

REPUBLIC OF KENYA

PARLIAMENT

NATIONAL ASSEMBLY BILLS

(*Bill No. 66 of 2026*)

THE ANTI-DOPING (AMENDMENT) BILL, 2026

(A Bill published in the Kenya Gazette Supplement No. 237 of 2026 and passed by the National Assembly, without amendments, on November 11th 2026)

N.A./B/No. 66/2026

THE ANTI-DOPING (AMENDMENT) BILL, 2026

A Bill for

AN ACT of Parliament to amend the Anti-Doping Act

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the Anti-Doping (Amendment) Act, 2026.

Amendment of section 2 of Cap. 245B.

2. The Anti-Doping Act (in this Act referred to as the "principal Act") is amended in section 2—

(a) by deleting the definition of "accredited laboratory";

(b) by deleting the definition of "anti-doping activities";

(c) by deleting the definition of "Anti-Doping Administration and Management System";

(d) by deleting the definition of "Anti-Doping Rules" and substituting therefor the following new definition—

"Anti-Doping Rules" means the anti-doping rules of the Agency adopted and implemented in conformity with the Code, as amended from time to time, and includes the Regulations made under this Act;

(e) in the definition of "athlete", by deleting the words "as defined by the Agency" and substituting therefor the words "within the meaning of this Act";

(f) by deleting the definition of "athlete biological passport";

(g) by deleting the definition of "athlete support personnel" and substituting therefor the following new definition—

"athlete support personnel" includes a coach, trainer, manager, agent, team staff, official, medical or paramedical personnel, parent or any other person working with, treating or assisting an athlete

participating in or preparing for a sports competition, and "athlete support person" shall be construed accordingly;

(h) by deleting the definition of "Committee";

(i) by deleting the definition of "doping" and substituting therefor the following new definition—

"doping" means the occurrence of one or more anti-doping rule violations as defined in the World Anti-Doping Code;

(j) by deleting the definition of "doping control" and substituting therefor the following new definition—

"doping control" means the steps and processes commencing with test distribution planning to the disposition of any appeal and the enforcement of consequences, including all steps and processes in between, including testing, investigations, whereabouts, therapeutic use exemptions, sample collection and handling, laboratory analysis, results management and investigations or proceedings relating to violations of status during ineligibility or provisional suspension as provided for in the World Anti-Doping Code;

(k) in the definition of "event", by deleting the word "separate" and substituting therefor the word "individual";

(l) in the definition of "in-competition", by deleting the words "the body in charge of an event" and substituting therefor the words "as approved by the World Anti-Doping Agency";

(m) by deleting the definition of "institutional independence";

(n) in the definition of "international-level athlete", by deleting the words "and Investigations";

(o) in the definition of "International Standard", by inserting the words "and technical letters" immediately after the word "documents";

(p) by deleting the definition of "marker";

(q) by deleting the definition of "metabolite";

(r) by deleting the definition of "minor";

(s) by deleting the definition of "National Anti-Doping Organization";

(t) by deleting the definition of "national level athlete" and substituting therefor the following new definition—

"national level athlete" means an athlete who is not an international-level athlete and who—

(a) is included in the Registered Testing Pool or any other testing pool established by the Agency;

(b) participates in the premier division, first-tier national league competition of a team sport or the highest officially recognized national league division of a sport;

(c) in the case of an individual sport, is registered with a national sports organisation and is participating, or has participated in the preceding year, in the events and competitions held by the national sports organisation as set out in its annual calendar of events; or

(d) is a Kenyan citizen who competes at the international level or in international events but is not classified as an international-level athlete by the relevant international federation,

but does not include an athlete who is included in an international federation's registered testing pool or other testing pool or who is defined as an international-level athlete by the relevant international federation;

(u) by deleting the definition of "national sports organization";

(v) by deleting the definition of "operational independence";

(w) by deleting the definition of "participant";

(x) by deleting the definition of "professional sports";

(y) by deleting the definition of "professional sports person";

(z) by deleting the definition of "recreation";

(aa) by deleting the definition of "recreational athlete" and substituting therefor the following new definition—

"recreational athlete" means any person who engages or participates in sport or fitness activities for recreational purposes and does not include any person who, within the five years prior to committing any anti-doping rule violation, has, in the same sport—

(a) been an international-level athlete, as defined by each International Federation consistent with the International Standard for Testing;

(b) been a national level athlete, as defined by each National Anti-Doping Organization consistent with the International Standard for Testing;

(c) participated in the sport in a professional capacity;

(d) competed in an international event or national event;

(e) represented any country in an international event in an open category; or

(f) been included within any Registered Testing Pool or other whereabouts information pool maintained by any International Federation or National Anti-Doping Organization;

(bb) by deleting the definition of "sports organisation" and substituting therefor the following new definition—

"sports organisation" means any body that governs, regulates, administers, organises, manages, promotes, or is responsible for sport or sporting activities in Kenya, and includes a national governing body, federation, club, league, association, event organiser and any other body

exercising authority over athletes, athlete support personnel or sporting activities in Kenya;

(cc) by deleting the definition of "target testing";

(dd) by deleting the definition of "Therapeutic Use Exemption";

(ee) by deleting the definition of "trafficking"; and

(ff) by inserting the following new definition in its proper alphabetical sequence—

"possession" means the actual, physical possession, or the constructive possession, of a prohibited substance or prohibited method, and for the purposes of this definition—

(a) constructive possession shall be found only if the person has exclusive control over, or intends to exercise control over, the prohibited substance or prohibited method or the premises in which the prohibited substance or prohibited method exists;

(b) where the person does not have exclusive control over the prohibited substance or prohibited method or the premises in which the prohibited substance or prohibited method exists, constructive possession shall be found only if the person knew about the presence of the prohibited substance or prohibited method and intended to exercise control over it;

(c) there shall be no anti-doping rule violation based solely on possession if, before receiving notification of any kind that the person has committed an anti-doping rule violation, the person has taken concrete action demonstrating that the person never intended to have possession and has renounced possession by explicitly declaring it to an anti-doping organisation; and

(d) notwithstanding anything to the contrary in this definition, the purchase, including by any electronic or other means, of a prohibited substance or prohibited method constitutes

possession by the person who makes the purchase;

Insertion of new section in Cap. 245B.

3. The principal Act is amended by inserting the following new section immediately after section 2—

Construction.

2A. Words and expressions used but not defined in this Act shall, unless the context otherwise requires, have the meanings assigned to them in the Code and the International Standards.

Amendment of section 3 of Cap. 245B.

4. Section 3 of the principal Act is amended—

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

"(b) the following persons, whether or not they are minors—

(i) athletes and athlete support personnel who are members or licence holders of any sports organisation in Kenya, or of any member or affiliate organisation of any sports organisation in Kenya including any clubs, teams, associations or leagues;"

(ii) athletes and athlete support personnel who participate in such capacity in events, competitions and other activities organized, convened, authorized or recognized by any sports organisation in Kenya, or by any member or affiliate organisation of any sports organisation in Kenya including any clubs, teams, associations or leagues, wherever held; and"

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

"(d) sports organisations, fitness centres and gyms; and".

Amendment of section 5 of Cap. 245B.

5. Section 5 of the principal Act is amended by deleting subsection (2A) and substituting therefor the following new subsection—

"(2A) The Agency shall be the only organisation permitted to carry out anti-doping activities in Kenya and its authority to enforce this Act, including any consequence for the breach thereof, shall be recognized by all sports organisations."

Amendment of section 7 of Cap. 245B.

6. Section 7 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection—

"(1) The functions of the Agency shall be to—

(a) plan, conduct, coordinate and oversee in-competition and out-of-competition testing across all sports and at all levels for Kenyan athletes and athletes present within Kenya;

(b) design, implement, evaluate and promote anti-doping education and awareness programmes aimed at preventing doping and promoting integrity, ethics, fair play and clean sport principles;

(c) gather, receive, assess and act upon intelligence relating to suspected doping activities;

(d) carry out investigations into violations of this Act;

(e) prosecute anti-doping rule violations and related offences before the appropriate bodies;

(f) undertake results management and enforce consequences in accordance with the Code and the Anti-Doping Rules;

(g) establish and administer the Therapeutic Use Exemption process in line with international standards;

(h) develop and implement strategies to prevent, detect and address doping in sport;

(i) undertake or facilitate research on doping practices including prohibited substances and methods;

(j) advise the Government on all matters relating to anti-doping policies; and

(k) perform any other function conferred by this Act or any other written law."

Amendment of section 9 of Cap. 245B.

7. Section 9 of the principal Act is amended—

(a) by deleting the marginal note and substituting therefor the following new marginal note—

"Independence of the Agency."

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

"(2) The Agency shall—

(a) be independent in their operational decisions and activities from sport and government; and

(b) ensure that no person is involved in their management or operational activities where that person has a real or potential conflict of interest in relation to those operational activities."; and

(c) by inserting the following new subsection immediately after subsection (2)—

"(3) For the purposes of subsection (2)(b), a real or potential conflict of interest shall, without limitation, be deemed to arise where a person is concurrently involved in the management or operational activities of the Agency and in the management or operational activities of a sports organisation or of a Ministry or Government department with responsibility for sport or anti-doping."

Amendment of section 17 of Cap. 245B.

8. Section 17(2) of the principal Act is amended in paragraph (a) by deleting the word "five" and substituting therefor the word "fifteen".

Repeal of section 23 of Cap. 245B.

9. The principal Act is amended by repealing section 23.

Amendment of section 24 of Cap. 245B.

10. The principal Act is amended by deleting section 24 and substituting therefor the following new section—

Therapeutic use exemption.

24. An athlete who, for therapeutic reasons, requires the use of a prohibited substance or a prohibited method may apply to the Agency for a therapeutic use exemption in accordance with the Anti-Doping Rules in force at the time.

Amendment of section 25 of Cap. 245B.

11. The principal Act is amended by deleting section 25 and substituting therefor the following new section—

Doping control.

25. (1) The Agency shall undertake doping control as a fundamental component of the national anti-doping programme for the purposes of detecting, deterring and preventing doping in sport and enforcing compliance with this Act, the Anti-Doping Rules and the applicable International Standards.

(2) The Agency may, in accordance with the Anti-Doping Rules and the applicable International Standards, conduct testing on any person to whom this Act applies.

(3) Without prejudice to the generality of subsection (2), testing may be conducted—

(a) at any time, whether in-competition or out-of-competition;

(b) at any place, whether within or outside Kenya; and

(c) without advance notice to the person being tested.

(4) A person to whom this Act applies shall submit to testing when requested to do so by the Agency or by any person or body authorised by the Agency.

(5) The testing under this Act shall be conducted in accordance with the procedures, requirements and safeguards prescribed in the Anti-Doping Rules and the applicable International Standards.

Insertion of new section in Cap. 245B.

12. The principal Act is amended by inserting the following new section immediately after section 25—

Prohibition of doping.

26. (1) An athlete, athlete support person, sports organisation or any other person shall not engage in, facilitate, encourage, aid, abet, assist, conceal, participate in or otherwise be involved in any act of doping or any conduct constituting an anti-doping rule violation under this Act or the Anti-Doping Rules.

(2) A person participating in sport shall uphold the principles of clean sport and comply with this Act, the Anti-Doping Rules and any other applicable anti-doping requirements.

(3) A person who contravenes the provisions of this section shall be liable to the sanctions and consequences provided for under the Anti-Doping Rules and, where the contravention constitutes an offence under this Act or any other written law, to the penalties prescribed under this Act or that other written law.

Repeal of section 27 of Cap. 245B.

13. The principal Act is amended by repealing section 27.

Repeal of section 28 of Cap. 245B.

14. The principal Act is amended by repealing section 28.

Amendment of section 30 of Capp. 245B.

15. Section 30 of the principal Act is amended—

(a) by deleting subsection (1) and substituting therefor the following new subsection—

"(1) An authorized anti-doping compliance officer shall, for the purposes of enforcing this Act and any regulations made thereunder, have the power to—

(a) investigate offences under this Act;

(b) require the production of documents, records or information reasonably necessary for the conduct of an investigation;

(c) enter premises, vessels or vehicles for the purpose of inspection or investigation, subject to a warrant issued by a court of competent jurisdiction;

(d) search for and seize prohibited substances, prohibited methods, equipment, documents or other items reasonably suspected to be connected with an offence under this Act; Cap. 75.

(e) arrest, without a warrant, any person reasonably suspected of committing an offence under this Act, in the circumstances in which, and subject to the conditions under which, a police officer may arrest a person without a warrant under the Criminal Procedure Code, and shall, without undue delay, hand over the person so arrested to a police officer or take the person to the nearest police station; and

(f) monitor compliance with the provisions of the Act."

(b) by deleting subsection (4).

Amendment of section 31 of Cap. 245B.

16. The principal Act is amended by deleting section 31 and substituting therefor the following new section—

Hearing and determination of anti-doping rule violation cases.

31. (1) All anti-doping rule violation cases involving national level athletes, international-level athletes, athlete support personnel and other persons subject to the Anti-Doping Rules shall, in the first instance, be heard and determined by the Sports Disputes Tribunal established under the Sports Act. Cap. 223.

(2) A party aggrieved by a decision of the Sports Disputes Tribunal under subsection (1) may appeal to the Continental Results Management Panel recognised under the applicable Anti-Doping Rules, in accordance with those Rules.

(3) A party aggrieved by a decision of the Continental Results Management Panel under subsection (2) may lodge a further

appeal with the Court of Arbitration for Sport in accordance with the applicable Anti-Doping Rules.

(4) Notwithstanding subsections (2) and (3), a national level athlete, an international-level athlete or any other person with a right of appeal under this Act or the applicable Anti-Doping Rules may elect to appeal directly from a decision of the Sports Disputes Tribunal to the Court of Arbitration for Sport, where such direct appeal is permitted under the applicable Anti-Doping Rules.

Repeal of section 32 of Cap. 245B.

17. The principal Act is amended by repealing section 32.

Amendment of section 41B of Cap. 245B.

18. The principal Act is amended by deleting section 41B and substituting therefor the following new section—

Internal Rules to conform with the Code.

41B. (1) A sports organisation shall prepare Rules requiring all athletes preparing for or participating in a competition or activity authorized or organized by a sports organisation or one of its member organisations, and each athlete support personnel associated with such athletes to agree to be bound by the Anti-Doping Rules and the Agency's results' management authority in conformity with the Code as a condition for such participation.

(2) A sponsor or an event organizer shall ensure that an anti-doping program is incorporated into every sporting event or competition.

(3) A sports organisation, the National Olympic Committee of Kenya, or the National Paralympic Committee of Kenya shall ensure that an anti-doping program is integrated and recognized in the process of national team selection.

(4) A national team shall undergo anti-doping education and testing prior to and during participation in an international sporting event.

Amendment of section 41C of Cap. 245B.

19. The principal Act is amended by deleting section 41C and substituting therefor the following new section—

Reports on violations.

41C. A person shall report any information suggesting or relating to an anti-doping rule violation to the Agency, and if it is a sports organisation, to its international federation.

Insertion of new section in Cap. 245B.

20. The principal Act is amended by inserting the following new section immediately after section 41D—

Compliance by sports organisations.

41E. (1) A sports organisation shall ensure that its constitution, rules, regulations and policies are consistent with and expressly incorporate the Anti-Doping Rules, as amended from time to time.

(2) The Agency shall conduct compliance audits of sports organisations for the purposes of monitoring compliance with subsection (1).

(3) The Agency may, in accordance with the Anti-Doping Rules and after according the sports organisation concerned an opportunity to be heard, impose sanctions against a sports organisation that fails to comply with the requirements of this section.

Amendment of section 42 of Cap. 245B.

21. Section 42 of the principal Act is amended—

(a) in subsection (1) by deleting the closing sentence and substituting therefor the following closing sentence—

"commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.";

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

"(2) A person or body who—

(a) unlawfully transports or transfers prohibited substances or prohibited methods within or outside Kenya;

(b) stocks supplies of products containing prohibited substances or prohibited methods in an unlawful manner; or

(c) administers, applies or generally causes an athlete to use prohibited substances or prohibited methods,

commits an offence and shall be liable, on conviction, to a fine of not less than five million shillings or to imprisonment for a term of not less than five years or to both such fine and imprisonment, and in case of corporate bodies, in addition to the fine, the trading licence of the respective corporate body shall be withdrawn for a period of not less than one year."

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

"(3) A person participating in recreational sport in a gym, fitness centre, private club or other similar facility who—

(a) uses or causes another person to use a prohibited substance or prohibited method;

(b) is found in possession of a prohibited substance or prohibited method;

(c) administers or attempts to administer a prohibited substance or prohibited method; or

(d) buys, sells, stocks, transports or in any way deals with a prohibited substance or prohibited method,

commits an offence and is liable, on conviction, to a fine of not less than one million shillings or to imprisonment for a term of not less than three years or to both such fine and imprisonment:

Provided that if such a person is an athlete or athlete support personnel then such a person shall be

subjected only to the sanctions specified in subsection (6)."; and

(d) in subsection (4) by deleting the closing sentence and substituting therefor the following new closing sentence—

"commits an offence and shall be liable on conviction to a fine of not less than five million shillings or to imprisonment for a term of not less than five years or to both such fine and imprisonment, and shall have his or her professional licence revoked for a period of not less than one year."

Amendment of section 43 of Cap. 245B.

22. Section 43 of the principal Act is amended by deleting the words "one million shillings or to imprisonment for a term of not less than one year" and substituting therefor the words "three million shillings or to imprisonment for a term of not less than three years".

Transitional provisions.

23. (1) Any proceedings relating to an anti-doping rule violation that are pending before the Sports Disputes Tribunal or any other body immediately before the commencement of this Act shall continue and be concluded in accordance with the principal Act as if this Act had not been enacted.

(2) A therapeutic use exemption granted under the principal Act and in force immediately before the commencement of this Act shall continue in force, until it expires or is revoked, as if it had been granted under the Anti-Doping Rules.

(3) The Registered Testing Pool established under the repealed section 25 of the principal Act and subsisting immediately before the commencement of this Act shall be deemed to have been established under the Anti-Doping Rules.

Consequential amendment to section 58 of Cap. 223.

24. Section 58 of the Sports Act is amended in subsection (1) by inserting the following new paragraph immediately after paragraph (a)—

"(aa) anti-doping rule violations under the Anti-Doping Act;"

I certify that this printed impression is a true copy of the Bill passed by the National Assembly on the 11th November, 2026.

Clerk of the National Assembly

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly Standing Orders.

Speaker of the National Assembly