bills No. 42 Of 2024)

Clauses 3, 4, 5, 6, 7, 8, 9 and 10

Motion made and Question proposed;

THAT, 3, 4, 5, 6, 7, 8, 9 and 10 be part of the Bill.

(Sen. Tabitha Mutinda, MP)

There being no Senators wishing to contribute;

Clauses 3, 4, 5, 6, 7, 8, 9 and 10

- vote deferred

Clauses 11,12, 13, 14, 15, 16 and 17

Motion made and Question proposed;

THAT, Clauses 11,12, 13, 14, 15, 16 and 17 be part of the Bill.

(Sen. Tabitha Mutinda, MP)

There being no Senators wishing to contribute;

Clauses 11,12, 13, 14, 15, 16 and 17 - vote deferred

Clause 18 - amendment proposed

THAT clause 18 of the Bill be amended in subclause (1) by—

(a) deleting (d) and substituting therefor the following new paragraph —

(d) market viability;

(b) deleting paragraph (e).

(Vice – Chairperson – Standing Committee Labour and Social Welfare)

There being no Senators wishing to contribute;

Clause 18 - vote deferred

Clause 19

THAT clause 19 of the Bill be amended in subclause (2) by—

(a) deleting the word “and” appearing immediately after the words “certificate of registration in paragraph (a);”

(b) inserting the following new paragraph immediately after paragraph (a)—
(aa) in the name of the private employment agency and shall not be transferable to any other person or entity.

(Vice – Chairperson – Standing Committee Labour and Social Welfare)

There being no Senators wishing to contribute;

Clause 19 - vote deferred

Clause 20 - amendment proposed

THAT clause 20 of the Bill be amended by inserting the following new subclause immediately after subclause (3)—

(4) A person who provides false or misleading information in relation to the matters specified in subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or to both.

(Vice – Chairperson – Standing Committee Labour and Social Welfare)

There being no Senators wishing to contribute;

Clause 20 - vote deferred

Clauses 21, 22, 23, 24 and 25

Motion made and Question proposed;

THAT, Clauses 21, 22, 23, 24 and 25 be part of the Bill.

(Sen. Tabitha Mutinda, MP)

There being no Senators wishing to contribute;

Clauses 21, 22, 23, 24 and 25 - vote deferred

Clause 26 - amendment proposed

THAT clause 26 of the Bill be amended by deleting the word “may” appearing immediately after the words “The Authority” and substituting therefor the word “shall”.

(Vice – Chairperson – Standing Committee Labour and Social Welfare)

There being no Senators wishing to contribute;

Clause 26 - vote deferred

Clauses 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36

Motion made and Question proposed;

THAT, Clauses 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 be part of the Bill.

(Sen. Tabitha Mutinda, MP)

There being no Senators wishing to contribute;

Clauses 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 - vote deferred

Clauses 37, 38, 39, 40, 41 and 42

Motion made and Question proposed;

THAT, Clauses 37, 38, 39, 40, 41 and 42 be part of the Bill.

(Sen. Tabitha Mutinda, MP)

There being no Senators wishing to contribute;

Clauses 37, 38, 39, 40, 41 and 42 - vote deferred

Clause 43 - amendment proposed

THAT clause 43 of the Bill be amended in subclause (1) by deleting the word “may” appearing immediately after the words “national government” and substituting therefor the word “shall”.

(Vice – Chairperson – Standing Committee Labour and Social Welfare)

There being no Senators wishing to contribute;

Clause 43 - vote deferred

Clauses 44, 45, 46, 47 and 48

Motion made and Question proposed;

THAT, Clauses 44, 45, 46, 47 and 48 be part of the Bill.

(Sen. Tabitha Mutinda, MP)

There being no Senators wishing to contribute;

Clauses 44, 45, 46, 47 and 48 - vote deferred

Clause 49 - amendment proposed

THAT clause 49 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (o) —

(oa) reintegration services and programs including recognition of skills and qualifications acquired abroad.

(Vice – Chairperson – Standing Committee Labour and Social Welfare)

There being no Senators wishing to contribute;

Clause 49 - vote deferred

Clauses 50 and 51

Motion made and Question proposed;

THAT, Clauses 50 and 51 be part of the Bill.

(Sen. Tabitha Mutinda, MP)

There being no Senators wishing to contribute;

Clauses 50 and 51

- vote deferred

The Schedule

- amendment proposed

Motion made and Question proposed;

THAT, The Schedule be part of the Bill.

(Vice – Chairperson – Standing Committee Labour and Social Welfare)

There being no Senators wishing to contribute;

The Schedule

- vote deferred

Clause 2, the Title and Clause 1

Motion made and Question proposed;

THAT, Clause 2, the Title and Clause 1 be part of the Bill.

(Sen. Tabitha Mutinda, MP)

There being no Senators wishing to contribute;

Clause 2, the Title and Clause 1

- vote deferred

Progress Report

Motion made –

THAT, the Committee of the Whole House do report to the Senate, its consideration of Labour Migration and Management (No.2) Bill (Senate Bills No. 42 of 2024) and seek leave to sit again tomorrow;

(Sen. Tabitha Mutinda, MP)

Before the Question was put and pursuant to Standing Order 84 (2), the Acting Chairperson (Sen. Veronica Maina, MP) ruled that the Question does not affect counties;

Question put and agreed to.

22. **THE HOUSE RESUMED** – (The Temporary Speaker (Sen. Catherine Mumma, MP) - in the Chair)

23. **THE LABOUR MIGRATION AND MANAGEMENT (NO.2) BILL (SENATE BILLS NO. 42 OF 2024)**

Progress reported;

Motion made and Question proposed: -

THAT, the Senate do agree with the Committee of the Whole in the said report.

(Sen. Tabitha Mutinda, MP)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (2), the Temporary Speaker (Sen. Catherine Mumma, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

24. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Veronica Maina, MP) – in the Chair)

The Tobacco Control (Amendment) Bill (Senate Bills No. 35 of 2024)

Clause 3 - amendment proposed;

THAT the Bill is amended by deleting Clause 3 and substituting therefor the following new clause –

Amendment of Section 5 of Cap 245A 3. The Principal Act is amended by deleting section 5 and substituting therefor the following new section –

Establishment of the Tobacco Control Advisory Committee

5. There is established the Tobacco Control Advisory Committee.

Membership of the Committee

5A. (1) The Committee shall comprise of –

- (a) a chairperson appointed by the Cabinet Secretary;
- (b) the Principal Secretary responsible for matters relating to public health or a designated representative;
- (c) the Principal Secretary for the National Treasury or a designated representative;
- (d) the Director-General for health or a designated representative;
- (e) the chairperson of the Council of County Governors health committee or a designated representative;
- (f) one person with special expertise on matters relating to tobacco, nominated by the Council of County Governors;
- (g) one person representing the Kenya business community, nominated by the Kenya National Chamber of Commerce and Industry;
- (h) one person nominated by the Kenya Medical Association;
- (i) one person representing non-governmental organizations involved in matters relating to tobacco control; and
- (j) the chief executive officer of Kenya National Youth Council or a designated representative.

(2) The members of the Committee, other than ex-officio members, shall be appointed by the Cabinet Secretary, by notice in the Gazette.

Disqualification from the position of a member of the Committee.

5B. (1) A person shall not be appointed as a member of the Committee if that person—

- (a) is an employee, agent, or representative of a person, company, or association engaged in the manufacture, sale, or distribution of tobacco or tobacco products; or

(b) has any direct or indirect pecuniary interest in the tobacco industry; or
 (c) has contravened the Conflict-of-Interest Act.

(2) A member who fails to disclose his or her affiliation to the tobacco industry or its subsidiary commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or imprisonment for a period not exceeding five years or both.

Qualifications of a chairperson of the Committee

5C. A person is qualified for appointment as the Chairperson of the Committee, if the person has at least ten years of experience in public health, five of which shall be at a senior management level.

The office tenure of the chairperson and members of the committee

5D. (1) The Chairperson shall hold office for a term of three years and shall be eligible for re-appointment for one further term of five years.

(2) The members of the committee appearing in subsection (1)(f) to (i), shall hold office for a term of three years and are eligible for re-appointment for one further term of three years.

Powers of the committee to invite a person to the committee

5E. The Committee may invite any person, who is not affiliated to the tobacco industry, to attend a meeting of the Committee for the purpose of assisting or advising the committee on any particular matter, but such person shall have no right to vote at the meeting.

Powers of the committee regulate its own procedures.

5F. (1) Subject to this Act and to any general or special directions in writing by the Cabinet Secretary, the committee shall regulate its own procedures.

(2) Subject to subsection (1), the Committee may amend its own procedures for the better carrying out of its functions

Committee expenses

5G. The expenses of the Committee shall be defrayed out of monies appropriated by the National Assembly for that purpose.

Remuneration of the Committee members

5H. The Chairperson and members of the Committee shall be paid by the Cabinet Secretary responsible for matters relating to Health, such allowances as shall be advised by the Salaries and Remuneration Commission.

Secretariat

5I. The secretariat of the Committee shall be provided by the unit responsible for tobacco control at the Ministry responsible for Health.

(Sen. Catherine Mumma, MP)

There being no Senator wishing to contribute;

Clause 3 - vote deferred;

Clause 4 - amendment proposed;

THAT the Bill be amended by deleting Clause 4 and substituting therefor the following –

Amendment to section 7 of Cap 245A 4. Section 7 of the principal Act is amended –

- a) in subsection (2) by deleting the word “cigarette” appearing immediately after the words “by any licensed” in paragraph (f) and inserting the words “tobacco product”; and
- b) in subsection (4) by inserting the following new paragraph immediately after paragraph (a) –
 - (aa) treatment of chronic illnesses caused by the use of tobacco products.

(Vice-Chairperson, Standing Committee on Health)

Further amendment proposed;

THAT Clause 4 of the Bill is amended by deleting Paragraph (a) (ii) and substituting therefor the following new paragraph –

(ii) deleting Paragraph (f) and substituting therefor the following new paragraph –

(f) a solatium compensatory contribution payable by any licensed tobacco product manufacturers or importers in the country as may be determined by the Committee.

(Sen. Catherine Mumma, MP)

There being no Senator wishing to contribute;

Clause 4 - vote deferred;

Clause 5

Motion made and Question proposed;

THAT, Clause 5 be part of the Bill.

(Sen. Catherine Mumma, MP)

There being no Senator wishing to contribute;

Clause 5 - vote deferred;

Clause 6 - amendment proposed;

THAT the Bill is amended by deleting Clause 6 and substituting therefor the following new clause –

Amendment of Section 12 of Cap 245A.

6. The Principal Act is amended by deleting section 12 and substituting therefor the following new section –

Tax and Price Policies

12. The Cabinet Secretary for the time being in charge of finance shall —

(a) implement tax measures on unprocessed tobacco and tobacco products to contribute to the objectives of this Act;

(b) conduct periodic review and adjustment of tax rates to ensure they

reflect current public health objectives and inflation

(c) apply adjustment for inflation for tobacco products that have specific tax rates;

(d) prohibit sale of or importation of tax-free tobacco and tobacco products;

(e) allocate a portion of tobacco and tobacco products tax revenues for the prevention and control of non-communicable diseases;

(f) implement measures to prevent illicit trade in tobacco and tobacco products; and

(g) exclude manufacture, repackaging, processing or importation of tobacco and tobacco products from duty-free zones.

(Sen. Catherine Mumma, MP)

Further amendment proposed;

THAT the Bill be amended by deleting Clause 6 and substituting therefor the following –

Amendment 6. Section 12 of the Principal Act be amended by inserting the of section following new paragraph immediately after paragraph (b) –
12 of Cap
245A (bb) undertake periodical review and adjustment of tax rates to ensure they reflect current public health objectives and inflation.

(Vice-Chairperson, Standing Committee on Health)

Further amendment withdrawn

There being no Senator wishing to contribute;

Clause 6 - vote deferred;

Clause 7 - amendment proposed;

THAT Clause 7 of the Bill be amended—

(a) in the proposed section 14A by deleting the words “a disposable” appearing immediately after the words “ten milliliters, in” in paragraph (a) and substituting therefor the word “an”.

(b) in the proposed section 14E by –

(i) deleting the proposed subsection (2) and substituting therefor the following –

(2) The Cabinet Secretary shall cause the samples submitted to be tested by the Kenya Bureau of Standards —

(a) for conformity with the requirements under the Act; and

(b) to confirm the accuracy of the information submitted in the request for approval.

(ii) deleting the proposed subsection (3)

(Vice-Chairperson, Standing Committee on Health)

Further amendment proposed;

THAT Clause 7 of the Bill is amended –

(a) in the proposed Section 14A –

(i) by renumbering the existing section as sub-section 14A (1);

(ii) paragraph (b) by deleting the words “ten milligramspers” appearing immediately after the words “nicotine exceeding” and substituting therefor the words “twenty milligrams per”; and

(iii) inserting the following new sub section immediately after the proposed subsection 14A (1) —

(2) A person who contravenes sub-section (1) commits an offence and is liable on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or to both.

(b) in the proposed section 14B —

(i) by renumbering the existing section as sub-section 14B (1);

(ii) paragraph (c) by deleting the words “10 milligrams” appearing immediately after the words “does not exceed” and substituting therefor the words “twenty milligrams”;

(iii) by deleting paragraph (d);

(iv) by inserting the following provision immediately after the proposed subsection 14B (1) —

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or both.

(c) in the proposed section 14D by inserting a new paragraph (g) immediately after paragraph (f) as follows –

(g) such other information as may be prescribed by the Cabinet Secretary.

(d) in the proposed section 14J by deleting the introductory phrase and substituting therefor the following –

A person shall not manufacture, sell, distribute, or import a tobacco product that contains —

(Sen. Catherine Mumma, MP)

There being no Senator wishing to contribute;

Clause 7 - vote deferred;

Clause 8 - amendment proposed;

THAT the Bill is amended by deleting Clause 8 and substituting therefor the following new clauses —

Amendment of Section 15 of Cap 245A

8. Section 15 of the principal Act is amended by deleting subsection (5) and substituting therefor the following new subsections —

(5) No person shall manufacture or sell —

(a) objects including sweets, snacks, toys, cartoon characters, popular youth motifs, or other similar objects that would reasonably appeal to persons under the age of eighteen years in designs that resemble tobacco products; or
(b) any tobacco product in designs that imitate sweets, snacks, toys, cartoon characters, popular youth motifs, or other similar objects that would reasonably appeal to persons under the age of eighteen years.

(5A) A person shall not sell a tobacco product within a radius of one hundred meters from any place primarily serving persons under the age of eighteen years.

(Sen. Catherine Mumma, MP)

There being no Senator wishing to contribute;

Clause 8 - vote deferred;

Clause 9

Motion made and Question proposed;

THAT, Clause 9 be part of the Bill.

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

Clause 9 - vote deferred;

Clause 10 - amendment proposed;

THAT Clause 10 of the Bill is amended in the proposed Section 19A (1) by deleting the word “online” appearing immediately after the words “nicotine delivery systems” and substituting therefor the words “through an online platform or any form of e-commerce.”

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

Clause 10 - vote deferred;

Clause 11 - amendment proposed;

THAT Clause 11 of the Bill is amended by deleting the proposed Section 20B.

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

Clause 11 - vote deferred;

Clause 12 - amendment proposed;

THAT the Bill is amended by deleting Clause 12 and substituting therefor the following new clause –

- Amendment of Section 21 of Cap 245A
- 12. Section 21 of the Principal Act is amended by –
 - (a) deleting subsection (2) and substituting therefor the following new subsections –
 - (2) Every package containing a tobacco product shall —
 - (a) bear a health warning in English and Kiswahili covering seventy-five percent of the principal display areas on the front and back of the package;

- (b) have the warning printed in black text on a white background in a manner that contrasts with any other material on the package; and
- (c) bear a statement of the harmful constituents of the tobacco product in a conspicuous and prominent format on the right-hand side of the package.

(2A) A person shall not —

- (a) dispense with or modify the requirements specified in subsection (2); or
 - (b) manufacture, sell, distribute, or import a tobacco product unless it complies with plain packaging requirements prescribed by the Cabinet Secretary.
- (2B) The Cabinet Secretary shall not dispense with or modify any requirement under subsection (2) in favour of any tobacco product or a person dealing with tobacco products.
- (b) deleting the words “specified in the schedule” appearing immediately after the words “warning labels” and substituting therefor the words “prescribed by the Cabinet Secretary under section 53 through regulations” in subsection (3);
 - (c) deleting the words “five hundred thousand shillings” appearing immediately after the words “fine not exceeding” and substituting therefor with the words “one million shillings” in subsection (6).

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

Clause 12 - vote deferred;

Clause 13

Motion made and Question proposed;

THAT, Clause 13 be part of the Bill.

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

Clause 13 - vote deferred;

Clause 14 - amendment proposed;

THAT Clause 14 of the Bill is amended by deleting the words “whether online or offline” appearing immediately after the words “related components”.

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

Clause 14 - vote deferred;

Clause 15 - amendment proposed;

THAT the Bill is amended by deleting Clause 15 and substituting therefor the following new clauses –

Amendment
of Section
33 of Cap
245A

15. Section 33 of the Principal Act is amended by –

(a) deleting subsection (2) and substituting therefor the following new subsection (2) –

(2) Without prejudice to the generality of subsection (1) —

(a) smoking is permanently prohibited in the following areas —

(i) institutions of basic education and training;

(ii) places of worship;

(iii) hospitals, clinics and other health institutions;

(iv) children’s homes, child care facilities, children playgrounds;

(v) residential houses and such other premises where children are cared for;

(vi) public service vehicles, passenger vehicles, school buses and vans, commercial passenger aircrafts, commuter boats, ferries; and

(vii) police cells; and

(b) smoking is prohibited in the following areas except in designated smoking areas—

(i) offices and workplaces, including corridors, lounges, eating areas, reception areas, lifts, escalators, foyers, stairwells, toilets, laundries, amenity areas of such places;

(ii) court buildings;

(iii) factories;

(iv) cinema halls, theatres, video houses, such other halls or places of performance, disco halls or any other entertainment facilities at any time during which it is open to the public;

(v) restaurants, hotels, bars or other eating place;

(vi) prisons;

(vii) police stations;

(viii) aircrafts, passenger ships, or any other public conveyance;

(ix) education facilities other than institutions of basic education and training;

- (x) railway stations, airports, air fields, ports, and other public transport terminals;
- (xi) markets, shopping malls and retail and wholesale establishments;
- (xii) stadia, sports and recreational facilities; and
- (xiii) public buildings.

(b) deleting the word “Board” appearing immediately after the words “conditions as the” and substituting therefor the word “Committee” in subsection (4).
(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

Clause 15 - vote deferred;

Clause 16

Motion made and Question proposed;

THAT, Clause 16 be part of the Bill.

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

Clause 16 - vote deferred;

Clause 17 - amendment proposed;

THAT Clause 17 of the Bill is amended –

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph –
 - (a) by deleting the introductory phrase and substituting therefor the following new paragraph –
 - (1) The Cabinet Secretary may, on recommendation of the Committee, and in consultation with the County Governments, make regulations.
- (b) in paragraph (b) by inserting a new paragraph (g) immediately after paragraph (f) in the proposed subsection (1A) as follows –
 - (g) prescribe health messages to be displayed on every package containing a tobacco product.

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

Clause 17 - vote deferred

New Clause 1A - insertion of new clause proposed;

THAT the Bill is amended by inserting the following new clause immediately after Clause 1 –

Amendment of the long title of Cap 245A 1A. The Long Title of the Principal Act is amended by deleting the words “Tobacco Control Board” appearing immediately after the words “provide for the” and substituting therefor the words “Tobacco Control Advisory Committee”

(Sen. Catherine Mumma, MP)

Motion made and Question proposed;

THAT, New Clause 1A be now read a Second Time.

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

New Clause 1A - vote deferred;

New Clause 2A - insertion of new clause proposed;

THAT the Bill is amended by inserting the following new clause immediately after Clause 2 —

Amendment of Section 4 of Cap 245A 2A. Section 4 of the Principal Act is amended –
(a) by deleting the word “Board” appearing immediately after the words “recommendation of the” and substituting therefor the word “committee” in the introductory phrase; and
(b) by deleting the word “Board” appearing immediately after the words “provide to the” and substituting therefor the word “committee” in paragraph (d).

(Sen. Catherine Mumma, MP)

Motion made and Question proposed;

THAT, New Clause 2A be now read a Second Time.

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

Further amendment proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 2 –

Amendment 2A. Section 4 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (e) —
of Section 4 of Cap 245A

(f) prohibit the manufacture, sale, distribution, or importation of a tobacco product that does not comply with the provisions of this Act.

(Vice-Chairperson, Standing Committee on Health)

Motion made and Question proposed;

THAT, New Clause 2A be now read a Second Time.

(Vice-Chairperson, Standing Committee on Health)

There being no Senators wishing to contribute;

New Clause 2A - vote deferred;

New Clause 3A - insertion of new Clause proposed;

THAT the Bill is amended by inserting the following new clause immediately after Clause 3 —

Amendment 3A. The Principal Act is amended in section 6 by –
of Section 6 of Cap 245A

(a) deleting the word “Board” appearing immediately after the words “Functions of the” and substituting therefor the word “Committee” in the section heading; and

(b) deleting the word “Board” appearing immediately after the words “functions of the” and substituting therefor the word “Committee” in the introductory phrase.

(Sen. Catherine Mumma, MP)

Motion made and Question proposed;

THAT, New Clause 3A be now read a Second Time.

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

New Clause 3A - vote deferred;

New Clause 5A - insertion of new Clause proposed;

THAT the Bill be amended by inserting the following new clause immediately after Clause 5 –

Amendment 5A. Section 9 of the principal Act is amended in subsection (5) of Section 9 by deleting the words “local authority” appearing immediately of Cap 245A before the words “in collaboration” and substituting therefor the words “county government”.

(Vice-Chairperson, Standing Committee on Health)

Motion made and Question proposed;

THAT, New Clause 5A be now read a Second Time.

(Vice-Chairperson, Standing Committee on Health)

There being no Senators wishing to contribute;

New Clause 5A - vote deferred;

New Clause 6A - insertion of new Clause proposed;

THAT the Bill is amended by inserting the following new clause immediately after Clause 6 —

Amendment 6A. Section 14 of the Principal Act be amended in sub-section (2) of section 14 of Cap 245A by inserting the word “product” immediately after the word “tobacco”.

(Sen. Catherine Mumma, MP)

Motion made and Question proposed;

THAT, New Clause 6A be now read a Second Time.

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

New Clause 6A - vote deferred;

New Clause 8A - insertion of new Clause proposed;

THAT the Bill is amended by inserting the following new clause immediately after Clause 8 –

Amendment of Section 16 of Cap 245A 8A. Section 16 of the Principal Act is amended in –

(a) subsection (2) by –

(i) deleting the expression “12” by “8” appearing in paragraph (a) and substituting therefor the expression “20” by “12”;

(ii) deleting the words “black on a white background or white on a black background” appearing in paragraph (b) and substituting therefor the words “red on a white background”;

(b) subsection (3) by deleting the words “fifty thousand shillings, or to imprisonment for a term not exceeding six months” and substituting therefor the words “five hundred thousand shillings, or to imprisonment for a term not exceeding one year.”

(Sen. Catherine Mumma, MP)

Motion made and Question proposed;

THAT, New Clause 8A be now read a Second Time.

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

New Clause 8A - vote deferred;

New Clause 12A - insertion of new Clause proposed;

THAT the Bill is amended by inserting the following new clause immediately after Clause 12 –

Amendment of Section 21 of Cap 245A 12A. The Principal Act is amended by inserting the following new sections immediately after Section 21 –

Registration of dealers 21A. (1) A person shall not undertake an activity relating to the manufacture, importation, sale, or distribution of a tobacco product unless the person is registered by the Ministry responsible for health

(2) The Cabinet Secretary may prescribe the conditions and the manner for the registration under this section.

(3) Any registration fee levied under this section shall be payable into the Fund.

(4) A person who contravenes this section commits an offence and is liable on conviction, to a fine not exceeding three million shillings, or to

imprisonment for a term not exceeding three years, or to both.

Prohibition of single use plastics 21B. (1) A person shall not manufacture, sell, distribute, or import a tobacco product, its packaging, or a disposable electronic delivery system that uses single-use plastics.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction, to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding five years, or to both.

(Sen. Catherine Mumma, MP)

Motion made and Question proposed;

THAT, New Clause 12A be now read a Second Time.

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

New Clause 12A - vote deferred;

New Clause 16A - insertion of new Clause proposed;

THAT the Bill is amended by inserting the following new clause immediately after Clause 16 –

Amendment of Section 35 of Cap 245A 16A. The Principal Act is amended in section 35 –
(a) by deleting subsection (2) and substituting therefor the following new subsection –
(2) A designated smoking area shall be —

- (a) a fully enclosed, separate room, isolated from non-smoking areas, with walls, a ceiling, and a self-closing door sealed to prevent air leakage;
- (b) equipped with an independent ventilation system that —

- (i) exhausts air directly to the outside without recirculation;
- (ii) maintains negative air pressure relative to adjacent areas;
- (iii) is certified by a qualified engineer to prevent smoke or aerosol drift to non-smoking areas;
- (iv) is inaccessible to non-smokers for any purpose during smoking or use of an electronic delivery system;

- (v) cleaned and maintained only when no smoking or use of an electronic delivery system is occurring, with measures to protect workers from residual contaminants;
- (vi) clearly marked with signs in English and Kiswahili indicating it is a designated smoking area and warning of health risks, as prescribed by the Cabinet Secretary.

(Sen. Catherine Mumma, MP)

Motion made and Question proposed;

THAT, New Clause 16A be now read a Second Time.

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

Further amendment proposed;

THAT the Bill be amended by inserting the following new Clause immediately after Clause 16 –

Amendment 16A. Section 36 of the principal Act is amended—

- of Section 36 of Cap 245A (a) in subsection (1) by deleting the words “Director of Medical Services” appearing immediately after the word “the” and substituting therefor the words “Director-General for health”.
- (b) in subsection (2) by deleting the words “Director of Medical Services” appearing immediately after the word “the” and substituting therefor the words “Director-General for health”.

(Vice-Chairperson, Standing Committee on Health)

Motion made and Question proposed;

THAT, New Clause 16A be now read a Second Time.

(Vice-Chairperson, Standing Committee on Health)

There being no Senators wishing to contribute;

New Clause 16A - vote deferred;

New Clause 18 - insertion of new clause proposed;

THAT the Bill is amended by inserting the following new clause immediately after Clause 17 –

Repeal
of the
Schedule
of Cap
245A

18. The Principal Act is amended by deleting the schedule

(Sen. Catherine Mumma, MP)

Motion made and Question proposed;

THAT, New Clause 18 be now read a Second Time.

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

New Clause 18 - vote deferred;

Clause 2 - amendment proposed

THAT the Bill is amended by deleting Clause 2 and substituting thereof the following—

Amendment
of section 2
of Cap
245A

2. The Tobacco Control Act, in this Act referred to as “the principal Act”, is amended in section 2 by —

- (a) deleting the definition of the word “Board”;
- (b) deleting the definition of the word “cinema”;
- (c) deleting the definition of the word “ingredients” and substituting therefor the following new definition—
“ingredients” means the substances added to tobacco products during the manufacturing process or arising from agricultural practices, including —
 - (i) tobacco, nicotine and chemicals used in the creation of aerosol or vapour in electronic cigarettes and related products;
 - (ii) components and materials used in the manufacture of those components;
 - (iii) additives and processing aids;
 - (iv) residual substances resulting from agricultural practices, storage and processing; and
 - (v) substances that migrate from the packaging material into the product or are otherwise present in the product;
- (d) deleting the definition of the word “information advertising”
- (e) deleting the definition of the word “manager” and substituting therefor the following new definition –

“manager” means “manager” means the owner, occupier, lessee, or a person in-charge or in control of the specified institution, place or premises.

- (f) deleting the definition of the term “specially designated smoking area”
- (g) deleting the definition of the word “smoking” and substituting therefor the following new definition —
“smoking” means inhaling or exhaling the smoke or vapor of any tobacco product or any other substance delivered through electronic means, and includes the holding of, or control over, any ignited or activated tobacco product, device containing an ignited or activated tobacco product, or electronic delivery System or other substances via vaporising;
- (h) deleting the definition of the term “tobacco product” and substituting therefor the following —
“tobacco product” means any product whether composed in whole or in part of —
 - (a) tobacco, including tobacco leaves and any extract of thereof;
 - (b) nicotine from any source, including synthetic nicotine formulations; or
 - (c) nicotine analogues;intended for use by smoking, inhalation, chewing, sniffing, vaping or sucking or to be consumed by any other means, and includes cigarette papers, tubes, filters, any electronic delivery systems, and the solutions or liquids intended for use in such devices;
- (i) inserting the following new definitions in their proper alphabetical sequence —
“additive” means a substance, other than tobacco, that is added to a tobacco product, unit pack or container pack during manufacturing process or through agricultural practices;
“Advertisement” means the promotion of a tobacco product by means of its brand characteristics.
“characterising flavour” means a smell or taste other than one of tobacco which —
 - (a) is clearly noticeable before, during or after consumption of the product; and
 - (b) results from an additive or a combination of additives, including fruit, spice, herbs, alcohol, candy, menthol or related flavours;

“Committee” means the Tobacco Control Advisory Committee established under section 5 of the Act

“electronic cigarette” means a product that —

- (a) can be used for the consumption of nicotine-containing vapour via a mouth piece, or any

component of that product, including a cartridge, a tank and the device without cartridge or tank (regardless of whether the product is disposable or refillable by means of a refill container and a tank, or rechargeable with single use cartridges); and

(b) is not a medicinal substance or a medical device as defined in the Pharmacy and Poisons Act;

“electronic nicotine delivery system” means an electronic device, and any associated accessories, components, or parts, that is designed, manufactured, or capable of being used to –

(a) aerosolize, vaporize, or otherwise convert a substance into an inhalable form; and

(b) deliver such aerosol, vapour, or other substance to a person through inhalation,

whether or not the substance contains nicotine, and includes but is not limited to electronic cigarettes, electronic cigars, electronic cigarillos, electronic hookahs, vape pens, vape pods, and similar devices, regardless of their shape, size, or appearance;

“institution of basic education and training” has the meaning assigned to it under the Basic Education Act (Cap 211);

“nicotine pouch” means a prefilled packet containing powdered nicotine or nicotine analogues;

“tobacco smoke” means—

(a) smoke, fumes, gases, or particulate matter produced by the burning, heating, or combustion of tobacco or any tobacco product; and

(b) aerosol, vapour, or emissions produced by the use of an electronic delivery system,

and includes any combination thereof, whether visible or invisible, that is released into the air and capable of being inhaled by persons in the vicinity.

“unit pack” means the smallest individual packaging in which a tobacco product or related product is, or is intended to be, presented for retail sale.

(Sen. Catherine Mumma, MP)

Further amendment proposed;

THAT Clause 2 of the Bill be amended –

(a) in Paragraph (c) by deleting the definition of the word “nicotine pouch” and substituting therefor the following –

“nicotine pouch” means a prefilled packet containing powdered nicotine intended for oral use.

(Vice-Chairperson, Standing Committee on Health)

There being no Senator wishing to contribute;

Clause 2 - vote deferred;

The Title and Clause 1

Motion made and Question proposed;

THAT, the Title and Clause 1 be part of the Bill.

There being no Senators wishing to contribute;

The Title and Clause 1 - vote deferred;

Progress report –

Motion made;

THAT, the Committee of the Whole House do report to the Senate its consideration of the Tobacco Control (Amendment) Bill (Senate Bills No. 35 of 2024) and seek leave to sit again tomorrow;

(Sen. Catherine Mumma, MP)

There being no Senators wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Acting Chairperson (Sen. Veronica Maina, MP) ruled that the Question did not affect counties;

Question put and agreed to.

25. **HOUSE RESUMED** – (Temporary Speaker, Sen. Catherine Mumma, MP – in the Chair)
26. **THE TOBACCO CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 35 OF 2024)**

Progress reported;

Motion made and Question proposed;

THAT, the Senate do agree with the Committee of the Whole in the said Report.

(Sen. David Wakoli, MP on behalf of the Mover)

There being no Senators wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the

Temporary Speaker (Sen. Catherine Mumma, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

27. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Veronica Maina, MP) – in the Chair)

The County Governments Election Laws (Amendment) Bill (Senate Bills No. 2 of 2024)

Clause 2 - amendment proposed

Motion made and Question proposed;

THAT, clause 2 of the Bill be amended—

- (a) in paragraph (a) by deleting the words “a marginalized group” appearing immediately after the words “two candidates representing” in the proposed new paragraph (f)(ii) and substituting therefor the words “minority groups within the county”; and
- (b) in paragraph (c) by deleting the words “are persons with disability” appearing immediately after the words “a county assembly” in the proposed new subsection (8) and substituting therefor the words “or two members, whichever is greater, are persons with disability”.
(Sen. Daniel Maanzo, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

There being no Senators wishing to contribute;

Clause 2 - vote deferred;

Clause 3 - amendment proposed

Motion made and Question proposed;

THAT, clause 3 of the Bill be amended—

- (a) in paragraph (a) by deleting the proposed new subsection (1) and substituting therefor the following—

(1) In addition to the members who are elected under Article 177(a) of the Constitution, the members who are nominated under Article

177(b) of the Constitution, and the speaker, a county assembly shall comprise—

- (a) two nominated members, being one man and one woman, representing the youth;
- (b) two nominated members, being one man and one woman, representing minority groups within the county; and
- (c) five percent of the total number of members contemplated in Article 177(a) and 177(b) of the Constitution, and paragraphs (a) and (b) of this subsection or two members, whichever is greater, nominated to represent persons with disability.

(b) in paragraph (b) by deleting the proposed new paragraph (aa) and substituting therefor the following new paragraphs —

- (aa) there is representation of the various categories of disability including permanent physical, mental, intellectual, neurodivergent, developmental or sensory impairments;
- (ab) due consideration is given to intersecting forms of discrimination shaped by gender, age, ethnicity, geographical location, social economic status and disability.

(c) by inserting the following new paragraph immediately after paragraph (b)—

(d) by deleting subsection (3) and substituting therefor the following new subsection—

- (3) The number of members nominated under subsection (1)(c) shall—
 - (a) be reviewed to accord with the number of wards determined by the Independent Electoral and Boundaries Commission under section 26(3)(a); and
 - (b) take into account members with disability elected under Article 177(1)(a) of the Constitution. Debate interrupted on Tuesday, 30th September, 2025 resumed on a Division;

(Sen. Daniel Maanzo, MP on behalf of the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

There being no Senators wishing to contribute;

Clause 3

- vote deferred;

The Title and Clause 1

Motion made and Question proposed;

THAT, the Title and Clause 1 be part of the Bill

(Sen. Crystal Asige, MP)

There being no Senators wishing to contribute;

The Title and Clause 1

- vote deferred;

Progress report –

Motion made –

THAT, the Committee of the Whole House do report to the Senate its consideration of the County Governments Election Laws (Amendment) Bill (Senate Bills No. 2 of 2024) and seek leave to sit again tomorrow;

(Sen. Crystal Asige, MP)

There being no Senators wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (2), the Acting Chairperson (Sen. Veronica Maina, MP) ruled that the Question does not affect counties;

Question put and agreed to.

28. **HOUSE RESUMED** – (Temporary Speaker (Sen. Catherine Mumma, MP) – in the Chair)

29. **THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2024)**

Progress reported;

Motion made and Question proposed;

THAT, the Senate do agree with the Committee of the Whole in the said Report.

(Sen. Crystal Asige, MP)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (2), the Temporary Speaker (Sen. Catherine Mumma, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

30. **THE AGRICULTURE PRODUCE (MINIMUM GUARANTEED RETURNS) BILL (SENATE BILLS NO. 17 OF 2025)**

Order for Second Reading read;

Motion made and Question Proposed;

THAT, the Agriculture Produce (Minimum Guaranteed Returns) Bill (Senate Bills No. 17 of 2025) be now read a second time.

(Sen. Veronica Maina, MP)

Debate arising;

And the time being thirty minutes past six O'clock, Temporary Speaker (Sen. Catherine Mumma, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

31. **SENATE ROSE** – at thirty minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, March 03, 2026 at 2:30 p.m.*

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