PARLIAMENT OF KENYA

THE SENATE

SENATE BILLS DIGEST

THE ANTI-DOPING (AMENDMENT) BILL, 2026

(NATIONAL ASSEMBLY BILLS NO. 66 OF 2026)

Sponsor:	Chairperson, Departmental Committee on Sports and Culture
Committee referred to:	Standing Committee on Labour & Social Welfare
Type of Bill:	Ordinary Bill (National Assembly Bill)
Date of First Reading:	17th November, 2026

Background

Anti-doping in Kenya is governed by the Anti-Doping Act, Cap. 245B (the "principal Act"). The Act establishes the Anti-Doping Agency of Kenya (the "Agency"), sets out the anti-doping rule violations and the sanctions that apply to them, and provides for doping control and testing. Anti-doping cases are heard at first instance by the Sports Disputes Tribunal established under the Sports Act (Cap. 223).

The Anti-Doping (Amendment) Bill, 2026 (National Assembly Bill No. 66 of 2026) was published in the Kenya Gazette Supplement No. 237 of 2026 and passed by the National Assembly, without amendments, on 11th November, 2026. The central aim of the Bill is to align Kenyan law with the international anti-doping framework.

Purpose of the Bill

The purpose of the Bill is—

(i) to update the definitions and framework of the principal Act so that they conform to the Code and the International Standards;

(ii) to strengthen the independence, functions and powers of the Agency, and to make it the only organisation permitted to carry out anti-doping activities in Kenya;

(iii) to extend the anti-doping framework to sports organisations, fitness centres and gyms, and to recreational athletes;

(iv) to revise the offences, penalties, hearing and appeal procedures under the principal Act; and

(v) to make a consequential amendment to the Sports Act (Cap. 223).

Overview of the Bill

What does the Bill amend?

Clauses 2 to 23 amend or insert provisions of the Anti-Doping Act (Cap. 245B). Clause 24 makes a consequential amendment to the Sports Act (Cap. 223).

What key definitions does the Bill amend?

Clause 2 amends section 2 of the principal Act in thirty-two respects (paragraphs (a) to (ff)). It deletes a number of definitions that are no longer needed, including "accredited laboratory", "anti-doping activities", "anti-doping administration and management system", "athlete biological passport", "marker", "metabolite", "minor", "National Anti-Doping Organization", "participant", "professional sports", "recreation", "Therapeutic Use Exemption" and "trafficking". The most significant new or substituted definitions are:

(vi) "Anti-Doping Rules", meaning the Agency's rules adopted in conformity with the Code, including the Regulations made under the Act;

(vii) "athlete support personnel", which now expressly includes a parent or any other person working with, treating or assisting an athlete;

(viii) "doping", meaning the occurrence of one or more anti-doping rule violations as defined in the World Anti-Doping Code;

(ix) "doping control", which covers every step from test distribution planning to the disposition of any appeal;

(x) "national level athlete", which now includes athletes in the Agency's Registered Testing Pool or another testing pool, athletes in the premier division or highest national league, individual-sport athletes who are registered with and compete for a national sports organisation, and Kenyan citizens who compete internationally but are not classified as international-level athletes;

(xi) "recreational athlete", which excludes any person who, in the five years before an anti-doping rule violation, has been an international or national level athlete, participated in the sport professionally, competed in an international or national event, or been included in a testing pool;

(xii) "sports organisation", which now covers any body that governs, regulates, administers, organises, manages or promotes sport in Kenya, including clubs, leagues, associations and event organisers; and

(xiii) "possession", which covers actual or constructive possession of a prohibited substance or method. Constructive possession requires exclusive control, or knowledge of the substance and an intention to control it. A purchase by any means is treated as possession by the purchaser.

Clause 3 inserts a new section 2A, under which words used but not defined in the Act take the meanings given to them in the Code and the International Standards.

Who is bound by the Act?

Clause 4 amends section 3, which lists the persons to whom the Act applies. Under the new paragraph (b), athletes and athlete support personnel who are members or licence holders of any sports organisation in Kenya, or of any member or affiliate organisation, are bound, as are those who take part in events organised, convened, authorised or recognised by such organisations wherever they are held. The persons covered apply whether or not they are

minors. Paragraph (d) is replaced so that it covers sports organisations, fitness centres and gyms.

What is the role of the Agency?

Clause 5 substitutes subsection (2A) of section 5. It provides that the Agency shall be the only organisation permitted to carry out anti-doping activities in Kenya, and that its authority to enforce the Act, including any consequence for breach of the Act, shall be recognised by all sports organisations. Clause 6 replaces section 7(1) with eleven functions. These include to:

(i) 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 in Kenya;

(ii) carry out anti-doping education and awareness programmes;

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

(iv) investigate violations of the Act and prosecute anti-doping rule violations and related offences before the appropriate bodies;

(v) undertake results management and enforce consequences under the Code and the Anti-Doping Rules; and

(vi) establish and administer the Therapeutic Use Exemption process in line with international standards.

How is the Agency's independence strengthened?

Clause 7 amends section 9, which is retitled "Independence of the Agency". The Agency must be independent in its operational decisions and activities from sport and government. It must also ensure that no person with a real or potential conflict of interest is involved in its management or operational activities. Under new subsection (3), such a conflict is deemed to arise where a person is concurrently involved in the Agency and in a sports organisation, or in a Ministry or Government department responsible for sport or anti-doping.

What other changes does the Bill make to the principal Act?

Clause 8 replaces the word "five" with "fifteen" in section 17(2)(a), increasing the number of years of qualification of the CEO of the Agency. Clauses 9, 13, 14 and 17 repeal sections 23, 27, 28 and 32. Clause 10 replaces section 24, so that an athlete who needs a prohibited substance or method for therapeutic reasons applies to the Agency for a therapeutic use exemption under the Anti-Doping Rules.

How is doping control and testing provided for?

Clause 11 replaces section 25 which provided for a registered testing pool. The Agency undertakes doping control as a fundamental component of the national anti-doping programme. It may now test any person to whom the Act applies, in or out of competition, at any place within or outside Kenya, and without advance notice. A person to whom the Act applies must submit to testing when requested by the Agency or a person it authorises. Testing must follow the procedures, requirements and safeguards set out in the Anti-Doping Rules and the International Standards.

What prohibitions does the Bill introduce?

Clause 12 inserts a new section 26. No athlete, athlete support personnel, sports organisation or other person may engage in, facilitate, encourage, aid, abet, assist, conceal or otherwise be involved in any act of doping or any conduct that constitutes an anti-doping rule violation. Persons participating in sport must uphold the principles of clean sport. A contravention attracts the sanctions under the Anti-Doping Rules and, where it is also an offence under the Act or other written law, the penalties for that offence.

What enforcement powers does the Bill give anti-doping compliance officers?

Clause 15 replaces section 30(1). For the purposes of enforcing the Act and its regulations, an authorised anti-doping compliance officer may:

(i) investigate offences under the Act;

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

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

(iv) search for and seize prohibited substances, prohibited methods, equipment, documents or other items reasonably suspected to be connected with an offence;

(v) arrest, without a warrant, any person reasonably suspected of committing an offence, in the circumstances and subject to the conditions under which a police officer may arrest without a warrant under the Criminal Procedure Code (Cap. 75), and hand that person over to a police officer or take them to the nearest police station without undue delay; and

(vi) monitor compliance with the Act.

Clause 15(b) deletes section 30(4) which provides for the detaining of a suspect for a maximum of 24 hours in respect of an anti-doping investigation.

How are anti-doping rule violation cases heard and appealed?

Clause 16 replaces section 31. Anti-doping rule violation cases involving national level athletes, international-level athletes, athlete support personnel and other persons subject to the Anti-Doping Rules are first heard by the Sports Disputes Tribunal. A party aggrieved by a decision of the Tribunal may appeal to the Continental Results Management Panel recognised under the applicable Anti-Doping Rules. A further appeal lies to the Court of Arbitration for Sport (CAS). Despite this sequence, a national level athlete, an international-level athlete or any other person with a right of appeal may elect to appeal directly from the Tribunal to CAS, where the Anti-Doping Rules permit this.

What new obligations does the Bill place on sports organisations, sponsors and athletes?

Clause 18 replaces section 41B. Sports organisations must prepare rules requiring athletes and athlete support personnel to agree to be bound by the Anti-Doping Rules and the

Agency's results management authority, as a condition of participation. Sponsors and event organisers must ensure that an anti-doping programme is incorporated into every sporting event or competition. Sports organisations, the National Olympic Committee of Kenya and the National Paralympic Committee of Kenya must ensure that the anti-doping programme is integrated into national team selection. A national team must undergo anti-doping education and testing before and during an international sporting event.

Clause 19 replaces section 41C. Any person must report information suggesting or relating to an anti-doping rule violation to the Agency and, where it concerns a sports organisation, to that organisation's international federation.

Clause 20 inserts a new section 41E. Sports organisations must ensure that their constitutions, rules, regulations and policies are consistent with, and expressly incorporate, the Anti-Doping Rules as amended from time to time. The Agency must conduct compliance audits of sports organisations and, after giving the organisation an opportunity to be heard, may impose sanctions on any that fail to comply.

What offences and penalties does the Bill set?

Clauses 21 and 22 revise the offence provisions in sections 42 and 43 as follows:

(i) Section 42(1): the closing sentence is replaced, so that a person who commits an offence 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.

(ii) Section 42(2): a person or body that unlawfully transports or transfers prohibited substances or methods, stocks or supplies products containing them unlawfully, or administers, applies or causes an athlete to use them, is liable to a fine of not less than five million shillings, or imprisonment for a term of not less than five years, or both. A corporate body also faces withdrawal of its trading licence for a period of not less than one year.

(iii) Section 42(3): a person participating in recreational sport in a gym, fitness centre, private club or similar facility who uses or causes another to use a prohibited

substance or method, is found in possession of one, administers or attempts to administer one, or buys, sells, stocks, transports or deals in one, is liable to a fine of not less than one million shillings, or imprisonment for a term of not less than three years, or both. Where that person is an athlete or athlete support personnel, they are subject only to the sanctions in subsection (6).

(iv) Section 42(4): a person who commits the offence is liable to a fine of not less than five million shillings, or imprisonment for a term of not less than five years, or both, and has a professional licence revoked for a period of not less than one year.

(v) Section 43: the penalty of "one million shillings or imprisonment for a term of not less than one year" is replaced with "three million shillings or imprisonment for a term of not less than three years".

What transitional and consequential provisions does the Bill contain?

Clause 23 provides that proceedings pending before the Sports Disputes Tribunal, or any other body, when the Act comes into force continue under the principal Act as if the Bill had not been enacted. Therapeutic use exemptions in force immediately before commencement continue until they expire or are revoked, as if granted under the Anti-Doping Rules. The Registered Testing Pool established under the repealed section 25 is deemed to have been established under the Anti-Doping Rules.

Clause 24 makes a consequential amendment to section 58(1) of the Sports Act (Cap. 223) by inserting a new paragraph (aa), "anti-doping rule violations under the Anti-Doping Act".

Way Forward

What next?

The Bill was read a First Time on 17th November 2026 and committed to the Senate Standing Committee on Labour and Social Welfare, which will be required, pursuant to Standing Order 145(5) of the Senate Standing Orders, to facilitate public participation and to take into account the views and recommendations of the public in preparing its report to the Senate.

What is expected of members of the public?

Members of the public and stakeholders, including the Anti-Doping Agency of Kenya, the Ministry responsible for sports, Sports Kenya, the Sports Disputes Tribunal, the National Olympic Committee of Kenya, the National Paralympic Committee of Kenya, national sports federations such as the Football Kenya Federation, sports clubs, gyms and fitness centres, athletes and athlete support personnel, are expected to present their views to the responsible Senate Standing Committee for its consideration.

What is expected once the Bill becomes law?

(i) The Agency will be required to conduct compliance audits of sports organisations under section 41E, and to carry out its functions under the revised section 7(1).

(ii) Sports organisations will be required to amend their constitutions, rules and policies to incorporate the Anti-Doping Rules, and to require athletes and athlete support personnel to agree to be bound by them under sections 41B and 41E.

(iii) Gyms, fitness centres and private clubs will need to ensure that their participants comply, given the new obligations and offences in section 3(b)(d) and section 42(3).

(iv) The National Olympic Committee of Kenya and the National Paralympic Committee of Kenya will need to integrate anti-doping programmes into national team selection.

(v) Pending proceedings and therapeutic use exemptions will continue under the transitional provisions in clause 23.

Next steps

The Bill was passed by the National Assembly on 11th November 2026, without amendments, and endorsed for presentation to the Senate under Standing Order 142 of the National Assembly Standing Orders. The Bill is now before the Senate, and its First Reading was on 17th November 2026 following which the Committee is required to report within thirty days under Standing Order 148(1) of the Senate Standing Orders.

If both Houses approve the Bill, it will be presented to the President for assent. Upon Presidential Assent, the Act will be published in the Kenya Gazette and shall come into force on the date specified in the Act or upon publication.

Any comments on the Bill may be submitted to the Office of the Clerk of the Senate, 1st Floor, Main Parliament Buildings, Nairobi, Kenya, through P.O. Box 41842-00100, Nairobi, Kenya or email: clerk.senate@parliament.go.ke and copied to laboursocialwelfarecomm.senate@parliament.go.ke

Note:

(i) The Digest reflects the Bill as passed by the National Assembly on 11th November 2026, and does not cover any subsequent amendments to the Bill.

(ii) The Digest does not have any official legal status.