



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Tuesday, 5th May, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 5th May, 2026

*The House met in the Senate Chamber,
Parliament Buildings, at 2.32 p.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted with the Speaker)

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Hon. Senators, kindly take your seats. We have quorum. Therefore, we will proceed with the business of the day. Clerk, kindly, call the first Order.

COMMUNICATIONS FROM THE CHAIR

REMARKS BY SEN. KAREN NYAMU WHILE WELCOMING STUDENTS UNDERTAKING VSS PROGRAMME

The Speaker (Hon. Kingi): Hon. Senators, the Senate, in collaboration with the National Assembly, runs the High School Voluntary Service Scheme (VSS). The programme is aimed at providing students with first-hand knowledge in public service, democracy and devolution. It gives the students an opportunity to learn and gain experience across various directorates in both Houses of Parliament.

Through this programme, students engage and familiarize themselves with the practical rules and functions of both Houses of Parliament. This is achieved by observing House proceedings, learning best workplace practices, understanding legislative processes, policy formulation and interacting with hon. Members and staff of Parliament.

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This enables them to better appreciate the role of Parliament and its contribution to devolution and national development.

The programme targets public, private and international schools and is conducted during the school holidays when Parliament is in session and on occasion, when the Houses are on recess. The following schools have undertaken and benefited from the programme: Starehe Boys Centre, Alliance Girls High School, Alliance High School, Strathmore School, Braeside Thika School, Braeburn School, Kianda School, Starehe Girls Centre and Nginda Girls High School.

Hon. Senators, the programme further enables Parliament, and specifically the Senate, to connect with young people, thereby fostering leadership skills among students, encouraging them to remain focused and motivated in their studies and nurturing a passion for leadership and patriotism.

It also deepens the understanding of representation, oversight, legislation and devolution at both levels of Government. Additionally, students from different schools are accorded an opportunity to interact, share experiences and learn from one another.

Hon. Senators, you will recall that during the afternoon sitting of Wednesday, 25th March, 2026, I issued a communication acknowledging a student who was undertaking a one-week service in the Senate under the Voluntary Service Scheme (VSS). In the usual Senate tradition, I accorded Sen. Edwin Sifuna, MP, the Senator for Nairobi City County, an opportunity to welcome the student. After welcoming the student, the Senator requested the Speaker to allow another member of the Nairobi City County delegation to also welcome the student, that is, Sen. Karen Nyamu, MP.

In the course of her welcoming remarks, the hon. Senator Nyamu, MP, made utterances that were disrespectful, inappropriate and fell short of the standards of decorum and respect expected of members of this House. The utterances made brought embarrassment to the Senate, the student, the student's family and the public.

As hon. Senators are aware, the Senate as an institution upholds the dignity of all persons within its precincts, including members of the public, staff and in particular, students participating in the programmes intended to enhance the understanding of parliamentary processes.

The utterances and the conduct exhibited by Sen. Nyamu, MP on the said date are inconsistent with these values and undermine the integrity and standing of the Senate. Against this background, it has become necessary to address this matter and emphasize that all members must conduct themselves as per the Code of Conduct for State Officers, and in particular, in a manner that reflects honour, dignity and respect for all persons irrespective of age or status.

Hon. Senators, in this regard, therefore, the Senator is required to tender an unreserved apology at the earliest opportunity to the Senate, the student, the student's family and the public for the distressed occasioned by her remarks, before being allowed to transact any business in the Senate.

To this end, I direct that the Office of the Clerk immediately communicates the contents of this Communication to the Senator, so that she is guided accordingly.

(Several Senators walked into the Chamber)

Hon. Senators, you may walk in and take your seats. Sen. Mwenda Gataya, take your seat, please.

(Hon. Senators sat in their places)

VISITING DELEGATION FROM THE DEPARTMENT
OF RESEARCH SERVICES OF THE PARLIAMENT OF UGANDA

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation of members of staff in the Department of Research Services of the Parliament of Uganda. The delegation is on a benchmarking engagement on best practices at the Senate.

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

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|---------------------------|---|---------------------------------------|
| (1) Mr. Owori Charles | - | Assistant Director, Research Services |
| (2) Mr. Ngabirano Herbert | - | Assistant Director, Research Services |
| (3) Mr. Acuch Peter | - | Assistant Director, Research Services |
| (4) Ms. Namazzi Sarah | - | Principal Administrative Assistant |

On behalf of the Senate and on my own behalf, I extend a warm welcome to you and wish you a fruitful visit here at the Senate. I call upon the Majority Whip, in under one minute, to extend a warm welcome.

Sen. Wafula: Asante sana, Bw. Spika. Ningependa kuchukuwa fursa hii kuwa---

(An hon. Senator spoke off record)

Kiswahili ni lugha ya Afrika Mashariki. Kuna wimbo rasmi wa Jumuiya ya Afrika Mashariki.

Nakushukuru kwa nafasi hii kuwakaribisha ndugu zetu kutoka nchi ya Uganda. Kenya na Uganda, tuna mpaka mmoja, kutoka Budalangi hadi Suam, Kaunti ya Trans Nzoia. Jamii ya Wasebei kutoka Uganda na Wasabaot wa Kenya, Wabukusu wa Bungoma na Wagisu wa Uganda, Wasamia wa Uganda na Wasamia wa Kenya, Wanyala, Wabudalangi na wale wa ng'ambo, Wajaluo wa Kenya na Wajaluo wa Uganda; sote tunashiriki tamaduni na mila zinazofanana.

Zaidi ya hayo, sote tunaunganishwa na maono ya mustakabali wa Afrika Mashariki. Mwaka jana, tulishiriki katika michezo ya Jumuiya kule Kampala.

Nina amini kwamba Wakenya waliburudika na kufurahi. Wengi walirusha roho na pia wakafanya ushuba na marafiki. Unapotazama nyuso zao, zimeng'aa kwa sababu wanakumbuka uhondo na utamu walioshuhudia kule Kampala. Nawakaribisha ndugu zangu. Nawashukuru kwa kura waliopiga kwa amani na kuwachagua viongozi.

Katika Bunge lenu, mnaongoza taasisi muhimu inayoendeleza demokrasia katika nchi ya Uganda. Kwa niaba ya ndugu zenu wa Uganda, ndugu zangu Wakenya kutoka Bungoma na Wakenya wa heri njema, nawakaribisha hapa katika Seneti. Ninyi ni

viongozi tajika, walio na upeo wa hali ya juu wa kisiasa na kiusomi, wale ambao wanaendeleza Ubuntu, yaani, Uafrika - mimi nanyi ni wa ukoo moja. Tunawakaribisha hapa Seneti. *Mji-enjoy*. Muhisi mko nyumbani. Mkitoka hapa muwasalimu ndugu zangu walio kule na Rais wenu mpendwa, Yoweri Kaguta Museveni. Tunamtakia maisha mema na vile vile wabunge wenzetu walio huko. Inshallah Mungu akipenda, tutakutana tuendelee kufurahia matunda ya Jumuiya ya Afrika Mashariki.

Asante, Mheshimiwa Spika, kwa nafasi uliyonitunuku.

The Speaker (Hon. Kingi): Next Order.

MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE OF THE FOREST CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.38 OF 2025)

The Speaker (Hon. Kingi): Honourable Senators, I wish to report to the Senate that pursuant to Standing Order Nos.46(3) and (4) of the Senate, I have received the following message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of The Forest Conservation and Management (Amendment) Bill (National Assembly Bills No.38 of 2025).

The message dated Thursday, 30th April, 2026 was received in the office of the Clerk of the Senate on the same date. Pursuant to the provisions of Standing Order No.41(1) and No.142 of the National Assembly Standing Orders, I hereby convey the following message from the National Assembly.

WHEREAS the Forest Conservation and Management (Amendment) Bill (National Assembly Bills No.38 of 2025), was published *vide* Kenya Gazette Supplement No.135 of 8th August, 2025 as a Bill to amend the Forest Conservation and Management Act by establishing a legal framework relating to forest conservation and management that is in tandem with modern realities, contemporary global discourse on forest conservation and management and Kenya's obligations on the environment and generally conform to the dictates of the Constitution.

AND WHEREAS the National Assembly considered the Bill and passed it with amendments on Wednesday, 29th April, 2026 and in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Order No.41 and No.142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.

Now, pursuant to Standing Order No.163, which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144.

Honourable Senators, as you may have noted, the Forest Conservation and Management (Amendment) Bill (National Assembly Bills No.38 of 2025), has been listed in today's Order Paper, and at the appropriate time during this sitting, I will direct the Clerk to read the Bill a First Time.

I thank you.

Next Order, Clerk.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statement pursuant to Standing Order No.52(1), the Hon. Senator for Elgeyo Marakwet, Sen. William Kisang.

HISTORIC ENVIRONMENTAL ACHIEVEMENT BY MR. HILLARY KIPLAGAT KIBIWOTT

Sen. Kisang: Thank you, Honourable Speaker. I rise pursuant to Standing Order No.52(1) to make a statement on a matter of national concern, namely, the remarkable and historic environmental achievement by Hilary Kiplagat Kibiwott, a distinguished climate action youth leader and founder of the Green Earth Ambassadors Foundation, who on between 11.00 a.m. on 22nd April, which happened to be my birthday, and 11.00 a.m. on 23rd April, 2026, took up the challenge of planting 23,326 indigenous tree seedlings within 24 hours, surpassing the current Guinness World Record mark.

This extraordinary accomplishment achieved at Kessup Forest Station in Elgeyo Marakwet County, is not only a personal triumph, but also a moment of immense pride for our nation. By exceeding the previous record of 23,060 trees, Hillary Kiplagat Kibiwott has demonstrated unparalleled determination, resilience and commitment to environmental conservation and climate action.

Mr. Speaker, Sir, I wish to sincerely commend and congratulate Mr. Kibiwott for this historic feat. His work goes beyond breaking a record. It represents a powerful call to action in addressing the urgent challenges of climate change, deforestation and environmental degradation. Planting over 23,000 indigenous seedlings within a single day is a testament to what dedication, discipline and vision can achieve.

Mr. Speaker, Sir, allow me to recognise that this achievement is deeply rooted in a personal journey of transformation and purpose. Inspired by his early experiences of witnessing deforestation, Mr. Kibiwott chose to champion environmental restoration, turning a challenge into an opportunity for positive change. Through the Green Earth Ambassadors Foundation, he has for over eight years mobilised communities, restored degraded landscapes and protected vital water catchment areas in Elgeyo Marakwet County and beyond.

Mr. Speaker, Sir, this initiative aligns strongly with the government's environmental agenda, including the ambitious vision of planting over 15 billion trees by 2030 under the leadership of His Excellency, the President, Dr. William Samoei Ruto. Mr. Kibiwott's efforts not only support this vision, but also position Kenya as a global leader in grassroots-driven climate action.

I also wish to acknowledge the role of local communities, forestry officials and volunteers who supported this initiative. Their collective effort underscores the importance of unity and collaboration in achieving sustainable environmental outcomes.

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This remarkable achievement serves as an inspiration to the youth of this nation and to the world at large. It proves that individual action, when driven by purpose and commitment, can yield global impact. Mr. Kibiwott's motto, plant trees today, tomorrow and forever for a better future is not just a statement; it is a call to action for all of us.

In recognition of this milestone, I urge the Government, relevant ministries and environmental stakeholders to formally support and scale up such initiatives. There is a need to invest in youth-led climate action programmes, strengthen reforestation efforts and ensure the sustainability of such impactful projects, including maintaining a high survival rate of planted seedlings.

Mr. Speaker, Sir, as we celebrate this achievement, let us reaffirm our collective responsibility to protect our environment for present and future generations. I call upon all Kenyans to emulate this example and actively participate in environmental conservation efforts. On behalf of the Senate, I extend my deepest appreciation and recognition to Hillary Kiplagat Kibiwott for his outstanding contribution to environmental conservation and for bringing honour and pride to our nation.

Thank you, Honourable Speaker, also for allowing him to sit in the Speaker's Gallery.

Thank you.

The Speaker (Hon. Kingi): Hon. Senators, Mr. Hilary Kiplagat Kibiwott is present in the Speaker's Gallery. Mr. Hilary, you may stand, so that the Senate may acknowledge your presence.

(Mr. Hilary Kiplagat Kibiwott stood in his place)

(Applause)

Statement pursuant to Standing Order No. 53 (1). Senator for Nandi County, Hon. Samson Cherarkey.

FINANCIAL ACCOUNTABILITY IN CONSTRUCTION AND
OPERATIONALISATION OF MCAS OFFICES IN KIRINYAGA COUNTY

That statement is dropped. The Senator had one statement.

(Statement dropped)

The Senator for Nairobi City County, Hon. Edwin Sifuna.

Sen. Sifuna: Mr. Speaker, Sir, with your permission, allow me to thank you for the communication you have made regarding the incident involving the young lady, Ms. Murimi, from Braeburn Garden Estate.

As the Head of Delegation, I also take responsibility. I have learned my lesson and should be following your guidance. Sometimes we try to mentor and provide opportunities for our colleagues to speak. You have heard them repeatedly mention gender. When we gave that opportunity, we wanted her to inspire the little girl. However,

I also wish to inform you that I had a conversation with her. The Communication you have heard today is quite good for the House.

NON-REMITTANCE OF STATUTORY DEDUCTIONS
IN PUBLIC AND PRIVATE SECTORS

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Labour and Social Welfare on a matter of national concern regarding an emerging trend in both the public service and the private sector, where statutory and other deductions are made from employee salaries, but are not remitted to the relevant agencies.

This malpractice has undermined the welfare of employees across the country. Many workers seeking health services, including through the Social Health Authority (SHA), attempting to access SACCO loans from their cooperative societies or claiming retirement benefits, discover that their contributions have not been remitted. This leaves them unable to access services or funds despite years of faithful dedicated service.

For instance, over 2,000 employees of King's Cleaners in Mombasa have petitioned my office over failure to remit their statutory contributions. This situation has severely affected their livelihoods and denied them medical access. Same situation faces former employees of the Nairobi City Water Services Company (NCWSC).

In the statement, the committee should address the following-

(1) The measures being taken by the Ministry of Labour and Social Protection to address the perennial issue of unremitted statutory and salary deductions across both public and private sectors.

(2) The current situation of unremitted deductions within the public service, including the sectors most affected and the remedial plan to regularise employee remittances.

(3) The accountability mechanisms in place to ensure that employers who deduct, but fail to remit employee contributions are investigated, sanctioned and compelled to comply.

I thank you.

The Speaker (Hon. Kingi): Senator from Busia County, Hon. Andrew Omtatah.

UTILISATION AND PROTECTION
OF PUBLIC LAND HELD BY ADC

Sen. Okiya Omtatah: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries on a matter of national concern regarding governance, utilisation and protection of public land held by the Agricultural Development Corporation (ADC) across the country.

The ADC was established to manage public agricultural land for purposes, including food production, livestock development, agricultural research and settlement support. Over the years, despite successive governments interventions and audits,

concerns continue to arise regarding the status and management of ADC land in various parts of the country. This includes Galana Kulalu, Magarini, Trans Nzoia and Naivasha, where land held for public agricultural purposes has been affected by encroachment, irregular location, disputed ownership and underutilisation.

In the statement, the committee should address the following-

(1) The location and parcel numbers of all land owned, leased, managed or previously held by ADC across the country, including the acreage, location, tenure status and the current use of each parcel.

(2) The status of all reported, investigated and confirmed cases of irregular location, transfer, lease or occupation of ADC land, including the persons, companies or entities involved, the circumstances under which the land was allocated or transferred and the action taken by relevant government agencies.

(3) The number of government-funded projects and Public-Private Partnership (PPP) projects undertaken on ADC land, including the Galana Kulalu Food Security Project, indicating the objectives, budgetary allocations, implementing agencies, current status, outcomes and challenges encountered.

(4) The measures taken by the government to repossess, restore or secure any ADC land found to have been illegally or irregularly acquired, including the status of investigations, prosecutions or recovery proceedings by relevant agencies.

(5) The governance structure of the ADC and measures in place to protect its land assets from further encroachment or mismanagement, steps taken to digitalise land records and the manner in which ADC land is currently benefiting local communities and the public.

Mr. Speaker, Sir, I seek your indulgence on my second statement.

The Speaker (Hon. Kingi): You may proceed, Senator.

ALIENATION AND NON-RESTORATION OF LAND
LR NO.209/12678 AT MUKURU KWA NJENGA

Sen. Okiya Omtatah: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on a matter of countywide concern regarding the continued alienation and non-restoration of land LR NO.209/12678, originally reserved for a public market at Mukuru kwa Njenga, Embakasi South.

This land was designated for public use and an approved Part Development Plan (PDP) in 1986, but was later irregularly allocated to private interests and subjected to informal subdivision and occupation. The National Land Commission (NLC) is reported to have reviewed the matter, affirmed its public status and directed revocation of the title. However, these directives remain unimplemented, exposing the land to further encroachment and possible permanent loss.

In the statement, the committee should address the following-

(1) Whether the land was legally designated as public utility land for a market under PDP No.42.28.86 of 1986 and whether it was ever lawfully available for private allocation.

(2) The circumstances under which LR No.209/12678 was created and allocated, the identity of the original allottee and the subsequent transferees and whether the due process was followed.

(3) The official determination of the NLC on this parcel, including directives issued and reasons for non-implementation.

(4) The current legal and physical status of the land, measures to prevent further encroachment and plans to restore it to its intended public purpose.

(5) The impact of the absence of a designated market on local traders and livelihoods and whether the government intends to develop a community market for residents.

(6) Steps taken to hold accountable any public officers involved in irregular allocation of land or failure to enforce lawful directives.

I thank you.

The Speaker (Hon. Kingi): Sen. George Mbugua.

IMPLEMENTATION STATUS OF FIVE PER CENT EMPLOYMENT QUOTA FOR PWDs IN PUBLIC SERVICE

Sen. Mbugua: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Labour and Social Welfare on a matter of national concern regarding implementation status of the five per cent employment quota for Persons with Disabilities (PwDs) in the public service.

Article 54(2) of the Constitution of Kenya and the Persons with Disabilities Act, 2025 require the state to progressively ensure that at least five per cent of members of the public and appointive bodies are PWDs.

In the statement, the committee should address the following-

(1) The current percentages of PwDs employed across ministries, State departments, State corporations and other public institutions, desegregated by institution, job cadre, gender and county.

(2) Challenges hindering attainment of the five per cent employment threshold for PwDs in the public service and measures in place to address them.

(3) Whether public institutions are required to submit periodic reports on disability inclusion in employment and the level of compliance with this requirement to date.

(4) Corrective actions, policies reforms, capacity building initiatives and enforcement mechanisms the Ministry has put in place to address the identified gaps to accelerate attainment of the required threshold.

(5) Clear Government targets for full realisation of the five per cent employment requirement across the public sector.

Mr. Speaker, Sir, with your indulgence, allow me to read the second statement.

The Speaker (Hon. Kingi): You may proceed, hon. Senator.

MILK PRICE STABILISATION FUND

Sen. Mbugua: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Trade, Industrialisation and Tourism concerning the milk price stabilisation fund.

In the statement, the committee should address the following-

(1) Total amount of funds allocated to the New Kenya Co-operative Creameries (KCC) from the exchequer for the milk price stabilisation fund during the past two financial years, that is, 2024/2025 and 2025/2026.

(2) Total amount expended on the purchase of excess milk, including the volume in litres procured and the breakdown of the constituencies from which the milk was sourced.

(3) Prices at which New KCC purchases milk from farmers during financial years 2024/2025 and 2025/2026.

(4) Total amount of money owed by New KCC to farmers as arrears for milk already delivered as at 10th March, 2026.

I thank you.

The Speaker (Hon. Kingi): Next is Senator for Kajiado, Sen. Seki Ole Kanar.

ENVIRONMENTAL POLLUTION BY INDUSTRIES
ALONG KITENGELA-NAMANGA ROAD

Sen. Seki: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on a matter of countywide concern regarding the rapid emergence of industries in Kajiado County, particularly along the Kitengela-Namanga Road Corridor and the attendant concerns related to environmental pollution.

In recent years, Kajiado County has experienced a notable influx of industrial establishments and agricultural enterprises, including flower farms along the corridor. While this development contributes to economic growth and investment, it has raised serious concerns among residents regarding environmental degradation as well as safeguards to protect public health and the ecosystem.

In the statement, the committee should address the following-

(1) Measures taken by the National Environment Management Authority (NEMA) to regulate and monitor pollution levels arising from industries along the Kitengela-Namanga Road Corridor.

(2) The number and details of all industries operating in the area, including entities that have complied with the Environmental Impact Assessment (EIA) requirements and obtained necessary approvals and those that have not.

(3) Actions being taken to curb environmental pollution and ensure sustainable environmental management in the affected areas.

(4) Whether regular environmental audits and inspections are conducted and the nature of penalties imposed on industries found to be violating environmental standards.

(5) Safeguards in place to protect local communities from adverse health and environmental effects associated with industrial activities in the region.

I thank you.

The Speaker (Hon. Kingi): Next is the Senator for Mombasa County, Hon. Mohamed Faki.

UTARATIBU MAALUM wa UDHIBITI wa MOWASCO

Sen. Faki: Mheshimiwa Spika, nasimama kuambatana na Kanuni 53(1) ya Kanuni za Kudumu za Seneti kuomba Kauli kutoka kwa Kamati ya Ardhi, Mazingira na Maliasili kuhusu hatua za bodi ya udhibiti wa huduma za maji (WASREB) kuiweka Kampuni ya Ugavi na Usafi wa Maji ya Mombasa (MOWASCO) chini ya utaratibu maalum wa udhibiti.

Mnamo tarehe 21 mwezi wa nne mwaka huu, WASREB iliweka MOWASCO chini ya utaratibu maalum wa udhibiti kwa kipindi cha miezi sita kwa mujibu wa Kifungu 101 cha Sheria ya Maji wa mwaka 2016 kwa madai ya kuboresha utoaji wa huduma kwa wakazi wa Mombasa. Hatua hiyo imezua mtafaruku katika kampuni hiyo na miongoni mwa wakazi wa Mombasa ambao hutegemea huduma muhimu kutoka kwa kampuni za usambazaji maji.

Katika Kauli hiyo, kamati izingatie yafuatayo-

(1) Sababu zilizochangia kuchukuliwa kwa hatua ya kuitia MOWASCO chini ya utaratibu maalum wa udhibiti kwa muda wa miezi sita na iwapo WASREB ilitoa nafasi kwa kampuni hiyo kurekebisha hitilafu kabla ya hatua hiyo.

(2) Hatua zinazochukuliwa na mkurugenzi wa WASREB kusuluhisha tatizo hilo ili kuhakikisha wakazi wa Mombasa wanaendelea kupata huduma za usambazaji maji bila usumbufu.

(3) Mikakati iliyowekwa kuboresha utendakazi wa MOWASCO na kuhakikisha huduma endelevu kwa wananchi wa Mombasa.

Asante, Mheshimiwa Spika, kwa kunipa fursa hii.

The Speaker (Hon. Kingi): Thank you. Hon. Senators, I will allow comments for not more than 15 minutes. Therefore, if you get an opportunity to speak, kindly do so for not more than three minutes.

Proceed, Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Speaker, Sir, for giving me an opportunity. I would like to comment on Sen. Seki's statement. It does not just affect his county, but quite a number of places in the country where when it comes to environmental conservation, you will find industries in many places mixed with settlements.

Most of the times, there are emissions from industries, which are not properly managed. That happened in Owino Uhuru in Mombasa where residents were affected by poison. They went up to the Supreme Court and were awarded Kshs1.3 billion, but the monies were never paid and the environmental situation was never rectified. That should not be repeated in other parts of the country, so that we conserve the environment and protect citizens from being poisoned.

We have given the State Department for Environment and Climate Change enough finances and laws to manage that, but, unfortunately, it has not been fulfilled. We continue seeing rivers in Nairobi and Kajiado being poisoned. Rivers in Nairobi flow into Athi River where there is Thwake Dam, which has not been completed. It is poisoned all the way to Kilifi, and to the ocean. During this request for statement, we need to revisit the whole area, so that it can be well with many Kenyans.

I thank you, Mr. Speaker, Sir.

I support.

The Speaker (Hon. Kingi): The Hon. Sen. Mungatana, please proceed.

Sen. (Dr.) Mungatana, MGH: Thank you, Mr. Speaker, Sir, for giving me the Floor.

I would like to address the question of statutory deductions from employees, but failure by entities to remit those contributions to the relevant agencies. The Senate County Public Accounts Committee (CPAC) report, Vol.3/2026, reveals that Tana River County owes its employees Kshs546 million in terms of unremitted deductions in its pension deductions.

Mr. Speaker, Sir, I would request the committee that will be dealing with this matter, the Senate Standing Committee on Labour and Social Welfare, during the interrogation of this statement, to call upon the Governor of Tana River County to come and tell us why he has not complied with the directive, that he should regularise the payment of the unremitted amounts of monies that have been deducted from the workers and have not been remitted, especially on pensions. The worry is that misappropriation or misallocation of these funds may occur because it is still within the control of the County Revenue Fund. I urge that the committee also spreads its wings to Tana River County and interrogates this with the aim of helping our workers who are suffering the deductions without the contributions being remitted.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Eddy Oketch, please proceed.

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir. I would like to contribute on the statement by the Senator of Nairobi City County, Sen. Sifuna, on the status of unremitted statutory salary deductions. This is an issue that we have really struggled with even in the Senate County Public Investments and Special Funds Committee (CPI&SFC). We have had a number of times, especially in our counties, where the biggest chunk of the pending bills that we are experiencing in the CPI&SFC is pending bills that have accrued from non-remittances of these deductions. Sadly, they are piling to be a major stumbling block to budgeting in counties because of the fact that they also come with fines. For instance, in the National Social Security Fund (NSSF), there are fines.

In the CPI&SFC, we actually formed a committee with the National Treasury. My biggest worry is that the National Treasury does not respond to some of these committees that we have formed with them. We formed this committee last year to help the counties with this burden on their pending bill issues. However, since that time that we formed this committee with the National Treasury, we have not made any headway.

In my opinion, it is very important that perhaps this House revisits this issue, not only from the Senate Standing Committee on Labour and Social Welfare, but also, it should be a substantive Motion in this House because it is a crisis in the counties.

Mr. Speaker, Sir, the people who end up suffering are those with meagre earnings in the counties of, for instance, Kshs25,000, Kshs25,000, Kshs30,000, Kshs50,000, and then one day when you claim your share you cannot get it. So, I argue that even as we have the Senate Standing Committee on Labour and Social Welfare going to deal with this particular issue, perhaps they can collect some ideas and consolidate with what Sen. Thang'wa did with the Motions on education and bursaries. Perhaps, we should bring together a Motion that consolidates ideas from the CPI&SFC and from this particular committee, so that we can have a substantive Motion on interrogating. We might need to have a special committee from the Senate to just deal with this issue because it is a crisis in all counties and it is---

The Speaker (Hon. Kingi): Sen. Kisang', please, proceed.

Sen. Kisang: Thank you, Mr. Speaker, Sir. I would like to make comments on the statement by Sen. Mbugua on the Milk Stabilization Fund. Dairy farmers across the country, especially those who are delivering milk to the New Kenya Cooperative Creameries (NKCC) are suffering because the Government came up with a stabilisation pricing to ensure every farmer gets at least Kshs50 per kilo of milk. However, in the recent past, I do not know what has happened because farmers have gone as far as four or five months without being paid by the NKCC. This is a commodity that is sold by the farmers to NKCC. It does not stay in the store. After processing, it is sold immediately to the consumers. I believe the NKCC is selling. They should be getting the top-up price from the National Treasury regularly, so that farmers can sustain dairy farming and buy feed. Dairy feed is very expensive because some of the feeds are imported from Uganda and neighbouring countries. Farmers have been struggling to be paid and sometimes, they go as long three or four months without pay. Consequently, they are unable to buy feed.

Basically, this also means production of the milk goes down, which eventually will affect the farmers' production and income. The committee needs to move with speed and report to the House. The budget has already been seconded in the National Assembly. So, we want to see in that budget that there are enough resources to top up between the price that NKCC is quoting at what has been promised as minimum take home Kshsh50 per kilo. This is very important.

Finally, Mr. Speaker, Sir, I would like to comment on the statement on the non-remittance of deductions. The county governments are very notorious in Savings and Credit Co-operative (SACCO) deductions. They deduct loans from employees, but do not remit to the third parties. Most of the employees across the counties are already blacklisted by the Credit Reference Bureau (CRB). These are people who have earned, the deductions have been deducted, but the counties are not remitting those deductions. This is something that we need to interrogate. As my colleague, Sen. Eddy, has said, in the CPI&SFC, we formed a task force with the National Treasury and also the Local Authorities Provident Fund (LAPFUND), Local Authorities Pension Trust (LAPTRUST) and NSSF. Along the way, the committee's timeline expired. In my opinion, we need to review---

The Speaker (Hon. Kingi): Sen. Mumma, please proceed.

Sen. Mumma: Thank you, Mr. Speaker, Sir. I would like to contribute to Sen. Sifuna's Statement about statutory remittances, mainly by county governments. This issue has been raised a few times by CPAC and it has come up in most of our committees. I would like to raise a proposal, that as the Senate, we should collectively take on the issue of holding all counties accountable to the payment of all statutory deductions. Statutory deductions are not monies of the county that are being held by the governors. These are monies that belong to employees. You can imagine somebody who retires and then they are unable to access their pensions because there are no remittances. You can imagine somebody who goes to be treated and finds that deductions being made are not being remitted. You can imagine somebody contributing towards housing or any other issue, only to find that those monies are not being remitted.

As a Senate, if we do not address this as a special issue, we will be failing in our responsibility to take care of the very system that is enabling governance to happen in this country. It is public servants, both in the counties and the national Government, that are actually getting the systems going. If we do not hold the governments and ourselves accountable to ensure that what belongs to the workers actually goes back to them, we will be failing.

I suggest, therefore, that this issue should not be dealt with piecemeal relating to a particular cadre of workers in a particular county. We should hold all 47 counties accountable and give a deadline within which all statutory remittances that are due should be submitted. If we do that, we will have done our responsibility of ensuring that accountability begins by taking care of the very people who are running this county.

Sen. Wafula: Asante, Mheshimiwa Spika, kwa nafasi hii niweza kuchangia kauli ambazo Seneta wenzangu wameibua. Ningependa kuchangia Kauli ya Kiwanda cha New Kenya Co-operative Creameries (NKCC) ambacho kimekuwa kikipokea maziwa kutoka kwa wakulima kwa muda mrefu. Wakulima wameona maziwa yao kwenye soko mbalimbali lakini, wamengoja pesa katika benki zao na mpaka sasa, ni kitendawili.

Jambo ambalo ningependa kurai Serikali ni kwamba wakulima wanadai haki yao ya pesa zinazotokana na maziwa ya ng'ombe zao. Wakenya wa sehemu mbali mbali bado wanauliza, NKCC imetambulika katika maeneo machache Kenya hii. Lakini, maeneo mengine tumeona maziwa wakati wa siku za Nyayo. Tulikuwa tunaona vijikaratasi vya NKCC. Swali ni, taasisi hii ya NKCC inanufaisha nani, kwa mfano, katika mkoa a Magharibi?

Mimi kama Seneta wa Bungoma, niko na halmashauri zaidi ya 20 za wakulima wa ng'ombe wa maziwa. Watu wa Bungoma wananisikiza kwa makini. Halmashauri za Kitinda, Kikai, kule Namwela, Chwele Dairy, Kaptama, Nomorio, kule Mlima Elgon, Ndalul, kule Tongaren, Nadafa, pale Naitiri, Kimesede kule Mbakalu, Kamukuywa, Bumula Dairy pale sokoni, Kabula Dairy, Bukembe, wanauliza pesa hizi ambazo tunawatetea wakulima wa KCC, watu wa Bungoma, tutaziona siku gani?

Mgao huu unatoka katika mkoba wa Serikali. Wakenya wote wanachangia wakulima hawa walipwe pesa nzuri. Sisi watu wa Bungoma tunaachangia, tutaona pesa hizi kiviipi? Lazima NKCC igatuliwe ili wakulima wetu katika halmashauri hizi wapate

pesa zinazofanana na Wakenya wengine. Sisi wote tunaangaziwa na jua, mwezi na nyota. Pesa zinapaswa kufika katika kaunti zetu.

Bw. Spika, ningependa kuchangia kauli ya mazingira kutoka kwa Seneta mwenzangu. Mazingira ni uti wa uhai wa Wakenya. Hapa Nairobi, Mto Nairobi, watu wamekuwa wakiuza mboga lakini wadadisi wanasema, tuchunge kwa sababu huenda maji yanayotumiwa kunyunyiza mboga na mimea---

The Speaker (Hon. Kingi): One minute, to conclude your thoughts.

Sen. Wafula: Nashukuru, Bw. Spika. Halmashauri ya National Environment Management Authority (NEMA) lazima ifanye kazi yake, iwe Kajiado, Bungoma au Nairobi. Stakabadhi hizi zionekane ili tujepushe na majanga kama Cancer ambayo yanakumba Wakenya.

Mwisho, wafanyikazi wa kaunti ni donda sugu. Lazima tubuni kamati iangazie masuala haya. Hawa magavana hawana huruma kwa wafanyikazi. Watu wamestaafu, wamefutwa kazi, wakienda kuangalia National Social Security Fund (NSSF), pesa hazilipwi. Wanapotafuta pesa za kustaaafu, haziko. Ukipiga kurunzi miaka mingi nyuma, wote wamejua hawakuwa wakilipa. Wakija hapa Seneti, wamekausha macho kama mmoja wa wale wafuasi wezi waliokuwa kwenye msalaba. Lazima hawa magavana wawajibike.

Sen. Okiya Omtatah: Thank you, Mr. Speaker, Sir. I would like to contribute to the statement on non-remittance of statutory deductions that are a matter of law. It is a law that demands that these monies be deducted and remitted. Those who fail to do so breach the law. I do not see why action is not taken against them for breaching the law. We have tended to handle them with kid gloves. That is why I think the issue is a runaway problem. I suggest that some of these matters are taken up by law enforcement and these officers are dealt with accordingly.

Also, to play the devil's advocate for a brief moment, some of these failures to remit deductions is also caused by the National Treasury, which delays in releasing funds to counties. There are some genuine cases where the monies come late and they find that a lot of penalties have been incurred and are not enough to pay the remittances. So, it is an issue of law enforcement that should also affect the National Treasury.

When the National Treasury delays to release money to county governments, according to the law, necessary sanctions should take place. Otherwise, we are punishing innocent people who are suffering. They cannot service their loans and other obligations and county governments end up with huge bills in terms of fines. So, as a matter of law enforcement, I pray that this House takes action and ensures that the law is upheld as regards statutory deductions.

The Speaker (Hon. Kingi): Hon. Senators, we have exhausted the 15 minutes allocated to this session. We will now move to the next Order.

Clerk, kindly call the next Order.

BILL*First Reading*

THE REFERENDUM BILL (SENATE BILLS NO.3 OF 2026)

(Order for the First Reading - Read the first Time and ordered to be referred to the relevant Senate Committee)

BILL*First Reading*

THE FOREST CONSERVATION AND MANAGEMENT (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.38 OF 2025)

(Order for the First Reading - Read the first Time and ordered to be referred to the relevant Senate Committee)

Next Order.

BILL*Second Reading*

THE DIVISION OF REVENUE BILL (NATIONAL
ASSEMBLY BILL NO.2 OF 2026)

(Sen. Cheruiyot on 28.04.2026)

(Resumption of debate interrupted on 30.04. 2026)

The Speaker (Hon. Kingi): Sen. Roba, you may proceed to reply.

Sen. Ali Roba: Mr. Speaker, Sir, I beg to reply.

I take this opportunity to thank all the Senators who contributed with commitment in support of devolution to this Division of Revenue Bill and what is proposed by the committee.

Just as a recap of what has emerged, the Bill contains Kshs2.9 trillion to be shared between the national Government and county governments. As passed by the National Assembly, the Bill proposes Kshs2.47 trillion, which is 85.17 per cent, to be the share of the national Government, while county governments to receive Kshs420 billion, which is 14.47 per cent. The Equalisation fund to be allocated Kshs10.25 billion.

The committee has managed to dissect that and shared that the Kshs5 billion increase from Kshs415 billion of the previous financial year is not even adequate to meet

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the wage drift within the Integrated Payroll and Personnel Database (IPPD) system, which is a non-discretionary adjustment that happens annually.

In the wisdom of the committee based on the information that was shared by the National Treasury, the residual amount after taking care of the national Government commitment was Kshs330 billion. The committee proposes only 11 per cent of that, which amounts to Kshs39 billion, to be added onto the share of the county governments, bringing it to Kshs554 billion as proposed.

I wish to thank the Senate for their wisdom to support the proposal by the Committee of Finance and Budget based on an inflationary figure of about five per cent increase plus non-discretionary expenditures, including two Salaries and Remuneration Commission (SRC) circulars that were meant to be implemented by county governments.

Mr. Speaker, Sir, from the discussion, what has come out is that the major risks identified by the Senate are the issues that relate to delayed disbursement causing cash flow constraint, revenue shortfalls through transfers not done in a timely manner and removal of protective clauses exposing counties to funding uncertainty in that Bill. The proposal by the committee was also supported by various stakeholders that the committee consulted with.

There are two critical issues that came out which the House has also agreed with. They are; Kshs8.94 billion meant for Universal Health Care (UHC) payroll of transferred workers where funds fall off function was erroneously put in the division of revenue that only governs the vertical share of revenue between the national and county governments, but does not touch on horizontal share of revenue. In the wisdom of the committee, we propose that the money be moved to the county additional allocation, so that then, the applicable personnel under each county can be adequately given the payroll support required from the Kshs8.94 billion.

The second critical issue is the removal of a clause that shields the revenue uncertainties that, in the event of revenue shortfall, the shortfall should be borne by the national Government. The National Assembly has removed that clause that has been traditionally there. We propose that it be added.

Other than that, it is the commitment and solidarity of this House, the Senate of the Republic of Kenya, to support devolution where the Senate is required to play its role in making sure devolution is protected and funds allocation to devolved units need to increase as funds allocation to the national Government increase. This continuously demonstrates the commitment of the Senate to protect devolution.

Mr. Speaker, Sir, by doing that, we get the moral mandate to critique our county governments when they do not provide the services commensurate to the monies they receive.

I beg to reply and request, in line with Standing Order No.66(3), that the putting of the question be deferred to a later date due to quorum issues.

The Speaker (Hon. Kingi): Sen. Roba, you may have to make a further request.

Sen. Ali Roba: Mr. Speaker, Sir, I beg to reply and request Sen. Faki to second.

The Speaker (Hon. Kingi): You are supposed to---

Sen. Ali Roba: I have already done that.

The Speaker (Hon. Kingi): Okay, so then we will defer the putting of the question.

(Putting of the Question on the Bill deferred)

Now, Hon. Senators, allow me at this juncture to rearrange today's Order Paper. We will move to prosecute Order No.19, and thereafter, resume the normal flow of today's Order Paper.

Clerk, you may proceed.

The Senate Majority Leader, proceed.

MOTION

APPROVAL OF SITTINGS OF THE SENATE TO BE HELD IN KILIFI COUNTY

Sen. Wafula: Thank you, Mr. Speaker, Sir. I beg to move-

THAT, AWARE that the Senate of Kenya is established under Article 93 of the Constitution and its main role, as set out at Article 96 is to represent, serve and protect the interests of the counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between the National and County levels of government, and the need to enhance the interaction between the Senate and county governments, as a means of bringing the Senate closer to the counties and the general public;

ACKNOWLEDGING the recommendation of the Senate Business Committee that a sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, during the term of the 13th Parliament; and the subsequent resolution of the Senate made on 8th March, 2023, to hold plenary and committee sittings in the counties for a one-week period within the month of September in every Session of the 4th Senate, except during an election year with the objective to:-

1. promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate and Parliament in general;
2. highlight existing and new opportunities for engagement in the legislative process;
3. develop and strengthen partnerships at the county level of government; and,
4. provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers.

FURTHER ACKNOWLEDGING the successes made during the previous sittings of the Senate outside Nairobi held in Uasin Gishu, Kitui, Turkana and Busia counties in 2018, 2019, 2023 and 2025, respectively;

NOW, THEREFORE, pursuant to Article 126(1) of the Constitution, the Senate resolves to hold its Plenary and Committee sittings in Kilifi County from 21st to 25th September, 2026.

I beg to move and request the only lady on the Majority Side, Sen. Veronica, to second.

Thank you, Mr. Speaker, Sir.

Sen. Veronica Maina: Honourable Speaker, let me correct that there is Sen. Okenyuri in the House, who is also on the Majority side.

I thank Sen. Wakoli, our Whip, for ably moving that Motion which the Senate is considering moving down to Kilifi County to run its business for a week, in line with Article 126(1) of the Constitution of Kenya, 2010. It is important that the work we do, as Senators, becomes relevant to people. There are many Kenyans who are not able to come to Nairobi, where the seat of Parliament is, to partake live proceedings.

Since the Senate is a guardian of devolution, the best way it can connect with the citizens of Kenya is to constantly go down to where the people are, at the grassroots level, have a perspective that is grounded and have the best interests of the citizens at heart. That way, the Senate also gets to see the projects that are being implemented by county governments.

As you may well be aware, we have had many counties purporting to implement projects which, if oversighted by Senators, might be found not to meet the kind of quality they should be carrying. The purported projects are not even done in some counties yet expenditure has already been incurred.

I rise to support this Motion and to say that, in fact, if it were possible, we would even do it twice in a year. The only hindrance is that budget constraints would not allow us to sit in different counties within the course of the year, to have accountability processes running together with the governance system. It is in order that, at least, there is good effort to go down to the counties, and no better county than Kilifi.

Kilifi is a beautiful county, second to Murang'a County that retains the best county title. It is the one that is right now offering best practice to other governors. I saw Governor Ottichilo in Murang'a being taken through some apps by Governor Irungu Kang'ata. We welcome all the governors to come to Murang'a and learn a few things about how to implement projects in agriculture, healthcare and many other sectors that one can learn from. They will also find the beautiful people of Murang'a and connect with them.

Honourable Speaker, I love Kilifi County. You come from Kilifi County and you served as a governor of the county. It is one of the best counties in this republic; a coastal county that has a lot of resources within the blue economy.

Some Senators have not experienced massive waters, the blue economy, the great seas and the oceans. Some of these Senators are like Sen. Khalwale, who has only seen water in a bucket when taking a shower. He will now have an opportunity to experience the beauty of this land of Kenya from the Indian Ocean. I ask the committee that is

planning for this Senate Mashinani, to consider giving Senators an opportunity to board a ship, dhow or some water crafts, and experience how it is to survive in the 48th county, which is the seas and the blue economy sector. Whether it will be a dinner or a study tour within the ocean, we can then ask the meaning of territorial sea and domains and see how far the sea moves into the ocean.

We could also consider how to ensure that we harness resources within the blue economy and within the maritime zone. We will not confuse the blue economy with the blue skies as one lady did during an interview for a job within Kilifi County. Sen. (Dr.) Khalwale, blue economy is about the seas and the oceans. This Senate Mashinani will also help Senators to advance their understanding of what the maritime domain stands for.

In that same Senate Mashinani, we will talk about the contiguous and the exclusive economic zones within the maritime sector. I will happily take the Senators through that course as we partner together with other experts in the maritime domain.

With those many remarks, I second.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, what is your point of order?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, thanks for your indulgence. I am rising under Standing No.105. Granted that Sen. Veronica might be having an afternoon crush on me, is she in order to suggest that I do not know what blue economy is?

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, first, withdraw that unparliamentary statement that your colleague could have a crush on you in the Chamber. Kindly withdraw that, then I will deal with the second prayer.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, because of the respect I give you, I withdraw. However, I wish to clarify that the crush was occasioned by the fact that she did not just comment on me once, but several times, which is the medical characteristics of a crush.

The Speaker (Hon. Kingi): Sen. Boni, maybe it is out of hatred. Someone could see it that way. Sen. Veronica, the good doctor has deep knowledge on blue economy. That I can attest.

Sen. Veronica Maina: Mr. Speaker, Sir, I stand guided.

The Speaker (Hon. Kingi): Sen. Veronica, you had concluded seconding the Motion, so allow me to propose the question.

(Question proposed)

Honourable Senators, this is rather procedural. The Floor is open for debate. With your concurrence, allow me to put the question, so that we dispense of with this particular Motion or do we allow Members to debate this Motion?

Do I have your concurrence to put the question?

(Several Members spoke off record)

Thank you.

Kindly allow me to consult the Clerk-at-the-Table on a procedural issue.

(The Speaker consulted with the Clerk-at-the-Table)

Having ascertained that we have the requisite quorum, I will now proceed to put the question.

(Question put and agreed to)

Sen. Veronica Maina, kindly approach the Chair.

Hon. Senators, we will proceed to Order No.17. Thereafter, we will see if we can assume the natural flow of today's Order Paper. Clerk, you may proceed to call out that Order.

BILL

Second Reading

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO.1 OF 2024)

Sen. Kathuri: Thank you, Hon. Speaker, Sir, for this opportunity.

[The Speaker (Hon. Kingi) left the Chair]

[The Temporary Speaker (Sen. Veronica Maina) in the Chair]

Madam Temporary Speaker, allow me to move this Bill, the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill (Senate Bills No.1 of 2024).

I will start by giving some background on what miraa has done to the economy of our country.

(Loud consultations)

Madam Temporary Speaker, kindly protect me from the seconder of the Bill, who is behind me.

The Temporary Speaker (Sen. Veronica Maina): Hon. Members, could the Hon. Senator be heard in silence, please? Consult in low tones.

Sen. Kathuri: Madam Temporary Speaker, I want to give a brief background on why miraa is an important cash crop in Kenya. Miraa is an important cash crop in Meru County, particularly in Nyambene region and to a large extent, the Republic of Kenya. It is estimated to grow in an area covering 22,000 hectares of land and benefits more than 500,000 people, either directly or indirectly. Those are people who are engaged in production, packaging, transportation and other trade activities. Before miraa was banned

in European countries, it contributed Kshs7.2 billion to Kenya's national Gross Domestic Product (GDP).

This proposed amendment intends to amend the Narcotic Drugs and Psychotropic Substances (Control) Act to remove a substance called cathinone and cathine, as naturally found in miraa crop, which is known as *catha edulis*, from the classification of psychotropic substances.

The two substances, cathinone and cathine, are the reason people feel excited or happy when they chew miraa. They are the reason miraa is a stimulant. We are proposing to remove those two substances from the category of drugs as put by the National Authority for the Campaign against Alcohol and Drug Abuse (NACADA).

My justification for the amendment is that under international law, cathine and cathinone are controlled by the United Nations (UN) Convention on Psychotropic Substances, 1971 and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. However, miraa, as a crop, is not under international control of the two instruments. As the report from the World Health Organisation (WHO) says, an expert committee on Drug Dependence, in 2006, determined that the potential for abuse and dependence is low and the threat to public health is insignificant to warrant international control.

The experts from the WHO say that if you are to chew miraa from now to tomorrow, or the day after tomorrow, it will have very little effect on your health.

Madam Temporary Speaker, yours truly chews miraa every weekend and my health has never been compromised. Many other people in this House and others out there, do the same. Some people say that when one chews miraa, their production effect becomes low.

We went with the Committee on National Security, Defence and Foreign Relations for public participation to Igembe. Igembe Central Constituency has the highest population in Meru County and a lot of miraa is grown in that place. I am trying to give justification for the amendment.

In Kenya, miraa is a scheduled crop under the Crops Act, 2013. While miraa is a legal crop under our statutes, the Crops Act, 2013, the substances found in miraa, cathine and cathinone, are classified as narcotics in the Narcotic Drugs and Psychotropic Substances (Control) Act. The Government is planning to give miraa farmers a budget while another arm of Government is trying to control and say that miraa is a drug. We have that contradiction. Therefore, this puts miraa under the ambit of the two Acts.

There are many ways that the Narcotics and Psychotropic Substances Control Act can exempt cathinone and cathine because they are naturally found in miraa. That is very necessary to avoid the contradictions. The economic benefits of miraa are not contested and the government's effort to revitalise the industry are well evident.

Since 2016, the miraa sector has received budgetary allocations from the National Treasury. So, if the National Treasury is giving Kshs2 billion to the miraa sector, then why does the NACADA again penalise those who produce it? This is because once miraa is categorised as a drug through the cathinone and cathine, it is difficult to do value addition.

Nowadays, there is a lot of research going on at the Meru University of Science and Technology and other institutions. There is miraa wine, miraa juice, also there are miraa tea bags. However, these institutions have been unable to market these products because they are not getting licensed by the Kenyan Bureau of Standards (KeBS). That is why I am here this afternoon to plead with the Senate to help us remove the two substances from the category under NACADA.

It is important to note that some of the Government agencies, including NACADA, have spoken and given contradictory positions on miraa. In the year 2013, appearing before the Parliamentary Select Committee which was formed to investigate and inquire on miraa-related issues, the Chairperson for NACADA then, Hon. John Mututho, told the Parliamentary Committee that there were no strong grounds to classify miraa as a drug. Mark you, he is just the previous Chairperson of NACADA. According to Hon. Mututho, he had no issues with miraa and he really pronounced himself that miraa had very little effect.

Actually, he is the one who wanted Parliament to repeal or amend the Narcotics and Psychotropic Control Act, which indicated the two substances found in the miraa as prohibited substances. This afternoon, with my colleague, Sen. Mohamed Faki, we have been discussing miraa and muguka issues with him. There was a time there was a crisis in Mombasa. The county government then wanted to ban one of the products. Both Sen. Miraj and Sen. Mohamed Faki really helped me to discuss all these matters and that ban was lifted. I thank them. I am happy that they are in this House to support what I am trying to propose.

Sen. Faki: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Faki?

Sen. Faki: My point of order is that I am not supporting him.

The Temporary Speaker (Sen. Veronica Maina): Is that a point of order, Sen. Faki?

Sen. Faki: He is misleading the House.

Sen. Kathuri: He should not affect the flow of my submission with such a point of order. When you get the microphone, that is when you can make those decisions.

The Temporary Speaker (Sen. Veronica Maina): Sen. Kathuri, proceed on with your submissions.

Sen. Kathuri: I have thanked him so much and I do not know why he is again getting pissed off. Once we get permission to remove cathinone and cathine from NACADA list, we will have no miraa to take to Mombasa. His worry is that maybe there are some people chewing, not even miraa, but also muguka. We will have no miraa to take to Mombasa. We are going to do value addition. With the quantities that we need, even Mombasa people will be walking to Meru to ask where they can get a twig of miraa from.

We want to make sure that even these trucks and pick-ups we see on the road are no longer there because we will be shipping our finished products. We will do value addition and export the products to Europe and other destinations.

In the year 2021, the Meru County Government, in cooperation with the Kenya Medical Research Institute (KEMRI), conducted the International Scientific Miraa Conference. The NACADA and KeBS expressed their support for the development of miraa products. The miraa products are miraa wine, miraa juice, miraa tea bags, and other substances that can be made from miraa. So, these two organisations, KeBS and NACADA, cited legal hurdles since miraa contains cathinone.

That is why we are trying to see how best we can remove cathinone and cathine from the list of narcotics and psychotropic substances. If you go and manufacture cathinone and cathine in labs as they do in the European countries, then that would be termed as a drug. However, when cathinone and cathine appear in their natural state, that is what we are saying, is not a drug, but a very simple substance, just to make you feel high and relaxed.

Madam Temporary Speaker, entrepreneurs in the manufacture of various miraa products have expressed their frustrations since their products cannot be licensed. This is hindering their products from reaching the intended market, especially the international market, as I put it. They have, however, expressed optimism that such hindrances will be removed, since the Government has shown goodwill in supporting the miraa sector.

Among the recommendations of the Miraa Scientific Conference was that there was a need to amend the law to remove miraa from the list of narcotics and psychotropic stimulants to allow for value addition and diversify its markets. The classification of cathinone and cathine as psychotropic substances is, therefore, an impediment to value addition, of miraa and the development of miraa products.

I want to again give this House some parliamentary reports that have been made in support of the amendments. On Wednesday, 10th July, 2013, the Parliament of Kenya resolved to form a Parliamentary Select Committee on Miraa and I was a Member. That was in the year 2013, when I joined Parliament. The 29-member committee was to be led by the then Meru Women Representative, Hon. Kajuju. The scope of the committee was to investigate and inquire into all matters relating to khat, to consider and review all research findings, and to make recommendations on the way forward. After the conclusion of its mandate, the committee tabled a report and among its findings, there was no scientific proof that miraa is a drug.

This committee even travelled to the United Kingdom (UK). I think almost eight Members went to the House of Commons to visit the Committee on Home Affairs which also had done a research on this matter and proved that miraa is not a drug and does not affect people. The draft recommendations of this committee, led by Kajuju, stated that the amendment of the Crops Act should include miraa in the list of scheduled crops.

Further, the committee recommended allocation of funds to research institutions to enable them carry out extensive research on miraa. The committee also recommended that the Government petitions countries that banned miraa to lift the ban. So, through Statute Law (Miscellaneous Amendment) Act No.7 of 2016, miraa was included in the list of scheduled crops under the Crops Act, 2013. Miraa nowadays is just like coffee, tea, coconut, pyrethrum, or *korosho* and should get a budget through the National Treasury, like any other crop in Kenya.

The Temporary Speaker (Sen. Veronica Maina): Sen. Kathuri Murungi, you are addressing us in English, *korosho* is cashewnut.

Sen. Kathuri: Cashew nut, of course, I know. However, that was for the benefit of Sen. Miraj. I wanted her to feel nice when I mention *korosho*.

It is also important to note that in the exercise of powers conferred in Section 40 of the Crops Act, 2013, the Cabinet Secretary for Agriculture and Livestock Development made the Crops Regulations, 2023, which have been adopted by both Houses of Parliament. The objective of the regulations is to promote, develop and regulate the miraa industry.

Madam Temporary Speaker, if I may quote my colleague, Sen. Mundigi; almost half of Embu County, people grow muguka. That is their economic lifeline. That is why my friend is here listening attentively because he will be contributing to this important amendment. If this crop is not supported, how do you think that community will survive? In Meru, I think five constituencies grow miraa and nothing else. They do not even know how to grow any other crop, because they have lived with miraa since Independence or since they were born. Even when we are exchanging dowry in Meru, we must take a bunch of miraa to our in-laws, otherwise we will not get the lady. So, the crop is so attached to us. Even when we are raising money for churches, we take miraa and sell it to get money to do development in the church. So, I really want to seek support from the Senate so that, at least, we support this community.

In the UK, the House of Commons Home Affairs Committee undertook an investigation of the rationale and effect of the miraa ban by the UK Government. In their report, the committee concluded that the ban on khat in the UK was not based on any evidence that miraa causes medical or social harm. Instead, miraa was banned because of a desire to avoid the UK becoming a hub for the illegal importation of khat into other European Union (EU) countries.

Madam Temporary Speaker, and in sympathising with the Kenyan miraa community, the UK Parliamentary report captures this and I want to quote-

“There is a clear potential for the introduction of controls on khat in the UK to have a detrimental impact on the economy of Kenya, particularly in Meru, where khat cultivation is a major industry.”

If a European parliament can sympathise with this communities, the Meru, Embu and other parts, how come the Parliament of Kenya can object the support that they should give this community? So, they continued to say that, this would not, in itself, be a good reason for rejecting a ban on a drug which was proven not to be harmful. In this case, there was no good evidence of medical or social harm.

The Kenyan delegation told them that the policy had the potential to damage UK-Kenya relations. The UK is only one of the countries that places restrictions on khat. My colleagues also want to contribute to this important Amendment Bill. I want to, in a few minutes, to summarise, conclude and say that, contrary to the sensational reporting of the ban of miraa in the UK, the UK Parliament acknowledged that there was no evidence to show that miraa had a direct causal link to adverse medical effects.

The report indicates that in most European countries, the ban on khat was informed by bans effected by neighbouring countries because there was a risk of

exposing their countries into the business again. The Parliamentary Committee Report on Agriculture and Livestock, dated 2nd June, 2022, responding to a petition by miraa farmers regarding the matters relating to miraa, among them implementation of the Miraa Taskforce Technical Team recommendations, the diversion of funds for the miraa industry, misappropriation of Kshs1 billion meant for miraa revitalisation, further underscores the significance the Parliament of Kenya has placed on the miraa sector.

I do not want to continue with more pledges because I can see that Members, honourable colleagues, have understood what I want to do. Therefore, in conclusion, while miraa is a legal cash crop in Kenya and the Government provides budgetary allocations to support the industry, the classification of its components as prohibited substances negates the strength meant to revitalise the industry and is a hindrance to the value addition of the crop.

It is only fair and just to the farmers and the manufacturers of miraa products to have the components of miraa, cathine and cathinone and in their natural form, removed from the ambit of the Narcotics and Psychotropic Substances Control Act.

Therefore, my colleague Senators, I think I have convinced you enough, in my deliberations. I am also very much available. Whoever wants more clarification or more information, just to approach me, or call me wherever you are seated. I will give you more information and more facts so that you support this amendment Bill, which will go a very long way to support one of the biggest segment of population that we have.

Madam Temporary Speaker, since you also come from a county that is agricultural like Murang'a, how would it be if we said there should be no macadamia nuts, since we now have a lot of fights on the nuts? Even in Meru, we do produce them. However, now the prices have gone down. Sen. Murango is very much aware of the effect that would have on macadamia nuts. So, if growing of macadamia was banned in Murang'a, Kirinyaga, Kiambu, Meru and Embu, where would farmers go? This is the same thing with miraa in Meru and Embu, where it is mostly grown. I can see my colleague is a bit tense. I want to promise you, once you approve this amendment Bill, Sen. Faki, we shall collect all miraa coming to Mombasa and do value addition. That is the comfort that I want to give you so that when discussing this Bill, you have that insight. We want to ensure that whatever miraa is coming out of Meru, we will do value addition and produce wine and juice. You can drink wine or take juice. You can also boil hot water and put miraa tea bags consume it and you will be fine.

So, therefore, Madam Temporary Speaker, thank you very much. I would like to request my friend, Sen. Cherarkey, to second this Bill. Thank you very much.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senator Kathuri. Very interesting debate.

Sen. Cherarkey, hold on.

(Interruption of debate on Bill)

COMMUNICATION FROM THE CHAIR**VISITING DELEGATION OF YOUTH LEADERS
FROM MURANG'A COUNTY**

The Temporary Speaker (Sen. Veronica Maina): I have a communication from the chair on a visiting delegation of youth leaders from Murang'a County.

Honourable Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of a visiting delegation of 12 youth leaders from Murang'a County. The delegation is in the Senate on a courtesy call to Sen. Joe Nyutu, MP.

On behalf of the Senate and on my own behalf, also from Murang'a County, I extend a warm welcome to the delegation and wish them a very fruitful visit. I thank you. To honour the youth leaders who are from the county where Sen. Joe Nyutu and yours truly comes from, I will call out the names-

- (1) Stephen Wangui
- (2) Paul Mwangi
- (3) Susan Mbao
- (4) Nahashon Njiri
- (5) Dennis Karuri
- (6) Benjamin Kigo
- (7) Charles Mbai
- (8) Francis Njuguna
- (9) Samuel Njung'u
- (10) Irene Njeri
- (11) Jane Njeri
- (12) Nancy

Thank you, and welcome to Senate.

Sen. Cherarkey, you may proceed.

The Temporary Speaker (Sen. Veronica Maina): Thank you and welcome to the Senate. Sen. Cherarkey, you may proceed. Before you proceed, let me give an opportunity to Sen. Joe Nyutu to welcome the great 12 youth leaders from Murang'a County.

Sen. Joe Nyutu: Thank you, Madam Temporary Speaker, for the opportunity to welcome these youth leaders from Murang'a County, where you also come from. These are young people who have volunteered and emerged as leaders in the county. They are here for mentorship and familiarisation. As you have observed, Murang'a County is a great county that continues to produce great leaders.

It is also a county that recognises and respects women leadership. That is why you, and other women leaders, on Sunday, welcomed the President of Kenya. We have many women leaders in Murang'a who support the President. However, these youths are non-aligned. They are here to learn and to see what we do in this House.

I welcome them to the Senate, the House of Parliament that specialises in protecting devolution and ensuring counties are well resourced. Therefore, they are in the right place. They say you have to fake it till you make it. So, when the youth leaders are

here, they will behave like leaders, at least for now. Ultimately, with God's blessings, they will end up in either of the Houses as great leaders

Madam Temporary Speaker, I welcome these young leaders and encourage them to visit again. I thank you for recognising them and calling them out by name. I thank you and encourage our young people to continue associating with leadership and visiting Parliament.

(Applause)

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Joe Nyutu.

(Resumption of debate on Bill)

Sen. Cherarkey, you may proceed to second this Bill.

Sen. Cherarkey: Thank you, Madam Temporary Speaker, for this opportunity to second the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill (Senate Bills No.1 of 2024), by the Deputy Speaker of the Senate, Sen. Kathuri Murungi, who is a member of Njuri Ncheke.

Madam Temporary Speaker, I also want to thank you since the youth leaders from Murang'a are here. I am happy that Murang'a is one of the agricultural counties in the Republic of Kenya and I wish them well. Sen. Joe Nyutu said they are non-aligned. I assure them that if they want us to work together, I am willing to mentor them to be leaders, not only in their region but also nationally. I wish them well and God's blessings. That is where some of us started.

I celebrate Sen. Kathuri Murungi, a member of Njuri Ncheke and the Deputy Speaker of the Senate. I believe that the biggest agenda we have, as a nation and as leaders elected under Article 96, is to represent the interests of our people. Sen. Kathuri, who previously served in the National Assembly and is now a first-term Senator representing the great people of Meru, has done exceptionally well. I hope the people of Meru know they have a representative who is passionate about their welfare, unlike the last Senator we served with.

The issue of miraa is very dear to the people of Meru. We must defend miraa farmers just as we defend rice farmers in Mwea, maize farmers in Uasin Gishu and Nandi, sugarcane farmers in western Kenya, coffee farmers in Murang'a, Kiambu, Nandi and Bungoma and milk farmers in Nandi and Embu. Miraa is mainly grown in east of Mount Kenya and we must protect those farmers. We must also defend farmers of mnazi, macadamia and fish farmers in Homa Bay and Mombasa.

We must bring equality, so that when we speak, we do so on behalf of all the farmers in the Republic of Kenya. I thank and assure the miraa farmers who are watching this debate that the people of Nandi are supporting you to ensure we protect miraa as a cash crop and make it one of the critical sources of livelihood.

You are aware that 1.5 million livelihoods depend on Miraa. This represents almost a quarter of the population of this country. About 1.4 million livelihoods, mainly

in Meru and where my brother Mundigi comes from, Embu, depend on this crop. He has been very passionate defending farmers, from coffee to miraa, also known as khat.

Approximately 80 to 90 per cent of miraa is consumed locally, which makes it very critical and important. We harvest 32,000 tonnes of miraa annually, generating about Kshs12 billion. That is a significant source of income. I know there may be resistance from some colleagues, perhaps due to religious beliefs or because miraa was wrongly classified as a drug that can lead to substance abuse. However, this amendment is important. Psychotropic substances interfere with the central nervous system and miraa was wrongly classified. History now gives us a chance to correct this and stand with miraa farmers.

One acre of miraa can generate over Kshs1 million per year. Even maize farmers do not generate that amount. Sen. Mandago will confirm that one acre of maize yields about 40 bags, each selling at Kshs3,500, which totals about Kshs140,000. Compared to Kshs1 million from miraa, maize farming is less profitable. That is why I suggest we consider cultivating miraa in Nandi and Uasin Gishu. That is why I appeal to my colleagues to pass this amendment to support Sen. Kathuri and save miraa farmers.

Madam Temporary Speaker, our greatest market is Somalia. We must protect it, but also expand miraa exports beyond Somalia to Eastern and Central Africa and even overseas. I celebrate His Excellency, Dr. William Ruto, who today addressed the Parliament of Tanzania. I am pleased that the Senate Majority Leader and the Senate Minority Leader accompanied him. One of the key issues the President raised was how the East African Community (EAC) can remove non-tariff barriers (NTBs) in business.

Now that non-tariff barriers have been removed, I challenge miraa farmers to take advantage of this opportunity, under the leadership of President William Ruto, President Samia Suluhu Hassan, President Yoweri Museveni, President Paul Kagame and other leaders of Eastern and Central Africa, as well as the EAC. Now that non-tariff barriers have been removed, we need to amend this law as fast in 1.59.30 hours, which is the time that Sebastian Sawe used to run a marathon, to allow miraa farmers to export their miraa to Tanzania. We are looking for over a Kshs300 million market where miraa farmers can sell their crop.

I thank His Excellency the President. Some people might take it casually, but now that we have removed non-tariff barriers, we should encourage business with the neighbouring country. That visit was critical. We should remove all barriers in future because we are one people.

We have Maasais in Kenya and others in Tanzania. I was also impressed to know that there is a Kalenjin Member of Parliament in the Tanzanian Parliament. That shows that there are many. We have Luos in Kenya while others are in Tanzania. Therefore, it is important.

The second and final point I want to make is that when we amend this Act, we expect the Anti-Narcotics Unit (ANU) and the National Authority for the Campaign Against Drug Alcohol (NACADA), which is the agency that fights against drug abuse in the country, to stop harassing miraa farmers. Kenyans should understand this. The reason we want to amend the law to protect miraa farmers is because if it is still classified as a psychotropic substance, punishment for a psychotropic substance is Kshs1 million or life

imprisonment. Therefore, I appeal to Sen. Faki, Sen. Roba, Sen. Miraj, Sen. Abass and Sen. Chute, that it is crucial because they are just like other farmers.

Madam Temporary Speaker, can you believe that the coffee and tea that you take interferes with the central nervous system)? We should not take miraa as a drug because it is like any other crop. I want to appeal to my colleagues especially those who have mentioned that we need---

Sen. Ali Roba: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, just hold on. What is your point order, Sen. Roba?

Sen. Ali Roba: Madam Temporary Speaker, I wish to request Sen. Cherarkey to clarify why he chose to single out Sen. Faki, Sen. Miraj, Sen. Abass and Sen. Roba for the benefit of the House because I do not seem to understand the intention of the Senator.

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, could you clarify why you segregated and singled them out in your submissions?

Sen. Cherarkey: Madam Temporary Speaker, those are Senators that I saw on the Floor of the House. Perhaps I should add on the list Sen. Kathuri, Sen. Mundigi and Sen. Mandago. I have mentioned a number of them.

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, your eyes are encouraged to see more Senators, so that they feel that your submissions are more inclusive.

Kindly proceed and conclude your deliberations.

Sen. Cherarkey: Madam Temporary Speaker, as per the Standing Orders, I still have one hour, but I will be brief. I want to appeal to Sen. Roba, who is my friend, brother and the party leader of United Democratic Movement (UDM), that it was not in bad, but rather in good faith because we want people to know that we have a party leader in the House. That is why I keep mentioning you, so that people are aware that you are in the House. Your people appreciate the role that you are playing.

As I conclude, I would also like to mention this. The NACADA and ANU should stop harassing miraa farmers. I appeal to the President to assent to this Bill because it is in good faith and it will lead to value addition.

I once attended an Anglican Church of Kenya (ACK) function with Sen. Mundigi. Sen. Kathuri said that we can do value addition. We should make miraa juice and that is my proposal. If we pass this Bill, which I know we will, as part of drinks in Parliament, I propose that we include miraa juice. We should take the lead because it is not a psychotropic substance.

(Sen. Ali Roba spoke off record)

Madam Temporary Speaker, could you protect me from Sen. Roba? I do not want to say that he is becoming unruly.

I propose that we have miraa juice and the first people to take it should be the Deputy Speaker, Sen. Mundigi and yours truly as the third person. We will only consume water, soda and miraa juice. Others are exceptional. Of course, we also have milk on the menu of Parliament. Therefore, we need to consume it more because it is healthy. I am

told it is good for the body and the soul and it can assist you in other engagements, especially from 6.00 p.m. to 6.00 a.m. Therefore, we must do value addition to all products, including miraa.

Finally, Madam Temporary Speaker, we should amend the Second Schedule because cathinone and cathine are substances that exist in miraa. I talked to some doctors and I would like to inform my colleagues that interference of the central nervous system is not out of abuse of drug substances or alcohol. It is just like consuming coffee. Let me say like caffeine that we take. It does not make you intoxicated.

I would like to thank the Deputy Speaker for bringing this Bill, which is crucial. Even if it means having regulations, that should be done to protect 1.5 million livelihoods. If that is done, those people will be grateful. We have enforcement, judicial discretion, overcriminalisation, resource needs and international obligations. I just gave an example of East Africa. As a country, we must protect farmers that we have in this country.

I forgot to say, but I know Sen. Roba has been uncomfortable. We also need to protect camel farmers just like miraa farmers. That is why when there was an issue in Kwa Kamari in Tseikuru, we were passionate in saying that camel farmers should be protected. When Sen. Roba says we need to protect camel farmers, we are saying that we should also protect miraa farmers. When Sen. Mandago says we need to protect maize farmers, we are saying that miraa farmers should also be protected. When Sen. Mundigi says we need to protect miraa farmers, we are saying we should also protect fish in the ocean. We must agree on that as a country.

Madam Temporary Speaker, I want to thank you. Somebody mentioned that Murang'a has many women in leadership and we are proud of that because the House of Mumbi or Agikuyu nation is proud of you. *Andu a nyumba* are so proud.

On Sunday, we realised that women are good hostesses of the President. We are so proud of you. I saw how elegantly, graciously and beautifully you were dressed holding on to the President. We know there is no---

(Sen. Nyamu spoke off record)

Madam Temporary Speaker, could you protect me from Sen. Karen Nyamu? She is just heckling, but that is an Orange Democratic Movement (ODM) habit. I am only praising you. Why is she jealous when I am praising the Chair? Does she have any other agenda that we do not know?

We are proud that you hosted the President. Murang'a, Nandi and any other part-- - I would like that to happen even in Mandera. Sen. Roba, the other day you hosted the President. He is the President of the Republic of Kenya. Therefore, he does not need any permission to visit any part of this country.

I heard some people asking why President William Ruto is visiting Murang'a after every one week. Murang'a is in Kenya. He can even decide to go and live in Murang'a because he is the President of Kenya for heaven's sake. He can also choose to go and live in Meru. In fact, Meru should have a state lodge so that the President can go and stay there.

Therefore, Madam Temporary Speaker, we are proud of you. Many people had said that Murang'a is not in the Kenya Kwanza Alliance. However, as the Secretary General *emeritus*, we know that Murang'a is fully in Government. Many people will be shocked come 2027.

I want to appeal to the President--- The moment he signs this miraa Bill into law; he will get all votes of the Mt. Kenya region.

Madam Temporary Speaker, with those many remarks, I beg to second, so that I allow colleagues to make comments.

I thank you.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Cherarkey. Always very interesting in your debates.

Hon. Senators, I now propose the question.

(Question proposed)

(Interruption of debate on Bill)

COMMUNICATION FROM THE CHAIR

APOLOGY BY SEN. NYAMU FOLLOWING REMARKS WHILE WELCOMING STUDENT UNDERTAKING VSS PROGRAMME

Before we proceed on to the next stage of this Bill, I am going to give a directive now that I see Sen. Karen Nyamu is in the House.

Hon. Senators, as you may recall, earlier this afternoon, the Speaker issued a Communication on disrespectful remarks by Sen. Karen Nyamu, MP, on a student under the school voluntary service scheme. I now see Sen. Nyamu in the Chamber. Therefore, in this regard, I forthwith call upon the Senator to tender the unreserved apology as earlier directed by the Speaker to the Senate, the student's family, and the public for the distress occasioned by her remarks in compliance with the Communication that was issued earlier by the Speaker of this House.

Sen. Karen Nyamu, you now have the Floor. You can move to the dispatch and recite the apology in the acceptable version.

Sen. Nyamu: Should I only do it in the dispatch?

The Temporary Speaker (Sen. Veronica Maina): You can choose to do it from wherever you wish.

Sen. Nyamu: Madam Temporary Speaker, this apology has been written for me to read. Parts of it constitute an admission to what I have been accused of, which cannot be further from the truth. However, I respect the procedures of this House and the consequences of not adhering to them, I will go ahead and read this apology.

The Temporary Speaker (Sen. Veronica Maina): Sen. Roba, what is your issue?

Sen. Ali Roba: Madam Temporary Speaker, the Hon. Senator, contrary to the guidance that you have given, has disowned the statement that is in her hand by saying it was written for her to read, contrary to what she believes is right. It is very important that

if, consciously, she is not giving an apology, she does not address the Senate because it means that she is under coercion to make a statement that does not belong to her.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Cherarkey?

Sen. Cherarkey: Madam Temporary Speaker, I rise under Standing Order No.122. If you heard Sen. Karen Nyamu, my good sister, she just said the apology statement she wants to make was written for her, and she agrees with part of the statement. However, she is admitting guilt on the aspect.

Madam Temporary Speaker, I would like to appeal to the Senator that according to Standing Order No.122, a Senator commits an act of grossly dishonest conduct if the Senator defies a ruling or direction of the Speaker or Chairperson of the committees.

So, is Senator Karen Nyamu in order to defy your ruling instead of expressly requesting for an apology?

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Cherarkey and Sen. Roba, for raising those objections.

Sen. Karen Nyamu, I would like to guide you. The Speaker has given directions on the apology you are to tender to the Senate. This apology relates to a very young learner, and you know the effect that it can have when statements are misunderstood. That student came here to learn, to be mentored and must be mentored in the best environment. So, once again, I give you a chance to tender an unqualified and unreserved apology in the terms that are set out as I have guided you, and as you were guided earlier by the substantive Chair of the Senate.

(Sen. Mandago spoke off record)

There is no one on the Floor. Who are you informing? You cannot inform when there is no one who is on the Floor. So, Sen. Mandago, hold your peace. Sen. Karen Nyamu, can you now proceed to tender the apology without wasting time?

Sen. Nyamu: Madam Temporary Speaker, before I read my apology, I can let Sen. Mandago inform me.

The Temporary Speaker (Sen. Veronica Maina): Sen. Karen Nyamu, proceed to tender the apology. I did not allow Sen. Mandago to proceed with his request on a point of information, because there was no one on the Floor.

Proceed.

(Sen. Cherarkey and Sen. Mandago consulted loudly)

The Temporary Speaker (Sen. Veronica Maina): Sen. Mandago, this House is guided, not by elders, but by the Standing Orders of the Senate, and those are the ones we are operating. We have avenues for elders to guide in other important matters.

Proceed, Sen. Karen.

What is your point of clarification, Sen. Kathuri Murungi?

Sen Kathuri: Madam Temporary Speaker, I am also very keen to listen to the apology. However, do you mean, according to you, the elders have no place in this House? Many times, we refer to elders, the Chairman, *yule wa* youth?

(Sen. Kathuri spoke off record)

The Temporary Speaker (Sen. Veronica Maina): Sen. Kathuri Murungi, you mentor the other Senators as ranking Members of this House. That is recognised by the Standing Orders. You do not mentor outside the framework of the Standing Orders. So, I would like to guide you. Elders have their own space. You can have your own space when you are outside the House. When you are having tea in the lounge, you can play the elders' role. However, within Parliament, the framework for guiding the proceedings is within the Standing Orders, and that is the one we are using. The Standing Orders have not provided for elders, but has provided for ranking Members.

(Loud consultations)

So, let us proceed on. You can do your role as an elder, which is much needed. It is actually much needed, but you do it within the right setting, not outside the setting. Otherwise, we will have elders from one community bringing their rules, then another one from another community bringing their rules, and there will be a heavy conflict with regard to which set of rules, from which elders, we should utilise to guide the Senator. With those remarks, we are now proceeding. Sen. Cherarkey.

Sen. Karen Nyamu, please proceed to tender the apology.

Sen. Nyamu: Madam Temporary Speaker, I will go ahead and read my apology.

Madam Temporary Speaker, I, Sen. Karen Nyamu, MP, hereby tender my unreserved apology to the Senate, the students under the School Voluntary Service Scheme, the family of the student, and the public for the remarks I made on Wednesday, 25th March, 2026, while welcoming the student.

I acknowledge that the utterances were inappropriate and fell short of the dignity, decorum and respect expected of a state officer, particularly towards a young female learner who was in the Speaker's Gallery. I reaffirm my commitment to uphold the values and integrity of the Senate and to treat all persons, especially young people, engaging with Parliament with respect and courtesy they deserve.

Madam Temporary Speaker, I will also go ahead to say that I was highly misunderstood.

The Temporary Speaker (Sen. Veronica Maina): Sen. Karen, just leave it at that. You may have your seat now.

Hon. Senators, having considered the apology tendered by Sen. Karen Nyamu, MP. I hereby acknowledge and accept the same. I nonetheless caution you, as a state officer, going forward, to refrain from making any such disrespectful remarks.

I further now direct that all remarks made by Sen. Karen Nyamu, MP to the Senate on Wednesday, 25th March, 2026, be expunged from the HANSARD of that sitting day.

I thank you.

Rt. Hon. Amason Jeffa Kingi, Speaker of the Senate.

We can now proceed---

Sen. Ali Roba: On a point of order.

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Roba?

PROCEDURAL MOTION

LIMITATION OF DEBATE ON BILL

Sen. Ali Roba: Thank you, Madam Temporary Speaker.

I rise on point of order and in accordance to Senate Standing Order No.111, to move that-

Owing to the fact that this Bill is of interest to many and we all wish to contribute, that we limit the time of contributions, so that we get the opportunity to weigh in. I propose five minutes.

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, there is a proposal for---

Proceed, Sen. Kathuri, the Mover of this Bill.

Sen. Kathuri: Madam Temporary Speaker, if my record and my knowledge on procedural matters, is right, you can only vary that time when the Bill is being moved, especially after seconding. That is when you can limit the time. However, not when we are midway. I do not know whether the Standing Orders are different from the ones of the lower House.

The Temporary Speaker (Sen. Veronica Maina): Sen. Kathuri, I agree with your clarification on the procedural matter. However, I will also guide you that it has been done procedurally because it has just been seconded and we have not proceeded to the next step. He just seconded and then I read Sen. Karen Nyamu's case and matter. So, we are in good order. The procedure is okay. I am happy that you agree that the procedure is in order. We have not agreed on the five minutes, now we are going to discuss that aspect.

So, honourable Senators, there is a proposition that we limit debate so that all Senators can have an opportunity to contribute to this important Bill. If we have consensus on the number of minutes, then we will proceed.

(Loud consultations)

Sen. Cherarkey, what point of procedure are you raising?

Sen. Cherarkey: Madam Temporary Speaker, if you look at Standing Order No.111, that Motion by Sen. Roba is wrongly before the House. This is because he just proposed it, but he did not have a Secunder. So, the Motion is at the fate of collapse. He did not even call anybody to second. So, that Motion collapses. It does not see the light of

day. It dies by the sword. That is violation of Standing Order No.111 because it is a Motion that should have been properly moved.

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, no decision has been made yet. I only need to guide Sen. Roba to call the seconder of that Motion before we move into agreeing how the debate is limited. I am using my discretion as the Speaker.

Proceed, Sen. Ali Roba.

Sen. Ali Roba: Thank you, Madam Temporary Speaker for the guidance. I rise on Standing Order No.111, and as moved, to request my colleague, Sen. Mandago, to second.

Sen. Mandago: Madam Temporary Speaker, I second.

(Loud consultations)

(Question proposed)

The Temporary Speaker (Sen. Veronica Maina): If you want to contribute to that Motion, I will give you two minutes each to one Senator on this side and another on the other side and close that debate.

Proceed, Sen. Faki.

Sen. Faki: Asante, Bi. Spika wa Muda. Kwanza, nikupinga Hoja ya kupunguza wakati wa maongezi ya Mswada huu muhimu. Masuala ya miraa na muguka yametoa athari nyingi sana kwa wakaazi wa Mombasa na pwani kwa jumla, na pia sehemu za kaskazini mashariki, kama vile Garissa, Mandera, Wajir na kwingineko. Mimi binafsi, dakika 10 hazitanitoshia kuweza kuzungumzia mchango wangu kwa Mswada huu. Ningeomba nipewe zaidi ya dakika 10 nieleze. Nipewe dakika 25 ambazo zinatakikana nipewa ili niweze kupinga Mswada huu kikamilifu.

Sen. Mandago: I support the Motion that the debate be limited to 10 minutes, so that all Senators can have time to contribute.

The Temporary Speaker (Sen. Veronica Maina): Sen. Mandago, you cannot contribute to it. I am alerted you seconded. So, Sen. Cherarkey take your position.

Sen. Cherarkey: Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you, for seeking that clarification.

Sen. Cherarkey: Thank you, Madam Temporary Speaker. As you said earlier, this House is not guided by elders. It is guided by precedent, rules and Standing Orders. Sen. Mandago is one of our revered elders of our community. So, maybe we could handle him at that level.

I support that 10 minutes is sufficient. This Bill has stayed longer in the Order Paper. The miraa farmers are waiting. The President informed me the other day that he is waiting to assent to the Bill. So, 10 minutes is more than sufficient. Put the question and we will win it.

The Temporary Speaker (Sen. Veronica Maina): Sen. Mandago, that will be the last clarification we have on this issue. Take a minute.

Sen. Mandago: Madam Temporary Speaker, I do not understand the agitation of Sen. Mundigi. He should remember that I am among those who supported the sale of muguka when there was a stalemate in Mombasa. He should come quietly.

My clarification is not even related to the Narcotics, Narcotic Drugs and Psychotropic Substances Control (Amendment) Bill. We are going to go to that.

The Temporary Speaker (Sen. Veronica Maina): So, could you seek that clarification later? Let us tidy up this miraa debate and then you will seek the clarification later.

Sen. Mandago: Okay.

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Roba?

Sen. Ali Roba: Is it in order for Sen. Cherarkey to invoke the name of the President? He has said that the President has spoken to him on an issue that we are debating in the House.

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, do not go out of order by invoking the name of the President; you may look like you are dropping names to intimidate other Senators. Just put it within context when you are debating.

Resume your seat because I am putting the question now.

(Sen. Cherarkey stood up and spoke off record)

No, sit down, I have just guided you; you need guidance for that.

Sen. Cherarkey, resume your seat.

(Sen. Cherarkey sat in his place)

(Question, that debate on the Bill be limited to 10 minutes per Senator put and agreed to)

What was your point of clarification before we proceed to the debate?

Sen. Mandago: Thank you, Madam Temporary Speaker. When you gave your ruling on acceptance of the apology by Sen. Karen Nyamu, you talked of Speaker Jeffah Kingi in your closing remarks. I looked because Members are not blind and I know the Speaker in the seat is Sen. Veronica Maina.

The Temporary Speaker (Sen. Veronica Maina): Sen. Mandago, thank you for seeking that clarification.

Yes, the substantive Speaker of the House is Rt. Hon. Amason Jeffah Kingi. So, he tends to sign and papers are produced under his name. However, I confirm that the Speaker in control of the Senate Chamber today, this afternoon, is none other but yours truly, Sen. Veronica Maina, MP, Murang'a County.

Now, we are proceeding to allow Senators to make contributions to the Bill that is on the Floor of the House. I will give the first chance to Sen. Mundigi.

(Resumption of debate on Bill)

Sen. Munyi Mundigi: Asante, Bi. Spika wa Muda, kwa kunipa nafasi ya kuchangia huu Mswada ambao umeletewa na Seneta wa Meru County, Sen. Kathuri Murungi, unaohusu miraa na muguka katika nchi yetu ya Kenya.

Kwa mambo ya kilimo katika nchi yetu ya Kenya; kila kaunti ina zao ambalo inakuza. Kwa mfano, ukienda Kitale, wanakuza mahindi, Kisumu, wanakuza miwa, Mombasa wako na samaki, Eldoret, Embu, Kitui, Tharaka-Nithi, Meru na takriban kaunti 15 wanakuza mahindi, kahawa, majani na macadamia kwa sababu ya value addition.

Kilimo cha miraa na muguka kilianza wakati vitu zote ziliumbwa na Mungu. Kutoka zamani, wazee wetu walikuwa wanakuza miraa na muguka. Ukienda Meru, miraa inapeanwa kama sadaka kwa kanisa. Pia, muguka na miraa ilikuwa inapeanwa kama mahari. Miaka ya zamani, hakukuwa na pesa, na wazee wakikosana kulikuwa na mbuzi, kondoo, muguka na miraa ambayo ilikuwa inaunganisha hao watu ambao wamekosana.

Kwa mambo ya value addition, Serikali ya Kenya chini ya uongozi wa Rais William Ruto imesema kwamba, sukari ifanyiwe value addition huko Kisumu na Nandi. Kwingineko, kahawa, majani na macadamia iko na bei nzuri sana kwa sababu ya value addition. Kwa hivyo, miraa na muguka iko katika mazao ya kilimo ndio maana tunaitetea.

Katika Embu County na kaunti zingine, siku hizi umaskini---

The Temporary Speaker (Sen. Veronica Maina): Hold on Sen. Mundigi.

Sen. Cherarkey, what is your point of order?

Sen. Cherarkey: Bi. Spika wa Muda, nasimama kwa Kanuni ya Kudumu 105 kumuuliza ndugu yangu afafanue kwa sababu Wakenya wengi wanafuatilia mjadala huu.

The Temporary Speaker (Sen. Veronica Maina): Choose the language you want to address the Senate with.

Sen. Cherarkey: Afafanue pale ambapo alisema kwamba miraa inatumika kama mahari. Anamaanisha inatumika kutoa mahari ama ni baadhi ya zawadi zinazotolewa? Sio eti nampinga, bali afafanue tu kwa heshima ili Wakenya waelewe kwa maana sisi wote hatutoki katika jamii ya Waembu. Wengine wetu tunatoa ng'ombe, ngamia, mbuzi na pombe la mnazi. Atueleze ili wale ambao wanataka kuoia wasichana kutoka Embu wajue kwamba, ukishapeana miraa, unapewa msichana.

Sen. Munyi Mundigi: Asante, Bi. Spika wa Muda. Wakati hakukuwa na pesa na watu wanataka kuoia ama wamekosana, katika sehemu kama Kisumu, walikuwa wanapeana sukari ama mahindi.

[The Temporary Speaker (Sen. Veronica Maina) left the Chair]

[The Deputy Speaker (Sen. Kathuri) in the Chair]

Bw. Naibu Spika, hayo ni mambo ambayo yalikuwa yanafanyika zamani wakati hakukuwa na pesa. Wakati huu, hiyo miraa au muguka inageuzwa kuwa pesa ambazo unapelekea wazazi wa msichana.

The Deputy Speaker (Sen. Kathuri): Sen. Mundigi, kuna hoja ya nidhamu kutoka kwa Sen. Mandago. Tafadhali tupunguze hizo hoja za nidhamu, zimekuwa nyingi ajabu.

Sen. Mandago: Mr. Deputy Speaker, Sir, just to find out whether your sitting there is not a conflict of interest. Having been the Mover of the Bill, you also want to preside over the decision of the House on this debate.

The Deputy Speaker (Sen. Kathuri): Order, Senators. When I sit at the place of elders, there are things that I know and you do not know, Sen. Mandago. We are not making any decisions on this Bill now, you are just contributing. Sen. Faki, you will have your time. My work is just to manage the House the way I am doing now.

(Sen. Faki spoke off record)

Listen, before I even make my decision, what you are requesting is unprocedural and completely has no basis in law and procedure. This should be determined even in our Standing Orders. I am trying to explain that Sen. Kathuri Murungi, chairing this session, has nothing to do with the Bill because you just debate it. Are you intimidated by my presence here or what is it? What is your problem?

Sen. Faki: Mr. Deputy Speaker, Sir, you are the Mover of this Bill this afternoon. It is not what you think, but what the common man in the streets thinks that the Deputy Speaker (Sen. Kathuri Murungi) presided over the debate of his own Bill. It is not proper.

This is a rule of natural justice that you cannot be a judge in your own case. We are not making the decision now, but you are there presiding over debate on your Bill. This is natural justice.

Sen. Cherarkey: Mr. Deputy Speaker, Sir I rise under Article 107 of the Kenya Constitution, 2010 which states as follows-

(1) At any sitting of a House of Parliament—

(a) The Speaker presides;

(b) In the absence of the Speaker, the Deputy Speaker presides; and

(c) In the absence of the Speaker and the Deputy Speaker, another Member of the House elected by the House presides.

By the reading of the Article, you are the Deputy Speaker of the Senate, which means you are properly seated as per that. In fact, if my colleagues rely on Standing Orders of the Senate, the precedence--- Sen. Faki who is a senior advocate in this country knows that the Constitution is supreme---

Under the Constitution, you do not lose your right as the elected Senator of Meru because you are also the Deputy Speaker. What Sen. Faki is suggesting is contravening Article 7 on discrimination on your person as a Member of this Senate and as elected Senator of Meru.

Sen. Faki will be given a chance to contribute. Why is he worried if he has better ideas than all of us?

The Deputy Speaker (Sen. Kathuri): Sen. Mundigi proceed and conclude your contribution.

Sen. Munyi Mundigi: Bwana Naibu Spika, naomba tukae pamoja Seneti hii kama vile tulipitisha sukari, chai na kahawa zikapewa value addition. Wakati huu hao wakulima wote wanasherehekea kilimo kama Wakenya.

Ningeomba Seneti ipitishwe Mswada huu kuhusu miraa na muguka ili zile kaunti 15 ambazo zinasherehekea pesa kutoka kwa kilimo cha miraa au muguka ziweze kupata mazao yao. Mambo ya shule, kanisa na mengine yanategemea kilimo cha miraa au muguka.

Pia, kama haya mambo yote yataendelea, economy ya counties na Kenya--- kama vile tumeona serikali ya Rais William Ruto ikifanya mambo ya mazao mengine, vivyo hivyo tunamwomba ili tukipitisha Mswada huu aidhinishe ili kilimo cha miraa/muguka kiendeleo kwa njia inayofaa.

Mambo ya miraa/muguka yanaweza kupingwa na watu wengine. Naomba Serikali after kutoa Cathine na Cathinone hicho kitu ni kama vile unaweza kunywa chai au kahawa nyingi ikakusumbua akili na mwili. Mswada wa miraa/muguka ukipitishwa, pia utafanyiwa research na serikali ya Kenya tuone kama inaweza kutoa dawa. Ninajua miraa/muguka inaweza kutoa dawa nzuri sana. Inaweza pia kutoa wine, Big G na vitu vingine vingi. Ikiwa Mswada huu utapita, nchi yetu ya Kenya itafaidika kwa njia inayofaa.

Watu wengine wanapinga lakini ukienda kule Mombasa, hatujawahi kusema samaki ni mbaya. Nikiwa Seneta wa Embu ninaona kaunti 15 zinazokuza miraa/muguka zitasherehekea matokeo ya Mswada huu. Pia, umaskini utaondoka katika nyumba za wenyeji wa kaunti hizo. Ninaomba tukipitisha Mswada huu, Serikali ya Kitaifa ichimbe dams na boreholes katika kona zote ili tupate maji yakunyunyuzia ule mmea. Pia, Serikali itafute soko ng'ambo ili tupate value addition.

Ninaunga mkono.

Sen. Faki: Asante, Bwana Naibu Spika. Mswada huu umekaa kwa muda mrefu na ni wazi kwamba ipo haja ya kuimaliza.

Zao la miraa/muguka ni katika yale mazao yenye kemikali ya Cathinone na Cathine ambazo kulingana na Umoja wa Kimataifa kuhusiana na madawa zimewekwa katika ibara ya kwanza katika sheria inayohusiana na dawa za kulevya. Katika nchi yetu ya Kenya, imewekwa katika Class C ya dawa za kulevya. Hizi kemikali mbili zilizo katika mimea hii zimepigwa marufuku kimataifa kwa sababu zina madhara kwa watumiaji wa mimea hii.

Hizi Cathine na Cathinone ni sawa na iliyo katika zao la Bangi (Cannabis Sativa). Iwapo tutakuwa tunafungulia Miraa/Muguka ama kuondoa kemikali hizi mbili katika mambo ya dawa, ina maana kwamba Bangi pia itakuwa imehalalishwa kwa sababu pia ni mmea unaokuzwa kwa wingi katika sehemu fulani za Mlima Kenya lakini msituni kwa sababu ni zao lililopigwa marufuku.

Ni masikitiko kuwa NACADA pamoja na polisi hawajaanza kushika watu kwa kukiuka sheria inayohusiana na dawa za kulevya hususan zao la miraa/muguka. Iwapo tutafungulia Cathinone na Cathine, kuna zile synthetic ambazo zinatengenezwa katika maabara na nyinginezo ambazo pia zina kemikali kama hizi na zitaweza pia kuruhusiwa kuingia katika nchi yetu. Itakuwa ni dawa za kulevya ambazo zinatumiwa na kupatikana kwa urahisi ili kudhuru afya za jamii zetu.

Katika soko la kimataifa, miraa/muguka mara nyingi inakwenda sehemu za Yemen na nchi zingine chache. Miraa imepigwa marufuku sehemu nyingi duniani na hata Tanzania. Ukishikwa na miraa Tanzania, unakuwa kama mtu ambaye ameshikwa na madawa ya kulevya kama cocaine na nyinginezo. Mtu kama huyo anaweza kufungwa maisha nchini Tanzania. Miraa pia imepigwa marufuku Uganda. Ukuzaji na uuzaji wa miraa umekubalika Kenya peke yake. Miraa imepigwa marufuku katika sehemu nyingi duniani. Mtu anaweza kuhukumiwa kifo sehemu nyingine kwa sababu ya zao hili.

Zao hili likiruhusiwa, tutakuwa tunaingiliana na hali ya afya ya akili ya watu wengi. Miraa iko na kemikali ya Cathinone and Cathine. Dopamine na serotonin ziko kwa mwili. Hizo kemikali zikichanganyika, huwa zinaleta madhara ya akili. Cathinone huongeza uzalishaji wa serotonin kwa mwili. Dopamine inatokana na Cathinone. Hizo kemikali mbili zikishikana, mtu anapata maradhi ya akili. Kukubali mswada huu ni kuhalalisha ulanguzi na matumizi ya madawa ya kulevya ambayo yatakuwa na hatari kubwa kwa jamii zetu na nchi zetu.

Katika Kaunti ya Mombasa, watu hutumia Shilingi milioni 75.6 kwa matumizi ya miraa na muguka. Kwa mwaka, hizi pesa hufika Shilingi bilioni saba. Watu ambao hutumia hizi dawa sio matajiri ama watu ambao wamejiweza. Wengi wao ni walala hoi. Hizi dawa zimesababisha kusambaratika kwa jamii. Nyumba za wengi wao zimevunjika. Wamepea bibi zao talaka wakakimbia. Wengine wamekosa kazi na hizi dawa pia zimechangia ukosefu wa usalama. Miraa hulakiwa kwa shangwe kule sehemu za Lamu. Hii ni kwa sababu hiyo dawa iko katika damu ya wananchi na hao hupata shida wakikosa kuipata.

Mbali na Shilingi milioni 75.6 ambazo hutumika kununua miraa na muguka kila siku, tuko pia na gharama ambazo hazikadiriki kama afya. Watu wengi ambao hutumia miraa hupata shida kustarehe na wake zao ama wapenzi wao. Afya yao pia huzoroteka kwa sababu miraa inapunguza kasi ya mwanaume. Inakuwa rahisi kwao kumaliza. Hali ya shahawa ya mtu ambaye anakula miraa pia huharibika. Hizi zote ni athari ambazo zinapatikana na matumizi ya miraa.

Mbali na masuala ya afya, kuna masuala ya ukosefu wa kazi kwa wale ambao wanatumia bidhaa hizi. Mtu ambaye anakula miraa huwa macho hadi saa tisa usiku na yeye hushindwa kuamka asubuhi kwenda kazini ama shambani. Yeye huamka asubuhi na anarudi kulala tena. Kwa hivyo, hizi vitu zinasambaratisha jamii.

Tusiambiwe ya kwamba Wameru hawana mazao mbadala. Mazao ya macadamia na majani chai inakuwa vizuri sana katika maeneo ya Meru. Mmea wa muguka na majani chai haina tofauti. Kwa hivyo, tusiambiwe ya kwamba Wameru, Waembu na Watharaka hawana mmea mbadala wa kukuza isipokuwa miraa. Kuna mazao mengi ambayo wanaweza kukuza. Ni jukumu la serikali kuhakikisha ya kwamba wanapewa zao mbadala ambalo wanaweza kulima ili wakithi mahitaji yao.

Kulikuwa na mashamba mengi ya kahawa Kiambu. Siku za karibuni, tumeona hao wakulima wakifanya kilimo cha horticulture, wamekuza passion fruit na wengine wamepanda maua. Wameweza kuendelea kufanya ukulima vile wanaweza katika maeneo yao. Tuko pia na sehemu ya Nyanza na Mt. Kenya ambapo bangi inaweza kufanya vizuri sana lakini wakulima wa hizo sehemu wamejizua kulima bangi. Hii ni kwa sababu hayo

mazao yako kinyume na sheria. Kwa hivyo, mbona Wameru wawe tofauti? Mbona hao waruhusiwe kupanda mimea ambayo ina athari kwa jamii zingine?

Hii sio vita. Sisi hatupigi Wameru vita. Tunasema ya kwamba zao la miraa na muguka ni mbaya kwa sababu utafiti wa kimataifa umeonyesha ya kwamba ziko na kemikali ambazo zinaathari kwa mwanadamu zikiingia katika mwili yake. Swali ni, tutajenga jamii ama tutajenga baadhi ya jamii ambazo zinafaidika na zao hili? Zao hili lilipigwa marufuku katika kaunti zote sita za pwani.

The Deputy Speaker (Sen. Kathuri): Let us hear from Sen. Abass.

(Sen. Faki spoke off record)

The Deputy Speaker (Sen. Kathuri): You have 30 extra seconds to conclude.

Sen. Faki: Zao hili halikupingwa Mombasa peke yake. Zao hili lilipingwa pia Nakuru na maeneo ya Eastleigh hapa Nairobi. Watu wa Eastleigh waliandamana kupinga zao hili. Hatusemi ya kwamba watu wa Meru wanyimwe nafasi ya kupata pesa. Kile ambacho hatukubali ni watu kupata pesa kwa njia ambayo sio halali kwa sheria ya nchi na ya Mungu.

Watu wafanye kazi wapate pesa kwa njia ambayo ni halali. Zao la muguka na miraa ni athari kwa jamii. Kwa hivyo, ninapinga Mswada huu.

The Deputy Speaker (Sen. Kathuri): Kama mwenyekiti wa sasa, ninataka niwaeleze ya kwamba hii sheria haisemi ya kwamba tupige marufuku miraa au muguka. Ninawaelezea hii ili tuelewe kile ambacho huu Mswada unasema.

Huu Mswada unaomba Bunge la Seneti litoe substances ambazo zinaitwa Cathinone na Cathine katika orodha ya NACADA. Hatufai kujadili kama miraa na muguka ni halali au haramu katika nchi yetu. Ninataka tuwe na hayo maelewano.

(Sen. Faki spoke off record)

That is the amendment that we have. I am factual. You have expended your time. Let us hear from Sen. Abass.

Sen. Abass: Thank you, Mr. Deputy Speaker, Sir. I do not have a problem with the economy of Meru, which mostly depends on miraa. Miraa has been classified as a drug because of Cathinone and Cathine, which affect the human beings who consume miraa.

I come from a region where miraa is highly used and chewed. Of course, if you look at the cost-benefit analysis, as much as the growers are getting a lot of money, the consumers are so much disadvantaged and it affects them.

[The Deputy Speaker (Sen. Kathuri) left the Chair]

[The Temporary Speaker (Sen. Mumma) in the Chair]

Madam Temporary Speaker, the botanical name is *Catha edulis* but they call it miraa, muguka and many other names. It is only grown in three regions here; Meru,

Kenya, Ethiopia and Yemen. Most of it is widely grown. The issue of saying that we remove the Cathinone and the Cathine to be classified as a drug, as leaders here, I am not supporting it and it is very wrong. This is because a lot of research has been done on this. The impact of those two substances as a drug is already classified even by the World Health Organisation (WHO).

Kenya cannot contravene whatever is being said by the World Health Organisation. This drug affects--- I can read for you one or two things, if you allow me, for purposes of the record. It is actually a stimulant, and in the long run, the effect is that it causes depression. Let me be honest in this House; at one time I chewed miraa when I was a young man and I know how much it affected me. Today, I even regret why I ate that thing. Many friends of mine did, and I know what situation they live in today.

You have difficulty sleeping, insomnia, because you can be awake for almost 24 hours. It is only drugs that can affect the mind not to sleep. It also has oral health issues. When you chew miraa, the teeth will decay. So, you will see a young 20 or 30-year-old boy who has no teeth. He cannot even smile. It also causes mouth ulcers. If you look at the miraa chewers, most of them, their lips are peeled off. This is because the growers are using some things they spray on it, so it can grow fast. It actually causes stomach cancer, and even darkens the lips.

Madam Temporary Speaker, it causes constant constipation. If you chew miraa, you might not eat food for two or three days. Those young men who chew these things hardly eat and they keep on sleeping. They get insomnia, they cannot eat and they are constipated. So, most of the time you see the miraa chewers very weak. They cannot even perform some of their functions. It affects even the libido in men. There are many people who lost their marriages. Ladies have run away from their men because it causes libido loss and depression. It also causes a lot of psychological dependency. You actually become a beggar because you want to chew it every day because of addiction. You see people even stealing to get money for their miraa. You see people deserting their children because they cannot feed them. Instead of taking the money home, they go buy miraa and sit for 24 hours away from their homes. Long use of it causes cardiovascular problems. It affects the heart and many people actually have a heart problem. It elevates the blood pressure also. We have so many sickly people who have heart problems, with a lot of pressure as a result of this cathinone and cathine. Liver cases also. Since you are chewing that thing and it has those drugs and substances, you will have liver cirrhosis. The men who chew miraa have a liver problem.

It has a lot of socio-economic problems also. Of course, it affects the livelihood, as I said. The money is being used. It causes libido issues which then leads to breakage of homes. Many men and women have left one another. We know the government is supporting miraa just because of politics; to get the support from our brothers in Meru.

One other thing is, miraa is actually only chewed by the Merus, who are not even many. That thing has even affected the education system. Our boys and children are not going to school. Their mothers are selling miraa. The children do not even have time for the love of their mothers. So, it has caused a lot of social problems to the chewers and those who make business out of it. The WHO has classified miraa as a substance that causes depression, and it is banned. It is banned in Rwanda, our neighbourhood, in

Tanzania, in the entire Europe and in the Middle East. Actually, in the Middle East, if found, it is a life sentence.

So, today, telling NACADA to remove miraa as a drug, I think you are misleading this country. As much as everybody has a choice to chew miraa, if they want to buy it, let them buy it, but you cannot tell an institution like NACADA, which is there to regulate all drug issues, to remove miraa as a drug.

With those few remarks, I beg to oppose.

The Temporary Speaker (Sen. Mumma): Sen. Murango, please proceed.

Sen. (Dr.) Murango: Asante sana. Nadhani kama endelezo za kiimani, nitaanza kwa kusoma Wagalatia tano mstari wa ishirini na tatu. Inasema-

"Ikikataa usawa na udhibiti binafsi, sio kupita kiasi ili kuepuka tamaa na uharibifu."

Kila kitu kikizidi kiasi, kila kitu kinakuwa sumu. Hata ngono ikizidi na ifanywe kiholela, inakuwa sumu. Mihogo unaijua. Usipotoa maganda vizuri, pia kuna kemikali ambayo inaitwa cyanide, ambayo inaua zaidi kushinda kitu kingine chochote duniani. Maharagwe, ile kwa kimombo inaitwa kidney beans, iko na kemikali inaitwa lectin, ambayo ukila tu zikiwa mbichi nne, tano, utalazwa hospitalini.

Nyama ya bacon ya nguruwe na sausages, zote WHO imesema kwamba hizo ni carcinogens. Zinaleta ugonjwa wa cancer. Hata tufa; apple, mbegu zake ukila pia ziko na cyanide. Hata cherry beans pia itakudhuru. Hatuwezi kudhibiti mmea mmoja kwa sababu ya kasoro moja ambayo watu wanasema iko nayo. Hata sasa hivi nasema hivyo kwa sababu kuna ukimwi, wanaume wanaoa, wanawake wanaolewa. Barabarani kuna ajali na bado tunaweza fika; tunatembea. Kwa hivyo, ni kila kitu kwa kiasi.

Vifo vingi sana, haswa Kenya hii, vinaletwa na uvutaji wa sigara. Mbona leo hatujakuja kuthibiti ukuzaji wa tumbako? Na hilo liko wazi kwa kila mtu kwamba uvutaji wa sigara ndio unaua watu wengi sana duniani. Na niko na takwimu katika jedwali nililo nalo hapa ya kwamba, wale wanaougua na kufa kwa sababu ya kuvuta sigara kwa sababu ya matatizo ya kupumua ni asilimia 40. Uvutaji wa sigara unaua watu 12,000 kushinda kitu chochote kingine kile katika nchi ya Kenya.

Kuna cancer ambayo ni asilimia 31.4 nchini kama jambo linalosababisha kifo. Kifua kikuu ni asilimia 13.4. Magonjwa ya moyo ni asilimia 11.2. Tusiwe na mazoea ya kutunga sheria ya kuharamisha mazao ama uraibu ambao unaenda kwa maskini. Ndiyo maaana unaona ya kwamba makaa ni haramu lakini mbao kwa sababu zinaenda kwa tajiri ni halali. Leo hii ukibeba mbao ukiwa na risiti, hakuna mtu atakuuliza. Maskini na gunia moja ya makaa, atakimbizwa kila mahali. Zimetoka kwa ule mti mmoja.

Kwa hivyo, tunapotunga sheria, ziwe sawa kwa kila mtu. Mheshimiwa Faki amesema kwamba hata Bunge la Tanzania limepitisha kwamba miraa ni haramu. Mheshimiwa Mtopile kutoka Tanzania, juzi alikuwa anasema waondoe hiyo marufuku kwa sababu wameona tayari kwamba, inaharibu uchumi na maneno ambayo yanasemwa, mengi siyo ya kweli. Nimepeana takwimu ya wale watu wanakufa kutokana na uvutaji wa sigara na mambo kama hayo. Bado sijaona, takwimu, kutoka taasisi husika, inayoonyesha vifo vya wale ambao wanatafuna miraa na muguka.

Ninaunga mkono – ukiona kesi ambayo imeenda kwa Jumba la Mfalme na imekaa sana, ujue mfalme ako na makosa. Kwa hili Bunge, wafalme bado wako kwa sababu kuna jambo moja ambalo haliendi sawa.

Ningependa kuzungumza kuhusu umuhimu pia wa miraa na muguka. Mheshimiwa Faki amesema kwamba inaoongeza mwili kutoa dopamine. Dopamine ni hormone ambayo ikishuka, unahisi vizuri. Kwa hivyo huwezi kusema kwamba inafanya dopamine itoke kwa mwili wako halafu useme bado inaleta depression. Hayo ni mambo mawili tofauti.

Kitu ambacho miraa na Muguka inafanya pia ni kupoteza hamu ya chakula. Kwa hivyo inatumika kama dawa – kwa sababu kama inapoteza hamu ya chakula na ukienda katika mitaa ya kitajiri, wale watu wanene wanakimbia bila kukukimbizwa na chochote na hakuna kitu wanakimbilia. Kwa nini basi, isikae na isiharamishwe, tuitumie kwa wale ambao wanataka kupunguza uzito? Siku ya leo, enda katika kliniki nyingi katika mitaa ya kitajiri, utapata ya kwamba kuna dawa zinaitwa Mounjaro, za kujinduka ili watu wapoteze uzito. Zingine zinaitwa Ozempic ambayo hata zinadhuru; watu wanang’oka nywele, wanakaa vipara mjusi. Lakini zao la miraa linatupa tiba ya kuweza kupoteza uzito. Kwa nini basi tuiseme, kwa sababu hili ni njema, tulitumie pia katika kudhibiti uzito kwa sababu sio lazima tuangalie tu ubaya, tuangalie na uzuri. Wakati unalea mwana mzuri, na mbaya pia umulee. Mwema ukimpa mchele, na ule mbaya mpatia chelele. Kwa hivyo, tuangalie yote.

Cathine na Cathinone, inajulikana kupunguza lehemu. Lehemu ni cholesterol. Lehemu ndiyo chanzo kikubwa cha magonjwa ya moyo. Kwa hivyo, kama haitafunwi, basi tutoe hii dawa tuwasaidie watu ambao wako na shida ya shinikizo la damu na wale pia wako na lehemu kupindukia.

Bi Spika wa Muda, miraa na muguka pia inaweza kudhibiti uchungu. Kwa hivyo, kuna nafasi ya kutengeneza dawa tuweze kudhibiti uchungu. Kuna mambo mengi sana naweza kuongea kuhusu hili zao la maskini. Sana sana linaliwa na kukuzwa na masikini. Mswahili siku moja alisema kwamba maskini haendi mkele na angeenda mkele akajaza mchele jahazi tele hurudi upele.

Kwa hivyo, ninasisitiza ya kwamba tunapotunga sheria, zisiwe tu za upande mmoja. Saa hii mabwenyenye ndio wavuta bangi wakubwa katika nchi hii, lakini kwa sababu bangi imefichwa, wanaenda kununua kwa maeneo mengine ambayo maskini hawawezi kufika. Watu wengine lazima watumie kwa sababu ya shida tofauti tofauti, wanaenda kule. Tukiharamisha miraa, itanza kulimwa kama bangi. Saa hii pesa ambayo zingeenda kwa kodi, zinapotelea chini chini kwa sababu bangi ni haramu.

Kwa hivyo, kwa sababu utumiaji wa miraa ni uraibu wa kujitakia, unafaa uachwe. Kama tunaacha sigara, tuache pia na miraa. Kama tunaharamisha miraa, vivyo hivyo tuharamishe pia uvutaji wa sigara na tumbaku. Lakini shida ni nini? Mabwenyenye ndio wenye mitambo ya kutengeneza sigara ndio maana haiguswi. Lakini hii kidogo, ndio itaguzwa.

Bi Spika wa Muda, mchango wangu ni huo. Mimi kama Seneta wa kaunti ya Kirinyaga nimechangia hivyo nikijua kwamba wanaokuza hili zao ni kaunti za Meru, Embu na Kirinyaga kidogo. Kabla hatujamtolea mwananchi zao analolima shambani, ni vizuri tumpatie njia mbadala ya kuendelea na maisha yake. Kabla hujabomoa daraja,

funza mwananchi kuogelea. Hapa tunaanza kubomoa daraja la mwananchi kabla hatujamfunza kuogelea.

Asante sana, Bi Spika wa Muda.

The Temporary Speaker (Sen. Mumma): Sen. Ali Roba.

Sen. Ali Roba: Thank you, Madam Temporary Speaker. I rise to oppose this Bill.

I grew up in northern Kenya. It is important to discuss the issue of miraa and muguka from the context of real-life experience and what they are doing to the fabric of society in our region. I sympathise with the farmers of miraa in the regions that grow it. God has blessed them with fertile soil and abundant rain and water, which could allow them to substitute miraa with other crops.

Over the years, we have witnessed a situation where husbands and fathers abandon their families. Mothers are turned into widows, not by death, but by the absence of their husbands who have been destroyed by miraa. They become irresponsible members of society, returning home only when their health has deteriorated beyond repair. Many children in northern Kenya have dropped out of school because of miraa. I limit my discussion to northern Kenya because that is where my experience lies. Miraa has encouraged many vices and illnesses resulting from its use remain unexplained to the population.

As my brother, Sen. (Dr.) Murango, just mentioned, the absence of data does not mean the problem does not exist. It only shows that nobody has bothered to collect data on the level of damage. What we are speaking about is real-time damage caused by miraa to the fabric of society, to the population, to health and to social order.

Madam Temporary Speaker, while I sympathise with the farmers, I wish to state categorically that there was a lot of wisdom why miraa was banned in the United Kingdom (UK), United States of America (USA) and Europe where scientific research took place. The NACADA in its wisdom borrowed that information and categorised miraa as a serious drug that is not good for the fabric of the society in this country.

Today, we should be discussing what substitute support miraa farmers should be given by the Government in terms of making sure they recollect themselves. They should be supported through substitutes in terms of subsidy, so that they approach commercial production of other crops. Where miraa does well, macadamia, coffee, tea and avocados also do well. It is not that there is no alternative.

We should not encourage a drug that has destroyed the fabric of the society into complete loss of education and parenthood. The worst experience we have seen a serious effect on libido in men. Men who abuse miraa have become more or less impotent in the context of family structure.

I believe with conviction that my brother, Sen. Kathuri, has sponsored this Bill in support of the economic activity of miraa farmers in the region and he had the wisdom to do so. Unfortunately, we all represent different regions with different interests.

While miraa is not banned in this country, its abuse will continue. Therefore, we may not have the power to stop people from consuming it and we may not have the power to stop miraa from being moved from Meru to Mandera County, but it is critical that we keep on talking about this reality because, eventually, it will come to roost and it has already happened. I am not speaking about the Somali Community that consumes

miraa in northern Kenya. Equally, Meru and Embu consumers are affected in the same context. It is not selective because it is a drug.

While I oppose the Bill in the strongest terms possible, I wish to persuade the Government to dedicate substantive resources to get data on miraa farmers and support them to replace miraa farming with a different cash crop that is healthy for all of us to consume.

Since people are watching us nationally, I do not want Kenyans to feel that perhaps as leaders, we pit regions against regions because we are not. Meru is our neighbour and we have a lot of respect for them. The sponsor of this Bill is one of the leaders who I have a lot of respect for. However, the state of destruction by this drug, if left unchecked, is going to consume our communities badly.

Madam Temporary Speaker, while I agree that too much of anything is bad, this one is not too much. You start a little bit and the family structure is destroyed. That is the problem we witnessed over the years as we grew up in our region. We have seen single mothers not because their husbands died – they are just absent from their lives. Children have failed to go to school and women have ended up carrying the burden of the family structure because their husbands are nowhere to support them.

I know there are many other vices that ought to be banned. Maybe miraa is not an exception in the context of other vices. However, there was a lot of wisdom by the NACADA categorising miraa as a drug. There is a scientific supported wisdom in developed countries that had the capacity to do thorough research on miraa and classify it as a drug that is unwanted in the UK, USA, Europe and the Arab world because of its destructive nature.

Madam Temporary Speaker, I beg to oppose this Motion and request the Government to look into alternative means of supporting the miraa farmers to be able to approach or substitute miraa farming with other cash crops. This is because the regions that grow miraa are also the regions that by wisdom of God, Almighty Allah, are blessed with rightful amount of rainfall, arable land that is able to support, the right meteorological weather condition and favourable temperatures year-round, to be able to substitute the drugs.

Madam Temporary Speaker, I oppose.

The Temporary Speaker (Sen. Mumma): Sen. Nyamu, please proceed.

Sen. Nyamu: Thank you, Madam Temporary Speaker. I have been listening to contributions by my colleagues and they seem to miss one thing. This amendment seeks to address the fact that despite miraa being consumed every other day--- my colleagues seem to say based on the effects of miraa on other people, so Cathinone and Cathine should not be removed from the schedule of being under banned substances in the Narcotics and Psychotropic Act. However, miraa is still under consumption despite the classification. What is mostly affected is value addition. Investors in this crop are not able to get licenses to add value to the crop because of the classification. As it stands, the classification, the consumption is still constant, but who suffers most are the people who want to add value.

Sen. Murungi, through this Bill, is doing serious representation of his people. In my opinion, by this Bill only, the people of Meru County ought to make a decision

because this crop supports over 500,000 families in Meru directly and indirectly. For instance, we have transporters and traders and this is what forms the basis of their livelihood and pays school fees. It is all they know.

Sen. Murungi, by way of this amendment, is going to unlock another whole economic activity using this miraa crop by value addition. Jaba juice is being traded like it is an illegal trade right now. There is all this stigma on the Meru County people who trade on miraa because they look like they are dealing with an illegal crop, yet by all means, and even under the Crops Act 2013, it is scheduled as a legal crop. This is a contradiction that this Bill seeks to remove.

So, if you stand here before this House and say that miraa is being abused, whether we pass this amendment or not, miraa will continue being abused by other people, just like alcohol is being abused by some people. Personally, I consume miraa. I do not abuse miraa. I do it maybe once in a month, and it is one of those small pleasures of life. Just like any other substance that risks being abused, miraa is one of those. So, I do not support that we should stand here today and list reasons why, or how miraa is being abused in some areas as reasons why we should not declassify cathinone and cathine from the narcotics and psychotropic substances.

The World Health Organisation, in their studies have clearly stated that it is not prone to abuse, and the dependency is low. That is science. Therefore, if that is what science says, then it explains that those who are stuck in the habit are simply abusing it. I would like to support based on the fact that it is an economic pillar, particularly in Meru, Nyambene area. On those grounds, we unlock this value addition that they are seeking to be engaged in. This is because as of now, you cannot get licensed to process miraa. You have to do it *chini ya maji*, so to speak. So, this House must legislate with courage and clarity.

It is not about stories and experiences of those jobless youth who fall victim to many other practices, which in the first place they should not even be engaging in.

As I have said before, it is rightfully a very big Gross Domestic Product (GDP) contributor in the country. On one hand, we support the crop and the trade. On the other hand, we are collecting taxes from them. On the other hand, we are curtailing the whole ecosystem of miraa by having contradictory laws. We are telling farmers on one hand to grow the crop. On the other hand, we are telling investors, you cannot process it. So, luckily this Bill is in our hands. I want to urge Sen. Murungi to lobby Members in this House, so that we pass this amendment. It is going to bring a great difference in the miraa industry. It will create employment for our youth and increase the tax base in the country.

With those few remarks, I support.

The Temporary Speaker (Sen. Mumma): There is no other Senator. So, the Mover may reply.

Sen. Kathuri: Thank you, Madam Temporary Speaker. I really want to thank Members who have contributed, either positively or negatively, to this important Bill.

I want to start with Sen. Cherarkey, Sen. Mundigi, Sen. Mohammed Faki, Sen. Abbas, Sen. (Dr.) Murango, Sen. Ali Roba, and Sen. Karen Nyamu. I want to really thank them for taking time to think about this Bill. However, what I have seen is most of

Members who do not support, do not understand what I am trying to seek. I really explained the justification for more than 30 minutes.

Most of the Members are discussing whether miraa should be banned from being used in Kenya. That is not the issue. Miraa is already a scheduled crop in the Crop Act, 2013. So, we have no powers. If somebody will go to amend that section, so that it is not a scheduled crop, then miraa will not benefit. Even before 2013, chewing of miraa was not illegal. Miraa has been consumed since creation. Therefore, the issue that hon. Members have not understood is that we are either agreeing or disagreeing that miraa should be---

The Bill intends to amend the Narcotics, Drugs, and Psychotropic Substances Control Act to remove a substance called cathinone and cathine as naturally found in the miraa crop from the classification of psychotropic substances. Cathinone and cathine occurring naturally in the miraa plant is very different with what has been categorised in the Second Schedule as psychotropic substances, as Cathinone and cathine. If you go and produce Cathinone and Cathine in a laboratory, that is a drug. We are agreeing with that, but the Cathinone and Cathine occurs in its natural state in miraa. If you keep that twig for more than 12 hours, that cathinone and cathine will go.

Researchers have found out that cathinone and cathine is not harmful to the human body. As many Members have expressed, if you take it in excess; of course, it will have an effect on your body. That is what is happening in the norther eastern region. That is why in Kiswahili, Sen. Murango said that we should use everything in moderation. If you drink a lot of milk, you know it will affect you; use everything in moderation.

Sen. Karen, I am happy that you really support this Bill and that you chew miraa once per month and it has no effect on you. I do it almost weekly or after two weeks and while sitting on that Chair, I have never made any irrational determination because I use in moderation.

Madam Temporary Speaker, I hope I will be able to convince more Members about the amendment that I am seeking. I can see that I will be able to get the required number to pass this Bill at the Second Reading. I request the people of Meru County to be patient. I know they have been waiting for a while and Sen. Karen really understands. What we are trying to do is make sure that we do not take a lot of miraa to north eastern areas such as Mandera, Garissa and Wajir. Once we start value addition, we will have no miraa left to take outside of Meru. Even the local consumption will be limited because we want to open another level of value addition. We will make wine, juice and tea bags, so that even people can shed weight using that. People are taking napier grass and hibiscus as health drinks, miraa will also be a health drink to help weight management.

We are to convince Members that if we also the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) to remove this Cathinone and Cathine from the scheduled list of narcotics and we will be able to do value addition. If you want to take the wine or not, it is up to you. Even now, we have so many wine shops in this Republic, but not everybody goes to those shops to pick a bottle of wine. If you do not partake it, you just do not go to the shop. There are so many bars in this country and if you drink beer, you will go to the bar and drink.

That is why we are asking the Members to allow NACADA to remove these substances from the list, so that now we can do value addition. Instead of miraa going to north eastern, we tell the people of north eastern to buy wine or juice from the shop if they want. That would be a good idea because we are going to mop out all the miraa that is being transported out of Meru. We will do value addition and market our products in and outside Kenya. There is a lot of wine coming from South Africa which we do not know how it is made and yet, people are buying it every day. That is the route that we want to take.

Madam Temporary Speaker, with all these remarks, I beg to reply and request that the putting of the question be deferred to a later date pursuant to Standing Order No.66(3).

The Temporary Speaker (Sen. Mumma): It is so deferred.

(Putting of the question to the Bill deferred)

Next Order.

(The Clerk-at-the-Table consulted with the Chair)

The Temporary Speaker (Sen. Mumma): Hon. Senators because of absence of movers, we are deferring order No. 11 to 16, 18, 20 to 37.

BILL

Second Reading

THE CULTURE BILL (NATIONAL
ASSEMBLY BILLS NO.12 OF 2024)

(Bill deferred)

BILL

Second Reading

THE PUBLIC AUDIT (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.4 OF 2024)

(Bill deferred)

BILL

Second Reading

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THE HEALTH (AMENDMENT)
BILL (SENATE BILLS NO.12 OF 2025)

(Bill deferred)

BILL

Second Reading

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

(Bill deferred)

BILL

Second Reading

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT)
BILL (SENATE BILLS NO.15 OF 2025)

(Bill deferred)

BILL

Second Reading

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL
(NATIONAL ASSEMBLY NO. 3 OF 2024)

(Bill deferred)

COMMITTEE OF THE WHOLE

THE DIVISION OF REVENUE BILL
(NATIONAL ASSEMBLY BILL NO.2 OF 2026)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE NUTS AND OIL CROPS DEVELOPMENT
BILL (SENATE BILLS NO.47 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE HERITAGE AND MUSEUMS
BILL (SENATE BILLS NO.8 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL
(SENATE BILLS NO.10 OF 2024)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY HALL OF FAME BILL
(SENATE BILLS NO.18 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE PUBLIC FUNDRAISING APPEALS BILL
(SENATE BILLS NO.36 OF 2024)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE ENVIRONMENT LAWS (AMENDMENT) BILL
(SENATE BILLS NO.23 OF 2024)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE SPORTS (AMENDMENT) (NO. 2) BILL
(SENATE BILLS NO. 45 OF 2024)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE KENYA NATIONAL COUNCIL FOR POPULATION AND DEVELOPMENT
BILL (NATIONAL ASSEMBLY BILLS NO. 72 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE SEEDS AND PLANT VARIETIES (AMENDMENT)
BILL (SENATE BILLS NO.4 OF 2025)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY OVERSIGHT AND ACCOUNTABILITY
BILL (SENATE BILLS NO.3 OF 2024)

(Committee of the Whole deferred)

MOTION

ADOPTION OF MEDIATION COMMITTEE REPORT ON THE FOOD
AND FEED SAFETY CONTROL CO-ORDINATION BILL (NATIONAL
ASSEMBLY BILLS NO.21 OF 2023)

THAT, the Senate adopts the Report of the Mediation Committee on the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023), laid on the table of the Senate on Tuesday, 28th April, 2026, and that pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

(Motion deferred)

MOTION

ADOPTION OF MEDIATION COMMITTEE REPORT ON THE FOOD
AND FEED SAFETY CONTROL CO-ORDINATION BILL (NATIONAL
ASSEMBLY BILLS NO.21 OF 2023)

THAT, the Senate adopts the Report of the Mediation Committee on the Food and Feed Safety Control Coordination Bill (National Assembly Bills No. 21 of 2023), laid on the table of the Senate on Tuesday, 28th

April, 2026, and that pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

(Motion deferred)

MOTION

MAINSTREAMING GENDER PERSPECTIVES IN LEGISLATIVE AND POLICY PROCESSES

THAT AWARE THAT, Article 27 of the Constitution of Kenya guarantees the right to equality and freedom from discrimination, with Article 27(3) providing those women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres;

FURTHER AWARE that Article 27(8) obligates the State to take legislative and other measures to redress any disadvantage suffered by individuals or groups as a result of past discrimination, and to ensure that not more than two-thirds of members of elective or appointive bodies shall be of the same gender;

COGNIZANT THAT mainstreaming gender perspectives in all aspects of governance is essential to achieving inclusive development and safeguarding the rights and welfare of all citizens, particularly women, girls and other marginalized groups;

CONCERNED THAT the integration of gender considerations remains inconsistent across the two levels of government and those legislative processes have often resulted to policies that do not adequately address gender-specific needs and realities;

NOW THEREFORE, the Senate:

i) urges Parliament, County Assemblies and their respective legislative committees to incorporate a gender analysis in the scrutiny of legislation, policies, programmes and budgets before them, including through the use of gender impact assessments and consultation with gender-focused stakeholders to ensure gender-responsive governance;

ii) recommends that the National Gender and Equality Commission and the State Department for Gender develops clear guidelines and tools to support the integration of gender perspectives in legislative, policy and budgetary analysis, and ensures these are disseminated and adopted by relevant government and legislative bodies;

iii) further urges the National Gender and Equality Commission and State Department for Gender to collaborate with the Kenya Law Reform Commission, and County Assembly Service Boards to build capacity for gender analysis among technical and legislative staff;

iv) urges the State Department for Gender to submit to Parliament a comprehensive biannual report detailing actions taken by Ministries, Departments and Agencies to promote gender mainstreaming, key achievements, emerging challenges, and proposed interventions; and

v) resolves that the Standing Committee on Labour and Social Welfare continuously monitor the implementation of these resolutions and tables biannual report on the status of implementation.

(Motion deferred)

MOTION

NOTING OF REPORT ON ACTIVITIES AND OPERATIONS OF SELECT COMMITTEES DURING THE THIRD SESSION

THAT, the Senate notes the Report of the Liaison Committee on the activities and operations of Select Committees during the Third Session (2024) pursuant to Standing Order 224 (2), laid on the Table of the Senate on Wednesday, 28th May, 2025.

(Motion deferred)

MOTION

ADOPTION OF REPORT ON SHORTAGE OF SMART ENERGY METERS IN KENYA

THAT, the Senate adopts Report of the Standing Committee on Energy on inquiry into the shortage of smart energy meters in Kenya and the potential for their local manufacturing, laid on the Table of the Senate on Wednesday, 11th June, 2025.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until tomorrow, Wednesday, 6th May, 2026 at 9.30 a.m.

The Senate rose at 6.22 p.m.