



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIFTH SESSION)

THE SENATE

ORDER PAPER

THURSDAY, FEBRUARY 12, 2026 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. *****THE PUBLIC SERVICE INTERNSHIP BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2022)**
(The Senate Majority Leader)

(First Reading)

9. *****THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2023)**
(The Senate Majority Leader)

(First Reading)

10. *****THE KENYA NATIONAL COUNCIL FOR POPULATION AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILLS NO. 72 OF 2023)**
(The Senate Majority Leader)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 11th February, 2026
– Afternoon Sitting)
(Mover to reply)***

...../Motions

11. **MOTION - CONSIDERATION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)**
(The Vice Chairperson, Mediation Committee)

THAT, the Senate adopts the Report of the Mediation Committee on the Coffee Bill (Senate Bills No. 10 of 2023), laid on the table of the Senate on Thursday, 4th December, 2025, 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.

12. **MOTION - CONSIDERATION OF THE REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON A PETITION TO THE SENATE BY EMPLOYEES OF THE FORMER KENYA COOPERATIVE CREAMERIES LIMITED (KCC) CONCERNING NON-PAYMENT OF OUTSTANDING TERMINAL BENEFITS AND MAZIWA SACCO DUES TO FORMER EMPLOYEES OF KENYA COOPERATIVES CREAMERIES LTD.**

(The Chairperson, Standing Committee on Labour and Social Welfare)

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on a petition to the Senate by employees of the former Kenya Cooperative Creameries Limited (KCC) concerning non-payment of outstanding terminal benefits and Maziwa Sacco dues to former employees of Kenya Cooperatives Creameries Ltd, laid on the Table of the Senate on Thursday, 27th November, 2025.

13. **MOTION - CONSIDERATION OF THE REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON A PETITION TO THE SENATE BY MR. TITUS NJOROGE CONCERNING HIS DISMISSAL BY THE AFRICAN INLAND CHURCH (AIC) OF KENYA AND NON-PAYMENT OF ARREARS OWED TO HIM**

(The Chairperson, Standing Committee on Labour and Social Welfare)

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on a petition to the Senate by Mr. Titus Njoroge concerning his dismissal by the African Inland Church (AIC) of Kenya and non-payment of arrears owed to him, laid on the Table of the Senate on Thursday, 27th November, 2025.

14. **MOTION - REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COUNTY OVERSIGHT AND NETWORKING ENGAGEMENTS TO MANDERA, WAJIR AND MARSABIT COUNTIES**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health regarding the County Oversight and Networking engagements to Mandera, Wajir and Marsabit Counties, laid on the Table of the Senate on Thursday, 2nd October, 2025.

15. ***THE COUNTY GOVERNMENTS (STATE OFFICERS REMOVAL FROM OFFICE) PROCEDURE BILL (SENATE BILLS NO. 34 OF 2024)**
(Sen. Karungo Thang'wa, MP)

(Second Reading)

16. ***THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2024)**
(Sen. George Mbugua, MP)

(Second Reading)

17. ***THE STREET NAMING AND PROPERTY ADDRESSING SYSTEM BILL (SENATE BILLS NO. 43 OF 2024)**
(Sen. Fatuma Dullo, MP)

(Second Reading)

18. *****THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 48 OF 2024)**
(The Senate Majority Leader)

(Second Reading)

19. ***THE COUNTY GOVERNMENTS LAWS (AMENDMENT) BILL (SENATE BILLS NO. 52 OF 2024)**
(Sen. Kathuri Murungi, MP)

(Second Reading)

20. ***THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING AND REUSE BILL (SENATE BILLS NO. 5 OF 2025)**
(Sen. Peris Tobiko, MP)

(Second Reading)

21. ****THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2025)**
(The Chairperson, Standing Committee on Energy)

(Second Reading)

22. **COMMITTEE OF THE WHOLE
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE
METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**
(The Chairperson, Standing Committee on Land, Environment and Natural Resources)

23. **COMMITTEE OF THE WHOLE**

****THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)**
(The Chairperson, Standing Committee on Health)

(Consideration of His Excellency the President's recommendations)

24. **COMMITTEE OF THE WHOLE**

***THE LABOUR MIGRATION AND MANAGEMENT (NO. 2) BILL (SENATE
BILLS NO. 42 OF 2024)**
(Sen. Tabitha Mutinda, MP)

25. **COMMITTEE OF THE WHOLE**

***THE TOBACCO CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 35
OF 2024)**
(Sen. Catherine Mumma, MP)

26. **COMMITTEE OF THE WHOLE**

***THE COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT) BILL
(SENATE BILLS NO. 2 OF 2024)**
(Sen. Crystal Asige, MP)

27. **COMMITTEE OF THE WHOLE**

***THE NUTS AND OIL CROPS DEVELOPMENT BILL (SENATE BILLS NO. 47
OF 2023)**
(Sen. Hamida Kibwana, MP)

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KEY

****- Denotes a Majority /Minority Party Bill

***- Denotes a National Assembly Bill

**- Denotes a Committee Bill

*- Denotes any other Bill

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NOTICE OF AMENDMENTS**A. ** THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**

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

NATIONAL ASSEMBLY AMENDMENTS**CLAUSE 1**

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

CLAUSE 7

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

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

CLAUSE 12

THAT, clause 12 of the Bill be amended —

- (a) in sub-clause (1) by deleting the words “board of directors to be known as the Kenya Meteorological Service Authority Board” and substituting therefor the word “Board”;
- (b) in sub-clause (2)—
 - (i) by deleting the words “in the ministry” appearing in paragraph (b) and substituting therefor the words “for the time being”;
 - (ii) by deleting the words “in the ministry” appearing in paragraph (c) and substituting therefor the words “for the time being”;
 - (iii) by deleting the words “in the ministry” appearing in paragraph (d) and substituting therefor the words “for the time being”;
 - (iv) by inserting the following new paragraph immediately after paragraph (d)—
 - “(da) the Principal Secretary for the time being responsible for agriculture or his or her representative”;
 - (v) by deleting the words “his representative” appearing in paragraph (e) and substituting therefor the words “a representative”; and
 - (vi) in paragraph (g) by inserting the following new sub-paragraph immediately after sub-paragraph (v)—
 - (vii) drought risk management.

CLAUSE 19

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

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

CLAUSE 38

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

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

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

NEW CLAUSE 43A

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

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

CLAUSE 53

THAT, clause 53 of the Bill be amended—

- (a) in sub-clause (3) by inserting the words “and non-technical” immediately after the word “technical”;
- (b) in sub-clause (5) by inserting the words “and non-technical” immediately after the word “technical”; and
- (c) by deleting sub-clause (6) and substituting therefor the following new sub-clause—
(6) Despite subsection (3), a technical or non-technical member of staff shall upon the commencement of this Act, be given an option to elect to serve in the Authority or be redeployed in the civil service within a period of one year.

B. **THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)
(The Chairperson, Standing Committee on Health)

(Consideration of His Excellency the President's recommendations)

His Excellency the President's recommendations

CLAUSE 2

THAT, Clause 2 of the Bill be deleted.

CLAUSE 3

THAT, Clause 3 of the Bill be deleted.

CLAUSE 4

THAT, Clause 4 of the Bill be deleted.

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

(Sen. Tabitha Mutinda, MP)

NOTICE is given that the Chairperson, Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Labour Migration and Management (No. 2) Bill (Senate Bills No. 42 of 2024), at the Committee Stage—

CLAUSE 18

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

- (a) deleting (d) and substituting therefor the following new paragraph —
 - (d) market viability;
- (b) deleting paragraph (e).

CLAUSE 19

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

- (a) deleting the word “and” appearing immediately after the words “certificate of registration in paragraph (a);”
- (b) inserting the following new paragraph immediately after paragraph (a)—
 - (aa) in the name of the private employment agency and shall not be transferable to any other person or entity.

CLAUSE 20

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

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

CLAUSE 26

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

CLAUSE 43

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

CLAUSE 49

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

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

D.*THE TOBACCO CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 35 OF 2024)

(Sen. Catherine Mumma, MP)

A. NOTICE is given that the Chairperson, Standing Committee on Health, intends to move the following amendments to the Tobacco Control (Amendment) Bill (Senate Bills No. 35 of 2024), at the Committee Stage –

CLAUSE 4

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

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

of Cap 245A

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

CLAUSE 6

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

Amendment 6. Section 12 of the Principal Act be amended by inserting the of section following new paragraph immediately after paragraph (b) –
12 of Cap

245A

- (bb) undertake periodical review and adjustment of tax rates to ensure they reflect current public health objectives and inflation.

CLAUSE 7

THAT clause 7 of the Bill be amended—

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

- (b) in the proposed section 14E by –

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

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

- (a) for conformity with the requirements under the Act; and
- (b) to confirm the accuracy of the information submitted in the request for approval.

(ii) deleting the proposed subsection (3).

NEW CLAUSES

CLAUSE 2A

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

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

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

CLAUSE 5A

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

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

CLAUSE 16A

THAT the Bill be amended by inserting the following new clause immediately after clause 16 —

Amendment of section 36 of Cap 245A 16A. Section 36 of the principal Act is amended—

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

CLAUSE 2

THAT clause 2 of the Bill be amended –

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

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

B. NOTICE is given that (Sen. Catherine Mumma, MP), intends to move the following amendments to the Tobacco Control (Amendment) Bill, 2024 (Senate Bills No. 35 of 2024), at the Committee Stage –

CLAUSE 3

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

Amendment 3. The Principal Act is amended by deleting section 5 and substituting therefor the following new section –

Establishment of the Tobacco Control 5. There is established the Tobacco Control

Advisory Committee Advisory Committee.

Control Advisory Committee

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

- (a) a chairperson appointed by the Cabinet Secretary;
- (b) the Principal Secretary responsible for matters relating to public health or a designated representative;
- (c) the Principal Secretary for the National Treasury or a designated representative;
- (d) the Director-General for health or a designated representative;
- (e) the chairperson of the Council of County Governors health committee or a designated representative;
- (f) one person with special expertise on matters relating to tobacco, nominated by the Council of County Governors;
- (g) one person representing the Kenya business community, nominated by the Kenya National Chamber of Commerce and Industry;

.....**Notice of Amendments**

- (h) one person nominated by the Kenya Medical Association;
- (i) one person representing non-governmental organizations involved in matters relating to tobacco control; and
- (j) the chief executive officer of Kenya National Youth Council or a designated representative.

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

Disqualification from the position of a member of the Committee.

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

- (a) is an employee, agent, or representative of a person, company, or association engaged in the manufacture, sale, or distribution of tobacco or tobacco products; or
- (b) has any direct or indirect pecuniary interest in the tobacco industry; or
- (c) has contravened the Conflict-of-Interest Act.

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

Qualifications of a chairperson of the Committee

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

The office tenure of the chairperson and members of the committee

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

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

Powers of the committee to invite a person to the committee	5E. The Committee may invite any person, who is not affiliated to the tobacco industry, to attend a meeting of the Committee for the purpose of assisting or advising the committee on any particular matter, but such person shall have no right to vote at the meeting.
Powers of the committee regulate its own procedures.	<p>5F. (1) Subject to this Act and to any general or special directions in writing by the Cabinet Secretary, the committee shall regulate its own procedures.</p> <p>(2) Subject to subsection (1), the Committee may amend its own procedures for the better carrying out of its functions</p>
Committee expenses	5G. The expenses of the Committee shall be defrayed out of monies appropriated by the National Assembly for that purpose.
Remuneration of the Committee members	5H. The Chairperson and members of the Committee shall be paid by the Cabinet Secretary responsible for matters relating to Health, such allowances as shall be advised by the Salaries and Remuneration Commission.
Secretariat	5I. The secretariat of the Committee shall be provided by the unit responsible for tobacco control at the Ministry responsible for Health.

CLAUSE 4

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

- (ii) deleting paragraph (f) and substituting therefor the following new paragraph –
- (f) a solatium compensatory contribution payable by any licensed tobacco product manufacturers or importers in the country as may be determined by the Committee.

CLAUSE 6

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

Amendment of section 12 of Cap 245A. 6. The Principal Act is amended by deleting section 12 and substituting therefor the following new section –

Tax and Price Policies 12. The Cabinet Secretary for the time being in charge of finance shall —

- (a) implement tax measures on unprocessed tobacco and tobacco products to contribute to the objectives of this Act;
- (b) conduct periodic review and adjustment of tax rates to ensure they reflect current public health objectives and inflation
- (c) apply adjustment for inflation for tobacco products that have specific tax rates;
- (d) prohibit sale of or importation of tax-free tobacco and tobacco products;
- (e) allocate a portion of tobacco and tobacco products tax revenues for the prevention and control of non-communicable diseases;
- (f) implement measures to prevent illicit trade in tobacco and tobacco products; and
- (g) exclude manufacture, repackaging, processing or importation of tobacco and tobacco products from duty-free zones.

CLAUSE 7

THAT clause 7 of the Bill is amended –

(a) in the proposed section 14A –

- (i) by renumbering the existing section as sub-section 14A (1);
- (ii) paragraph (b) by deleting the words “ten milligrams per” appearing immediately after the words “nicotine exceeding” and substituting therefor the words “twenty milligrams per”; and
- (iii) inserting the following new sub section immediately after the proposed subsection 14A (1) —

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

(b) in the proposed section 14B —

- (i) by renumbering the existing section as sub-section 14B (1);
- (ii) paragraph (c) by deleting the words “10 milligrams” appearing immediately after the words “does not exceed” and substituting therefor the words “twenty milligrams”;
- (iii) by deleting paragraph (d);
- (iv) by inserting the following provision immediately after the proposed subsection 14B (1) —

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

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

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

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

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

CLAUSE 8

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

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

15 of Cap 245A

- (5) No person shall manufacture or sell —
 - (a) objects including sweets, snacks, toys, cartoon characters, popular youth motifs, or other similar objects that would reasonably appeal to persons under the age of eighteen years in designs that resemble tobacco products; or
 - (b) any tobacco product in designs that imitate sweets, snacks, toys, cartoon characters, popular youth motifs, or other similar objects that would reasonably appeal to persons under the age of eighteen years.
- (5A) A person shall not sell a tobacco product within a radius of one hundred meters from any place primarily serving persons under the age of eighteen years.

CLAUSE 10

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

CLAUSE 11

THAT clause 11 of the Bill is amended by deleting the proposed section 20B.

CLAUSE 12

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

Amendment 12. Section 21 of the Principal Act is amended by –
of section 21 of Cap 245A (a) deleting subsection (2) and substituting therefor the following new subsections –
(2) Every package containing a tobacco product shall —
(a) bear a health warning in English and Kiswahili covering seventy-five percent of the principal display areas on the front and back of the package;
(b) have the warning printed in black text on a white background in a manner that contrasts with any other material on the package; and
(c) bear a statement of the harmful constituents of the tobacco product in a conspicuous and prominent format on the right-hand side of the package.

(2A) A person shall not —

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

CLAUSE 14

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

CLAUSE 15

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

Amendment of section 33 of Cap 245A 15. Section 33 of the Principal Act is amended by –

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

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

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

- (i) institutions of basic education and training;
- (ii) places of worship;
- (iii) hospitals, clinics and other health institutions;
- (iv) children's homes, child care facilities, children playgrounds;
- (v) residential houses and such other premises where children are cared for;
- (vi) public service vehicles, passenger vehicles, school buses and vans, commercial passenger aircrafts, commuter boats, ferries; and
- (vii) police cells; and

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

- (i) offices and workplaces, including corridors, lounges, eating areas, reception areas, lifts, escalators, foyers, stairwells, toilets, laundries, amenity areas of such places;
- (ii) court buildings;
- (iii) factories;
- (iv) cinema halls, theatres, video houses, such other halls or places of performance, disco halls or any other entertainment facilities at any time during which it is open to the public;
- (v) restaurants, hotels, bars or other eating place;
- (vi) prisons;
- (vii) police stations;
- (viii) aircrafts, passenger ships, or any other public conveyance;
- (ix) education facilities other than institutions of basic education and training;

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

- (b) deleting the word “Board” appearing immediately after the words “conditions as the” and substituting therefor the word “Committee” in subsection (4).

CLAUSE 17

THAT clause 17 of the Bill is amended –

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

NEW CLAUSES

NEW CLAUSE 1A

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

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

NEW CLAUSE 2A

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

Amendment 2A. Section 4 of the Principal Act is amended –

of section 4
of Cap 245A

- (a) by deleting the word “Board” appearing immediately after the words “recommendation of the” and substituting therefor the word “committee” in the introductory phrase; and

(b) by deleting the word “Board” appearing immediately after the words “provide to the” and substituting therefor the word “committee” in paragraph (d).

NEW CLAUSE 3A

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

Amendment of section 6 of Cap 245A

3A. The Principal Act is amended in section 6 by –

- (a) deleting the word “Board” appearing immediately after the words “Functions of the” and substituting therefor the word “Committee” in the section heading; and
- (b) deleting the word “Board” appearing immediately after the words “functions of the” and substituting therefor the word “Committee” in the introductory phrase.

NEW CLAUSE 6A

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

Amendment of section 14 of Cap 245A

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

NEW CLAUSE 8A

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

Amendment of section 16 of Cap 245A

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

- (a) subsection (2) by —
 - (i) deleting the expression “12” by “8” appearing in paragraph (a) and substituting therefor the expression “20” by “12”;
 - (ii) deleting the words “black on a white background or white on a black background” appearing in paragraph (b) and substituting therefor the words “red on a white background”;
- (b) subsection (3) by deleting the words “fifty thousand shillings, or to imprisonment for a term not exceeding six months” and substituting therefor the words “five hundred thousand shillings, or to imprisonment for a term not exceeding one year.”

NEW CLAUSE 12A

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

Amendment
of section
21 of Cap
245A

12A. The Principal Act is amended by inserting the following new sections immediately after section 21 –
Registration
of dealers

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

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

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

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

Prohibition
of single
use plastics

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

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

NEW CLAUSE 16A

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

Amendment
of section
35 of Cap
245A

16A. The Principal Act is amended in section 35 –

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

(2) A designated smoking area shall be –

(a) a fully enclosed, separate room, isolated from non-smoking areas, with walls, a ceiling, and a self-closing door sealed to prevent air leakage;

(b) equipped with an independent ventilation system that –

- (i) exhausts air directly to the outside without recirculation;
- (ii) maintains negative air pressure relative to adjacent areas;
- (iii) is certified by a qualified engineer to prevent smoke or aerosol drift to non-smoking areas;
- (iv) inaccessible to non-smokers for any purpose during smoking or use of an electronic delivery system;
- (v) cleaned and maintained only when no smoking or use of an electronic delivery system is occurring, with measures to protect workers from residual contaminants;
- (vi) clearly marked with signs in English and Kiswahili indicating it is a designated smoking area and warning of health risks, as prescribed by the Cabinet Secretary.

NEW CLAUSE 18

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

Repeal of **18.** The Principal Act is amended by deleting the schedule
the
schedule
of Cap
245A

CLAUSE 2

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

Amendment **2.** The Tobacco Control Act, in this Act referred to as “the
of section 2 principal Act”, is amended in section 2 by —
of Cap (a) deleting the definition of the word “Board”;
245A (b) deleting the definition of the word “cinema”;
 (c) deleting the definition of the word “ingredients” and
 substituting therefor the following new definition—
 “ingredients” means the substances added to tobacco
products during the manufacturing process or arising from
agricultural practices, including —
 (i) tobacco, nicotine and chemicals used in the creation of
 aerosol or vapour in electronic cigarettes and related
 products;
 (ii) components and materials used in the manufacture of
 those components;
 (iii) additives and processing aids;

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

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

“electronic cigarette” means a product that —

- (a) can be used for the consumption of nicotine-containing vapour via a mouth piece, or any component of that product, including a cartridge, a tank and the device without cartridge or tank (regardless of whether the product is disposable or refillable by means of a refill container and a tank, or rechargeable with single use cartridges); and
- (b) is not a medicinal substance or a medical device as defined in the Pharmacy and Poisons Act;

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

- (a) aerosolize, vaporize, or otherwise convert a substance into an inhalable form; and
- (b) deliver such aerosol, vapour, or other substance to a person through inhalation,

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

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

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

“tobacco smoke” means —

- (a) smoke, fumes, gases, or particulate matter produced by the burning, heating, or combustion of tobacco or any tobacco product; and
- (b) aerosol, vapour, or emissions produced by the use of an electronic delivery system,

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

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

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

(Sen. Crystal Asige, MP)

NOTICE is given that the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the County Governments Election Laws (Amendment) Bill, 2024 (Senate Bills No. 2 of 2024), at the Committee Stage —

CLAUSE 2**THAT** clause 2 of the Bill be amended—

- (a) in paragraph (a) by deleting the words “a marginalized group” appearing immediately after the words “two candidates representing” in the proposed new paragraph (f)(ii) and substituting therefor the words “minority groups within the county”; and
- (b) in paragraph (c) by deleting the words “are persons with disability” appearing immediately after the words “a county assembly” in the proposed new subsection (8) and substituting therefor the words “or two members, whichever is greater, are persons with disability”.

CLAUSE 3**THAT** clause 3 of the Bill be amended—

- (a) in paragraph (a) by deleting the proposed new subsection (1) and substituting therefor the following
 - (1) In addition to the members who are elected under Article 177(a) of the Constitution, the members who are nominated under Article 177(b) of the Constitution, and the speaker, a county assembly shall comprise—
 - (a) two nominated members, being one man and one woman, representing the youth;
 - (b) two nominated members, being one man and one woman, representing minority groups within the county; and
 - (c) five percent of the total number of members contemplated in Article 177(a) and 177(b) of the Constitution, and paragraphs (a) and (b) of this subsection or two members, whichever is greater, nominated to represent persons with disability.
- (b) in paragraph (b) by deleting the proposed new paragraph (aa) and substituting therefor the following new paragraphs —
 - (aa) there is representation of the various categories of disability including permanent physical, mental, intellectual, neurodivergent, developmental or sensory impairments;

- (ab) due consideration is given to intersecting forms of discrimination shaped by gender, age, ethnicity, geographical location, social economic status and disability.
- (c) by inserting the following new paragraph immediately after paragraph (b)—
- (d) by deleting subsection (3) and substituting therefor the following new subsection—
 - (3) The number of members nominated under subsection (1)(c) shall—
 - (a) be reviewed to accord with the number of wards determined by the Independent Electoral and Boundaries Commission under section 26(3)(a); and
 - (b) take into account members with disability elected under Article 177(1)(a) of the Constitution.

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

(Sen. Hamida Kibwana, MP)

NOTICE is given that the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries, intends to move the following amendments to the Nuts and Oil Crops Development Bill (Senate Bills No. 47 of 2023), at the Committee Stage—

CLAUSE 3

THAT Bill be amended by deleting clause 3 and substituting therefor the following new clause —

3. The object of this Act is to —

- (a) regulate the nuts and oil crops subsector;
- (b) promote a globally competitive nuts and oil crops subsector;
- (c) increase production and processing of safe and healthy nuts and oil crops produce and products;
- (d) promote value addition to the nuts and oil crops produce and their products;
- (e) generate higher income for the nuts and oil crops farmers and traders by introducing improved varieties of the nuts and oil crops produce with higher yield;
- (f) provide continuous and sustained research and extension services for the development of the nuts and oil crops subsector;
- (g) facilitate the introduction of modern nuts and oil crops farming techniques and general modernization of their subsector; and
- (h) implement effective marketing strategies.

CLAUSE 4

THAT clause 4 of the Bill be amended —

- (i) in subclause (3) deleting the word “Kilifi” appearing immediately after the words “shall be in” and substituting therefor the word “Nairobi”; and
- (ii) by inserting the following new subclause immediately after subclause (3)—
(3A) The Board may establish such other offices in Kenya as it may consider necessary for the discharge of its functions under this Act.

CLAUSE 5

THAT clause 5 of the Bill be amended —

- (a) in subclause (1) by deleting the introductory clause and substituting therefor the following new introductory clause —
(1) The Board shall consist of—
- (b) by inserting the following new paragraph immediately after paragraph (c)—
.....

- (ca) the Principal Secretary responsible for finance or a representative nominated by the Principal Secretary in writing;
- (c) in subclause (1) by deleting paragraph (d) and substituting therefor the following new paragraph—
 - (d) three persons with five years' experience in the nuts and oil subsector appointed by the cabinet secretary, of whom—
 - (i) one shall be a farmer representing the nuts subsector;
 - (ii) one shall be a farmer representing the oil crops subsector; and
 - (iii) one shall be a processor.;
- (d) by deleting paragraph (e) and substituting therefor the following new paragraph—
 - (e) one person with five years' experience in the nuts and oil crops subsector, nominated by the Council of Governors;
- (e) in subclause (2) by inserting the words “as a member of the Board” appearing in the introductory clause immediately after the words “for appointment”.
- (f) by deleting subclause (3) and substituting therefor the following new subclause—
 - (3) In making appointments under subsection (1)(d), the Cabinet Secretary shall ensure that not more than two-thirds of the appointees are of the same gender, and shall give due consideration to diversity in age, regional and ethnic background.

CLAUSE 6

THAT clause 6 of the Bill be amended—

- (a) in the marginal note by deleting the word “member” appearing immediately after the word “appointment as a” and substituting therefor the word “chairperson”;
- (b) in the introductory clause by deleting the word “member of the Board” appearing immediately after the words “appointment as a” and substituting therefor the word “chairperson”;
- (c) in paragraph (b) by deleting the word “and” appearing immediately after the words “in Kenya;” and
- (d) by inserting the following new paragraph immediately after paragraph (b)—
 - (ba) has knowledge and experience of at least ten years in matters relating to agriculture; and.

CLAUSE 7

THAT clause 7 of the Bill be amended by deleting the words “section 6” and substituting therefor the words “section 5”.

CLAUSE 9

THAT clause 9 of the Bill be amended—

- (a) in paragraph (a) by deleting the words “crop industry” appearing immediately after the words “nuts and oil” and substituting therefor the word “crops subsector”;
- (b) by deleting paragraph (b) and substituting therefor the following new paragraph—
- (c) make recommendations to the Cabinet Secretary on the development of national strategies, plans and policies relating to the nut and oil crop subsector;
- (d) in paragraph (e) by deleting the words “crop industry” appearing immediately after the words “nuts and oil” and substituting therefor the word “crops subsector”;
- (e) in paragraph (f) by deleting the words “crop industry” appearing immediately after the words “nut and oil” and substituting therefor the word “crops subsector”.
- (f) In paragraph (g) by deleting the words “marketing and the exportation” appearing immediately after the words “regulate the” and substituting therefor the words “import and export”;
- (g) in paragraph (h) by deleting the word “industry” appearing immediately after the words “nuts and oil crops” and substituting therefor the word “subsector”;
- (h) in paragraph (i) by—
 - (i) deleting the words “crop industry” appearing immediately after the words “nuts and oil” and substituting therefor the word “crops subsector”; and
 - (ii) deleting the word “and” appearing immediately after the words “Kenya Bureau of Standards;”
- (i) in paragraph (j) by deleting the word “coordinate” appearing at the beginning of the paragraph and substituting therefor the word “facilitate”.
- (j) by deleting paragraph (k) and substituting therefor the following new paragraph—
 - (k) support counties in the development of programmes for farmer assistance including access to farm inputs and affordable credit facilities; and
- (k) by inserting the following new paragraph immediately after paragraph (k)—
 - (ka) carry out such other functions as may be assigned by the Cabinet Secretary or conferred under any other law.

CLAUSE 10

THAT clause 10 of the Bill be amended in subclause (2) by deleting the word “industry” appearing immediately after the words “nuts and oil crops” and substituting therefor the word “subsector”.

CLAUSE 13

THAT clause 13 of the Bill be amended in subclause (3) by deleting the word “five” appearing immediately after the words “a term of” and substituting therefor the word “three”.

CLAUSE 17

THAT the Bill be amended by deleting clause 17 and substituting therefor the following new clause—

17. (1) Liability shall not attach to the Board or to any of its members, officers, agents or staff for loss or damage incurred as a result of an act or omission done in good faith and without negligence in the performance or exercise or the intended performance or exercise of any duty or power imposed by or conferred under this Act.

(2) Any expenses incurred by any person in any suit or prosecution brought against him or her in any court, in respect of any act which is done or purported to be done by him or her under the direction of the Board, shall, if the court holds that such act was done in good faith, be paid out of the funds of the Board, if such expenses are not recovered by the person in such suit or prosecution.

(3) The provisions of subsection (1) shall not relieve the Board of the liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially, of any works.

CLAUSE 19

THAT the Bill be amended by deleting clause 19.

CLAUSE 20

THAT clause 20 of the Bill be amended—

- (i) in subclause (1) by deleting the words “Schedule” appearing immediately after the words “accordance with the” and substituting therefor the words “First Schedule”
- (ii) in subclause (2) by deleting the words “Schedule” appearing immediately after the words “provided in the” and substituting therefor the words “First Schedule”.

CLAUSE 21

THAT clause 21 of the Bill be amended—

- (a) in paragraph (a) by deleting the word “Government” appearing immediately after the words “National”;
- (b) in paragraph (b) by inserting the word “warehouses,” immediately after the words “nursery operators,;”
- (c) by deleting paragraph (c);
- (d) in paragraph (d) by deleting the word “crop industry” appearing immediately after the words “nuts and oil” and substituting therefor the word “crops subsector”;

- (e) in paragraph (i) by inserting the words “farm inputs, affordable” immediately after the words “promote access to”; and
- (f) by inserting a new paragraph immediately after paragraph (k)—
 - (ka) promote the diversification of nuts and oil crop products and by-products at the county level;

CLAUSE 22

THAT the Bill be amended by deleting clause 22.

CLAUSE 23

THAT the Bill be amended by deleting clause 23.

CLAUSE 25

THAT clause 25 be amended—

- (a) in the marginal note by deleting the words “of processors”;
- (b) in subclause (1) by inserting the words “marketing, export or import” immediately after the words “in the processing.”;
- (c) by inserting the following new subclause immediately after subclause (1)—
 - (1A) Despite subsection (1), the Board shall, in consultation with county governments, develop a licensing framework for small-scale processors of nuts and oil crops intended for domestic markets, with county governments responsible for issuing trade licences to small-scale processors operating within their respective counties.
- (d) by deleting subclause (2) and substituting therefor the following new subclause—
 - (2) A person who intends to process, market, export or import nuts and oil crop products shall submit an application to the Board in the prescribed form together with—
 - (a) such documents and information as the Board may prescribe; and
 - (b) the prescribed fees.
- (e) in subclause (3) by—
 - (a) deleting the words “A county executive committee member” appearing in the introductory clause and substituting therefor the words ‘The Board’; and
 - (b) deleting the words “county executive committee member” appearing immediately after the words “conditions as the” in paragraph (b) and substituting therefor the word “Board”.
- (f) in subclause (4) by deleting the words “by the respective county executive committee member,” appearing after the words “the applicant”.
- (g) in subclause (5) by—
 - (a) deleting the words “county executive committee member” appearing immediately after the words “Where the” and substituting therefor the word “Board”; and

- (b) deleting the words “county executive committee member” appearing immediately after the words “grant a licence, the” and substituting therefor the word “Board”;
- (h) by inserting the following new subclause immediately after subclause (5)—
 - (5A) In this section, a small-scale processor means a person or enterprise engaged in the processing of nuts and oil crops using limited capital investment and basic or semi-mechanized equipment, whose annual processing capacity does not exceed the threshold prescribed by the Board and whose operations are primarily intended to serve domestic markets.

CLAUSE 26

THAT clause 26 of the Bill be amended—

- (a) in subclause (1) by —
 - (a) deleting the words “A county executive committee member” appearing at the beginning of the subclause and substituting therefor the word “The Board”; and
 - (b) deleting the words “county executive committee member” appearing immediately after the words “manner as the” and substituting therefor the word “Board”.
- (b) in subclause (2)—
 - (a) by deleting the words “county executive committee member” appearing in the introductory clause and substituting therefor the word “Board”;
 - (b) by deleting the words “county executive committee member” appearing immediately after the words “lodged with the” in paragraph (c) and substituting therefor the word “Board”.
- (c) in subclause (3) by —
 - (a) deleting the words “The county executive committee member” appearing at the beginning of the subclause and substituting therefor the words “The Board”;
 - (b) deleting the words “county executive committee member” appearing immediately after the words “such conditions as the” and substituting therefor the word “Board”.

CLAUSE 27

THAT clause 27 of the Bill be amended—

- (a) in subclause (1)—
 - (a) by deleting the words “The county executive committee member” appearing at the beginning of the subclause and substituting therefor the word “The Board”; and
 - (b) by deleting the words “or county legislation” appearing immediately after the words ‘this Act’ in paragraph (a).

(b) in subclause (2) by deleting the introductory clause and substituting therefore the following new introductory clause—

(2) The Board shall not revoke the licence under subsection (1)(a) unless the Board—

CLAUSE 28

THAT clause 28 of the Bill be amended—

- (a) in subclause (2) by —
 - (a) deleting the words “The county executive committee member” appearing at the beginning of the subclause and substituting therefor the words “The Board”; and
 - (b) deleting the words “committee member” appearing immediately after the words ‘period as the’ and substituting therefor the word ‘Board’.
- (b) in subclause (3) by deleting the words ‘county executive committee member’ appearing immediately after the words ‘such notice, the’ and substituting therefor the word ‘Board’;
- (c) in subclause (4) by deleting the words ‘county executive committee member’ appearing immediately after the words ‘cancelled by the’ and substituting therefor the word ‘Board’.

CLAUSE 29

THAT the Bill be amended by deleting clause 29 and substituting therefor the following new clause—

- 29.(1) An applicant who is aggrieved by the decision of the Board not to issue a licence under this Act may, within fourteen (14) days from the date of receiving the decision, submit a written appeal to the Board for review.
- (2) The Board shall consider the appeal and provide a response within fourteen days of receiving the appeal and may—
 - (a) uphold its original decision;
 - (b) reverse its decision and issue the licence; or
 - (c) take any other action that is deemed appropriate for the implementation of this Act.
- (3) If the applicant is still aggrieved by the Board’s decision after the review, the applicant may, within fourteen days of receiving the decision on the appeal to the Board file an appeal to the High Court.

CLAUSE 35

THAT clause 35 of the Bill be amended by—

- (a) deleting the word “industry” appearing after the words “nuts and oil crops” and substituting therefor the word “subsector”; and
- (b) deleting the words “cotton industry” appearing immediately after the words ‘development of the’ and substituting therefor the words “nuts and oil crops subsector.”.

CLAUSE 37

THAT clause 37 of the Bill be amended in subclause (1) by—

- (a) deleting the words ‘of not less than twenty thousand shillings’ appearing immediately after the words ‘to a fine’ and substituting therefor the words ‘not exceeding five hundred thousand shillings’; and
- (b) deleting the words ‘six months, or to’ appearing immediately after the words ‘not exceeding’ and substituting therefor the words ‘one year or’.

CLAUSE 38

THAT clause 38 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

- (2) Without prejudice to the generality of subsection (1), the regulations may provide for—
 - (a) conditions for registration;
 - (b) forms to be used in the application for registration, and related activities;
 - (c) the process of application for registration and related activities; and
 - (d) the regulation of contracts between growers, processors and other players in the nut and oils subsector industry;
 - (e) the procedure for licensing and regulation of marketing agents, transporters, processors, exporters, and importers;
 - (f) the forms and fees payable in respect of any matter required to be done under this Act;
 - (g) mechanisms for dispute resolution within the nuts and oil crops subsector;
 - (h) the standards and procedures for the grading and classification of nuts and oil crops and their products;
 - (i) food safety requirements, including standards for handling, transportation, processing, and marketing of nuts and oil crops produce, and products; and
 - (j) the duration and renewal periods for licences and registration certificates issued under this Act.

CLAUSE 44

THAT clause 44 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “made by the” and substituting therefor the word ‘Board’.

NEW CLAUSE**CLAUSE 35A**

THAT the Bill be amended by inserting the following new clause immediately after clause 35—

35A. Declaration of nuts and oil crops.

- (1) The crops specified in the Second Schedule are nuts and oil crops for purposes of this Act.
- (2) The Cabinet Secretary may, by notice in the *Gazette*, declare any other crop to be a nuts and oil crop for purposes of this Act.

SCHEDULE

THAT the Bill be amended by renumbering the existing Schedule as the First Schedule.

NEW SCHEDULE

THAT the Bill be amended by inserting the following new schedule immediately after the First Schedule—

SECOND SCHEDULE
(s. 2)
NUTS AND OIL CROPS

1. Coconut
2. Cashew nut
3. Macadamia nut
4. Ground nuts
5. Castor beans
6. Sunflower
7. Oil seed jojoba
8. Shied safflower
9. Sesame
10. Linseed
11. Oil Palm
12. Bambara nut
13. Cotton seed

CLAUSE 2

THAT clause 2 of the Bill be amended by—

- (a) deleting the definition of the word ‘nuts and oil crops’ and substituting therefor the following new definition—
“nuts and oil crops” mean the crops set out in the Second Schedule to this Act;
- (b) deleting the definition of the word ‘processor’ and substituting therefor the following new definition—
“processor” means a person who transforms nuts and oil crops produce or products into various end-use products; and
- (c) inserting the following new definitions in their proper alphabetical sequence—
“grower” means a person, whether small-scale or large-scale, who cultivates nuts and oil crops for commercial purposes, and excludes those who grow nuts and oil crops solely for subsistence;

“processing” means the alteration, extraction, refinement or transformation of nuts or oil crops from their raw state into a usable or marketable form, and includes shelling, drying, crushing, pressing, refining, fortifying, packaging or any other activity that enhances the value or shelf-life of nuts or oil crops.

LONG TITLE

THAT the long title of the Bill be amended by inserting the word “Development” immediately after the words “establish the Nuts and Oil Crops”.

APPENDIX**1. PETITION**

Petition to the Senate by Mr. Laban Omusundi concerning the enactment of a legal framework to provide for citizen initiated recall of the President and County Governors.

(The Speaker of the Senate)

2. PAPERS

- i) 2026 Budget Policy Statement.
- ii) Draft Division of Revenue Bill, 2026.
- iii) Draft County Allocation of Revenue Bill, 2026.
- iv) Draft County Governments Additional Allocations Bill, 2026.
- v) Medium Term Debt Management Strategy (2026/2027 – 2028/2029).
- vi) The Senate Calendar (Regular Sessions) for the Fifth Session of the Thirteenth Parliament (February to December, 2026).

(to be laid pursuant to the Senate Resolution of Tuesday, 11th November, 2025 on the Referral of Statutory Instruments and Papers submitted during recess).

- vii) Report of the Auditor General on financial statements of the County Assembly of Lamu for the year ended 30th June, 2025.
- viii) Report of the Auditor General on financial statements of the County Executive of Lamu for the year ended 30th June, 2025.
- ix) Report of the Auditor General on financial statements on County Revenue Fund, County Government of Lamu, for the year ended 30th June, 2025.
- x) Report of the Auditor General on financial statements on Receiver of Revenue- Revenue Statements, County Government of Lamu, for the year ended 30th June, 2025.
- xi) Report of the Auditor General on financial statements of the County Executive of Machakos for the year ended 30th June, 2025.
- xii) Report of the Auditor General on financial statements on County Revenue Fund, County Government of Machakos, for the year ended 30th June, 2025.

- xiii) Report of the Auditor General on financial statements on Receiver of Revenue – Revenue Statements – County Government of Machakos for the year ended 30th June, 2025.
- xiv) Report of the Auditor General on financial statements of the Machakos County Assembly for the year ended 30th June, 2025.
- xv) Report of the Auditor General on financial statements on County Revenue Fund, County Government of Kajiado, for the year ended 30th June, 2025.
- xvi) Report of the Auditor General on financial statements on Receiver of Revenue – Revenue Statements – County Government of Kajiado for the year ended 30th June, 2025.
- xvii) Report of the Auditor General on financial statements of the County Assembly of Kajiado, for the year ended 30th June, 2025.
- xviii) Report of the Auditor General on financial statements of the County Executive of Kajiado for the year ended 30th June, 2025.
- xix) Report of the Auditor General on financial statements of the County Assembly of Kitui for the year ended 30th June, 2025.
- xx) Report of the Auditor General on financial statements on Receiver of Revenue- Revenue Statements, County Government of Kitui, for the year ended 30th June, 2025.
- xxi) Report of the Auditor General on financial statements on County Revenue Fund, County Government of Kitui, for the year ended 30th June, 2025.
- xxii) Report of the Auditor General on financial statements of the County Executive of Kitui, for the year ended 30th June, 2025.
- xxiii) Report of the Auditor General on financial statements of the County Executive of Migori, for the year ended 30th June, 2025.
- xxiv) Report of the Auditor General on financial statements on County Revenue Fund, County Government of Migori, for the year ended 30th June, 2025.
- xxv) Report of the Auditor General on financial statements on Receiver of Revenue, Revenue Statements, County Government of Migori, for the year ended 30th June, 2025.
- xxvi) Report of the Auditor General on financial statements of the County Assembly of Migori, for the year ended 30th June, 2025.
- xxvii) Report of the Auditor General on financial statements of the County Assembly of Kisumu, for the year ended 30th June, 2025.

- xxviii) Report of the Auditor General on financial statements of the Kisumu County Executive, for the year ended 30th June, 2025.
- xxix) Report of the Auditor General on financial statements on County Revenue Fund – County Government of Kisumu, for the year ended 30th June, 2025.
- xxx) Report of the Auditor General on financial statements on Receiver on Revenue- Revenue Statements, County Government of Kisumu, for the year ended 30th June, 2025.
- xxxi) Report of the Auditor General on financial statements on Receiver of Revenue, Revenue Statements, County Government of Embu, for the year ended 30th June, 2025.
- xxxii) Report of the Auditor General on financial statements on the County Revenue Fund, County Government of Embu, for the year ended 30th June, 2025.
- xxxiii) Report of the Auditor General on financial statements of the County Assembly of Embu, for the year ended 30th June, 2025.
- xxxiv) Report of the Auditor General on financial statements of the County Executive of Embu, for the year ended 30th June, 2025.
- xxxv) Report of the Auditor General on financial statements of Muhoroni Sub-County Level 4 Hospital – County Government of Kisumu for the year ended 30th June, 2025.
- xxxvi) Report of the Auditor General on financial statements of the Kisumu County Referral Hospital for the year ended 30th June, 2025.
- xxxvii) Report of the Auditor General on financial statements of Gulf Water Services Company Limited for the year ended 30th June, 2025.
- xxxviii) Report of the Auditor General on financial statements of the Nyakach County Level 4 Hospital - County Government of Kisumu for the year ended 30th June 2025.
- xxxix) Report of the Auditor General on financial statements of the Nyanas Water and Sanitation Company Limited for the year ended 30th June, 2025.
- xl) Report of the Auditor General on financial statements of the Siaya Municipality for the year ended 30th June, 2025.
- xli) Report of the Auditor General on financial statements of Siaya County Referral Hospital – County Government of Siaya for the year ended 30th June, 2025.

- xlii) Report of the Auditor General on financial statements of Homa Bay Alcoholic Drinks Control Fund for the year ended 30th June, 2025.
- xliii) Report of the Auditor General on financial statements of the Municipality of Mbita for the year ended 30th June, 2025.
- xliv) Report of the Auditor General on financial statements of Homa Bay County Water and Sanitation Company Limited for the year ended 30th June, 2025.
- xlv) Report of the Auditor General on financial statements of Homa Bay County Executive Car and Mortgage Fund for the year ended 30th June, 2025.
- xlvi) Report of the Auditor General on financial statements of Ndiru Level 4 Hospital – Homa Bay County Government for the year ended 30th June, 2025.
- xlvii) Report of the Auditor General on financial statements of Bondo Municipality for the year ended 30th June, 2025.
- xlviii) Report of the Auditor General on financial statements of Kehancha Municipality – County Government of Migori for the year ended 30th June, 2025.
- xlix) Report of the Auditor General on financial statements of Migori County Referral Hospital – Migori County Government for the year ended 30th June, 2025.
 - 1) Report of the Auditor General on financial statements of Kilifi County Government Equalisation Fund for the year ended 30th June, 2025.
 - li) Report of the Auditor General on financial statements of Mariakani Municipality – County Government of Kilifi for the Eighteen (18) Month's ended 30th June, 2025.
 - lii) Report of the Auditor General on financial statements of Mtwapa Sub-County Level 4 Hospital -County Government of Kilifi for the year ended 30th June 2025.
 - liii) Report of the Auditor General on financial statements of the Municipality of Kilifi -County Government of Kilifi for the year ended 30th June 2025.
 - liv) Report of the Auditor General on financial statements of the Municipality of Lamu for the year ended 30th June, 2025.
 - lv) Report of the Auditor General on financial statements of Faza Sub-County Level 4 Hospital -County Government of Lamu for the year ended 30th June 2025.

- lvii) Report of the Auditor General on financial statements of the Vihiga County Assembly Members and Staff Mortgage and Car Loans Scheme Fund for the year ended 30th June, 2025.
- lviii) Report of the Auditor General on financial statements of Wesu Sub County Hospital – Taita Taveta County Government for the year ended 30th June, 2025.
- lviii) Report of the Auditor General on financial statements of the Municipality of Voi for the year ended 30th June, 2025.
- lix) Report of the Auditor General on financial statements of Oresi Sub-County Level 4 Hospital – Kisii County Government for the year ended 30th June, 2025.

(The Senate Majority Leader)

3. NOTICES OF MOTION

i) APPROVAL OF THE SENATE CALENDAR (REGULAR SESSIONS) FOR THE FIFTH SESSION

(The Senate Majority Leader)

THAT, pursuant to Standing Order 32 (1), the Senate approves its Calendar (Regular Sessions) for the Fifth Session (February to December, 2026), laid on the Table of the Senate on Thursday, 12th February, 2026.

ii) MAINSTREAMING A FRAMEWORK FOR CLEAN COOKING IN KENYA
(Sen. Hamida Kibwana, MP)

THAT AWARE THAT, Article 42 of the Constitution guarantees every person the right to a clean and healthy environment, which includes access to safe energy options;

FURTHER AWARE THAT, over 900 million Africans, including more than 90% of households in Kenya's rural areas, still rely on traditional biomass (firewood, charcoal, animal waste) for cooking, resulting in high levels of indoor air pollution that cause premature deaths, particularly among women and children;

CONCERNED THAT, in Kenya, indoor air pollution has been linked to over 23,000 annual deaths, with women and girls bearing the disproportionate burden of time spent collecting firewood and cooking, limiting their education and economic opportunities;

NOTING THAT, traditional cooking methods contribute significantly to deforestation, greenhouse gas emissions, and climate vulnerability at the county level, undermining national commitments under the Energy Act, 2019, the Climate Change Act, 2016, and Kenya's Nationally Determined Contributions (NDCs);

RECALLING THAT, the Africa Clean Cooking Summit (Paris, 2023) mobilized USD 2.2 billion in commitments for clean cooking, and the International Energy Agency has recommended urgent financing and policy action to achieve universal access by 2040;

ACKNOWLEDGING, the efforts of some counties, development partners, and private sector actors in piloting clean cooking projects, but recognizing that these remain small-scale and fragmented;

NOW THEREFORE, the Senate resolves that the: -

1. Council of Governors develops county-level policies, frameworks, and budgets that mainstream clean cooking into devolved energy and health functions;
2. National Treasury and Ministry of Energy prioritize clean cooking in financing frameworks, including results-based financing and blended finance models to de-risk private investment;
3. County Governments incorporate clean cooking targets in their County Integrated Development Plans (CIDPs) and ensure public institutions such as schools, health facilities, and prisons adopt clean cooking solutions;
4. National Treasury and County Governments to fast-track letters of authorization to unlock carbon finance markets (Article 6.2 and CORSIA) for clean cooking projects;
5. County Governments engage the private sector actors, and community organizations to expand clean cooking access, create local jobs, and reduce pressure on forest resources.

4. QUESTIONS AND STATEMENTS

a) Requests for Statements pursuant to Standing Order 53 (1)

- i) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding delays in the completion of the Kisumu International Convention Centre (KICC).

- ii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning criminal gang activity and public security in Kisumu County.
- iii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a Statement from the Standing Committee on Roads, Housing and Transportation regarding enhancement and performance of Kisumu International Airport.
- iv) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding on-going initiatives aimed at restoring degraded agricultural land in Kisumu County.

b) Statement pursuant to Standing Order 57 (1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 17th February, 2026.

NOTICE PAPER

Tentative Business for

Tuesday, February 17, 2026

(Published pursuant to Standing Order 43 (1)

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Tuesday, February 17, 2026.

A. BILLS AT SECOND READING

- i) *THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2025)
(Sen. Mogeni Erick Okong'o, MP)
- ii) *THE COUNTY GOVERNMENTS LAWS (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2025)
(Sen. Abdul Haji, MP)
- iii) *THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2025)
(Sen. Eddy Oketch, MP)
- iv) *THE AGRICULTURE PRODUCE (MINIMUM GUARANTEED RETURNS) BILL (SENATE BILLS NO. 17 OF 2025)
(Sen. Veronica Maina, MP)
- v) ***THE COMMUNITY HEALTH PROMOTERS BILL (NATIONAL ASSEMBLY BILL NO. 53 OF 2022)
(The Senate Majority Leader)
- vi) ***THE KENYA HEALTH PRODUCTS AND TECHNOLOGIES REGULATORY AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2022)
(The Senate Majority Leader)
- vii) ***THE PUBLIC AUDIT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 4 OF 2024)
(The Senate Majority Leader)
- viii) ***THE KENYA ROADS (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2025)
(The Senate Majority Leader)

B. BILL AT COMMITTEE OF THE WHOLE

*THE COUNTY LIBRARY SERVICES BILL (SENATE BILLS NO. 40 OF 2024) – (Division)
(Sen. Joyce Korir, MP)

C. MOTION

APPROVAL OF THE SENATE CALENDAR (REGULAR SESSIONS) FOR THE
FIFTH SESSION

(The Senate Majority Leader)
