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DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

REPORT ON THE CONSIDERATION OF THE ANTI-DOPING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 66 OF 2026) BY THE HON. DANIEL SITATI WANYAMA, MP, CBS

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 04 NOV 2026 DAY. Wednesday
TABLED BY: Chairperson, Dept. Committee on Sports & Culture Hon. Daniel Wanyama MP
CLERK-AT-THE-TABLE: Halima Ahmed

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LIST OF ABBREVIATIONS AND ACRONYMS

CA	-	Communication Authority of Kenya
COG	-	Council of County Governors
CBS	-	Chief of the Order of the Burning Spear
EBS	-	Elder of the Order of the Burning Spear
EGH	-	Elder of the Order of the Golden Heart
MP	-	Member of Parliament
UNESCO	-	International Convention against Doping in Sport
WADA	-	World Anti-Doping Agency
ADAK	-	Anti- Doping Agency of Kenya

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CHAIRPERSON'S FOREWORD

This Report contains the proceedings of the Departmental Committee on Sports and Culture on its consideration of the Anti-Doping (Amendment) Bill (National Assembly Bill No. 66 of 2026). The Bill was published in the Kenya Gazette on 23rd September 2026 and was read a First Time in the House on 9th October 2026. Pursuant to Standing Order 127(1), the Bill was committed to the Committee for consideration and reporting to the House.

The Bill seeks to amend the Anti-Doping Act, Cap. 245B to align the Act with the World Anti-Doping Agency Code. Kenya is a signatory to the UNESCO International Convention against Doping in Sport established under the World Anti-Doping Agency, and which provides the international obligations prohibiting doping in sports. The World Anti-Doping Code was revised to address emerging challenges in relation to doping, and the revised Code will come into effect on 1st January, 2027. The World Anti-Doping Agency subsequently directed all signatories to the UNESCO International Convention Against Doping in Sport to review and amend their legal, regulatory and policy frameworks on anti-doping to ensure full alignment before the Code takes effect.

In compliance with Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee placed an advertisement in the print media on 20th October 2026, inviting members of the public to submit written memoranda on the Bill. In addition, the Committee, vide letters referenced *NA/DDC/S&C/2026/056*, dated 14th October 2026, invited key stakeholders to submit their views on the Bill and conducted public hearings conducted from 26th and 27th October 2026 in six (6) counties, namely Elgeyo Marakwet, Baringo, Trans-Nzoia, Bungoma, Uasin Gishu and Nandi, and stakeholder engagements on 30th and 31st October 2026 at Glee Hotel, Kiambu County. The deadline for submission of memoranda was 3rd November 2026 at 5.00 p.m. East African Time.

By the close of the submission period, the Committee had received Eight (8) memoranda. Hon. Salim Mvurya, EGH, Cabinet Secretary, Ministry of Youth Affairs, Creative Economy and Sports; Mr. Elijah Mwangi, CBS, Principal Secretary, State Department for Sports; the Council of Governors; the Kenya Law Reform Commission; the Office of the Attorney-General; the Communications and Sports Appeals Tribunal; Kenya Medical Research Institute; State Corporations Advisory Committee and Directorate of Immigration Services submitted their views on the Bill which the Committee considered in the preparation of this Report. While considering the Bill, the Committee observed that the Bill seeks align the Act with the World Anti-Doping Agency Code.

The Committee is grateful to the Offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its consideration of the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who sat for long hours and made useful contributions towards the preparation and production of this Report. On behalf of the Departmental Committee on Sports and Culture and pursuant to the provisions of Standing Order 199(6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its Consideration of the Anti-Doping (Amendment) Bill *(National Assembly Bill No. 66 of 2026)*.

The Committee recommends that the Anti-Doping (Amendment) Bill *(National Assembly Bill No. 66 of 2026)* be **passed without amendments.**

Hon. Daniel Wanyama Sitati, MP, CBS
Chairperson, Departmental Committee on Sports and Culture

CHAPTER ONE

1.0 Establishment of the Committee

1. The Departmental Committee on Sports and Culture is one of twenty departmental committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:

i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*

ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*

iii. *To, on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*

iv. To study and review all legislation referred to it;

v. *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*

vi. *To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*

vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*

viii. *To examine treaties, agreements and conventions;*

ix. *To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;*

x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*

xi. *To examine any questions raised by Members on a matter within its mandate.*

1.1 Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider the following subjects: - Sports; Culture; Language; Creative Economy including promotion of music; Arts; Film promotion and Development; National Heritage and Betting & Lotteries.
3. In executing its mandate, the Committee oversees the following government ministries, departments and agencies, namely:

a. State Department for Sports under the Ministry of Youth Affairs, Creative Economy and Sports;

b. State Department for Youth Affairs and Creative Economy and State Department for Sports under the Ministry of Youth Affairs, Creative Economy and Sports; and

c. State Department for Culture and Heritage under the Ministry of Gender, Culture, the Arts and Heritage.

1.2 Committee Membership

4. The Departmental Committee on Sports and Culture was constituted by the House on 27th October 2022 and comprises of the following members:

Chairperson
Hon. Daniel Wanyama Sitati, MP, CBS
Webuye West Constituency
UDA Party

Vice-Chairperson
Hon. James Githua Wamacukuru, MP, CBS
UDA Party

Members

Hon. Naomi Jillo Waqo, CBS, MP,
Marsabit County (CWR)
UDA Party

Hon. Stephen Mutinda Mule, MP

Matungulu Constituency
WDM-K Party

Hon. Robert Ngui Basil, MP
Yatta Constituency
WDM-K Party

Hon. Caroli Omondi, MP
Suba South Constituency
ODM Party

Hon. Ndakwa David Athman, MP
Malava Constituency
UDA Party

Hon. Paul Ekwom Nabuin, MP
Turkana North Constituency
ODM Party

Hon. BSP. (EM) Dr. Jackson Kipkemoi Kosgei, MP
Nominated
UDA Party

Hon. Muhanda, Elsie Busihile, MP
Kakamega County (CWR)
ODM Party

Hon. Janet Jepkemboi Sitienei, MP, CBS
Turbo Constituency
UDA Party

Hon. Charles Ngusya Nguna, MP
Mwingi Constituency
WDM –K Party

Hon. Catherine Nakhabi Omanyo MP
Busia County (CWR)
ODM Party

Hon. Letipila, Dominic Eli, MP
Samburu North Constituency
UDA Party

Hon. Richard Kipkemoi Yegon, MP
Bomet East Constituency
UDA Party

1.3 Committee Secretariat

5. The Committee's Secretariat comprises of the following officers:

Mr. Hassan A. Arale
Senior Clerk Assistant/Head of Secretariat

Ms. Mary Kinyunye
Clerk Assistant II

Ms. Christine Odhiambo
Principal Legal Counsel

Mr. Erastus Lotuk
Public Communication Officer II

Mr. V.P Okech Owino
Research Officer I

Mr. Wilson Mwangi
Fiscal Analyst II

Ms. Josephine Osiba
Hansard Reporter I

Mr. Said Babo Wako
Serjeant-At-Arms

CHAPTER TWO

2.0 Overview of the Anti-Doping (Amendment) Bill (National Assembly Bill No. 66 of 2026)

1.4 Background

6. The Anti-Doping (Amendment) Bill (National Assembly Bill No. 66 of 2026), sponsored by the Hon. Daniel Wanyama Sitati, MP, CBS, the Chairperson, Departmental Committee on Sports and Culture, was read a First Time in the House on 9th October, 2026. It was thereafter committed to the Committee in line with Standing Order 127(1) of the National Assembly Standing Orders.

1.5 Summary of Legal Provisions

7. The principal object of the Bill is to amend the Anti-Doping Act, Cap. 245B to align the Act with the World Anti-Doping Agency Code. Kenya is a signatory to the UNESCO International Convention against Doping in Sport established under the World Anti-Doping Agency, and which provides the international obligations prohibiting doping in sports.
8. The World Anti-Doping Code was revised to address emerging challenges in relation to doping, and the revised Code will come into effect on 1st January, 2027. The World Anti-Doping Agency subsequently directed all signatories to the UNESCO International Convention Against Doping in Sport to review and amend their legal, regulatory and policy frameworks on anti-doping to ensure full alignment before the Code takes effect.

9. In particular:

a) **Clause 1** of the Bill provides for the short title to the Bill.
b) **Clause 2** of the Bill amends section 2 of the Act to provide clear definitions of terms and to eliminate duplication in the interpretation of terms as contained in the Act, the World Anti-Doping Code and the International Standards. The Bill defines anti-doping rules to mean the anti-doping rules of the World Anti-Doping Agency, and further defines the term doping to mean the occurrence of one or more anti-doping rule violations as defined in the World Anti-Doping Code. The Clause also deletes obsolete terms contained in the Act.
c) **Clause 3** of the Bill introduces a new section 2A to the Bill that provides that terms used in the Bill shall be construed as having the meaning assigned to them in the Code and International Standards.
d) **Clause 4** of the Bill amends section 3 of the Act to provide clarity in regards to the application of the Act, which shall apply to athletes and athlete support personnel who are members of sports organisations and who participate in recognized sports events.
e) **Clause 5** of the Bill introduces a new subsection into section 5 of the Act to provide for the exclusive mandate of the Anti-Doping Agency of Kenya to conduct anti-doping activities.
f) **Clause 6** of the Bill amends section 7 of the Act to provide for clear and concise functions of the Agency based on the pillars of the Code, namely testing, education, intelligence and investigations, results management, therapeutic use exemptions, and research and policy advice.
g) **Clause 7** of the Bill amends section 9 of the Act to provide for the operational independence of the Agency so as to safeguard the impartiality of the decisions of the Agency.

h) **Clause 8** of the Bill amends section 17 of the Act to increase the minimum experience requirement for appointment as the Chief Executive Officer of the Anti-Doping Agency of Kenya from five years to fifteen years.
i) **Clause 9** of the Bill repeals section 23 of the Act which provides for the establishment of the Therapeutic Use Exemption Committee.
j) **Clause 10** of the Bill amends section 24 of the Act to provide for a simplified process of application for therapeutic use exemption, and this application shall be made directly to the Agency.
k) **Clause 11** of the Bill deletes the current section 25 of the Act providing for the registered testing pool and introduces a new provision providing for the mandate of the Agency to undertake doping control.
l) **Clause 12** of the Bill inserts a new section 26 into the Act to provide for an express prohibition on doping as well as sanctions for violation of the section, which was previously not contained in the Act.
m) **Clause 13** of the Bill deletes section 27 of the Act which provides for the acceptance of the Code and related obligations, so as to eliminate duplicated obligations already provided in clause 26(3) and in the Anti-Doping Rules.
n) **Clause 14** of the Bill deletes section 28 of the Act which provides for accredited laboratories, so as to eliminate duplication or conflict between the Act and the International Standards.
o) **Clause 15** of the Bill amends section 30 of the Act to strengthen the enforcement capacity of the Agency by giving inspection and investigative powers to the authorized anti-doping compliance officers.
p) **Clause 16** of the Bill amends section 31 of the Act to restructure the dispute resolution process. In terms of the amendment, disputes shall be heard by the Sports Dispute Tribunal with a clear appeal route through the Continental Results Management Panel and subsequently the Court of Arbitration for Sport.
q) **Clause 17** of the Bill deletes section 32 of the Act which provides for appeals to the Court of Arbitration for Sport, to ensure that the appeals framework shall be as provided in clause 31.
r) **Clause 18** of the Bill amends section 41B of the Act to extend anti-doping compliance obligations beyond national federations to the sports organisations as defined in the Bill, and to include sponsors and event organizers in the obligation to incorporate anti-doping programmes in sporting events.
s) **Clause 19** of the Bill amends section 41C of the Act as a consequential amendment aligning the section with the broadened definition of sports organisations.
t) **Clause 20** of the Bill inserts a new section 41E into the Act to provide for the compliance obligations of sports organisations as well as to provide for the powers of the Agency to conduct compliance audits of sports organisations in matters relating to anti-doping.
u) **Clause 21** of the Bill amends section 42 of the Act to increase the fines and terms of imprisonment imposed for the offences committed under the Act. The Clause further includes the unlawful dealing in prohibited methods as an offence under the Act.
v) **Clause 22** of the Bill amends section 43 of the Act to enhance the general penalty, from one million shillings to three million shillings, and the imprisonment term from one year to three years.
w) **Clause 23** of the Bill provides for transitional and savings provisions, so as to ensure continuity for pending disciplinary cases, therapeutic exemptions and the registered testing pool as provided under the Act.
x) **Clause 24** of the Bill provides for the consequential amendment to section 58 of the Sports Act, Cap. 223 to expressly provide that the Sports Disputes Tribunal shall have

the jurisdiction to hear and determine anti-doping rule violations under the Anti-Doping Act.

CHAPTER THREE

3.0 Public Participation and Stakeholder Engagement on the Bill

1.6 Legal Framework on Public Participation

10. Article 118 (1)(b) of the Constitution provides that:
"Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees."

11. The National Assembly Standing Order 127 (3) and (3A) stipulates that:
"(3) The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism including-
(a) inviting submission of memoranda;
(b) holding public hearings;
(c) consulting relevant stakeholders in a sector; and
(d) consulting experts on technical subjects.
(3A) The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House."

1.7 Memoranda Received on the Bill

12. Pursuant to the aforementioned provisions of the law, the Committee placed an advertisement in the print media on 20th October 2026, inviting members of the public to submit written memoranda on the Bill. In addition, the Committee, vide letters referenced *NA/DDC/S&C/2026/056*, dated 14th October 2026, invited key stakeholders to submit their views on the Bill and conducted public hearings conducted from 30th and 31st October 2026 in six (6) counties, namely Elgeyo Marakwet, Baringo, Trans-Nzoia, Bungoma, Uasin Gishu and Nandi. The deadline for submission of memoranda was 3rd November 2026 at 5.00 p.m. East African Time. By the close of the submission period, the Committee had received Eight (8) memoranda.

13. The seven (7) memoranda were submitted by the following individuals and institutions: Ministry of Youth Affairs, Creative Economy and Sports and most of its agents e.g Anti-Doping Agency of Kenya (ADAK), Kenya Academy of Sports, Office of the Sports Registrar and Sports Kenya, Council of Governors, Kenya Law Reform Commission (KLRC), Kenya Medical Research Institute (KEMRI), State Corporations Advisory Committee (SCAC), Sports Dispute Tribunal and Directorate of Criminal Investigations (DCI). The Committee considered the submissions in the course of its deliberations and in preparing this Report. The memoranda are annexed to this Report as *Annexure 6*.

14. Furthermore, the Committee conducted public hearings on the Bill in six (6) counties, namely Elgeyo Marakwet, Baringo, Trans-Nzoia, Bungoma, Uasin Gishu and Nandi on 26th and 27th October 2026, during which members of the public and other stakeholders presented their views on the Bill.

1.7.1 Submissions in Support of the Bill

15. The Ministry of Youth Affairs, Creative Economy and Sports, the Anti-Doping Agency of Kenya (ADAK), the Kenya Academy of Sports, the Office of the Sports Registrar and Sports Kenya supported the Bill in its entirety.

1.7.2 Submissions on rejection of the Bill

16. The Council of Governors rejected the Bill in its entirety.

1.7.3 Submissions on Proposed Amendments

17. Whilst proposing amendments to the Bill; Kenya Law Reform Commission (KLRC), Kenya Medical Research Institute (KEMRI), State Corporations Advisory Committee (SCAC), Directorate of Criminal Investigations (DCI) submitted as follows:

1.7.4 Submission of the KEMRI Sports Science Research Centre (SSRC)

18. Dr. Steve Wandiga on behalf of Chief Executive Officer (CEO) of Kenya Medical Research Institute (KEMRI) (Prof. Elijah Sonkok) appeared before the Committee on Friday 30th October and observed that the Bill has three principal weaknesses, absence of a laboratory framework which undermines the Centre's mandate to lead the establishment of a national anti-doping laboratory; the over-deletion of definitions and provisions that are necessary for operational clarity, and insufficient provisions on research, data use, education and inter-agency collaboration, which are essential for a sustainable and science-based anti-doping system. The CEO submitted the following proposals for amendments, additions and in the Bill.

a) KEMRI accepted the following clauses as published in the Bill:
   (i) Supported clause 2(h) as the deletion of the definition of "Committee" is consequential to repeal of section 23.
   (ii) Supported clause 2(o) as it aligns with the revised Code and WADA practice.
   (iii) Supported clause 2(y) on deleting the definition of "recreation" as consequential to the new definition of "recreational athlete".
   (iv) Supported clause 24 as a consequential amendment.

b) KEMRI sought amendments to the following clauses:
   (i) Amend clause 2(c) by cross-referencing the Code but retain the definition of anti-doping administration and management system for operational clarity, given the Agency's function under new section 7(1)(t) to maintain the Whereabouts Register and Registered Testing Pool.
   (ii) Amend clause 2(d) by introducing a validation clause, or an express provision in the Act authorizing the Cabinet Secretary to adopt the Code, Standards and Prohibited List by notice in the Kenya Gazette; as referencing WADA rules which are amended from time to time raises concerns under Article 94(6) of the Constitution on limitation of legislative power to Parliament and the doctrine against excessive delegation.
   (iii) Amend clause 2(e) by including para-athletes, Deaflympic athletes and athletes with intellectual impairments in the definition of "athletes".
   (iv) Amend clause 2(i) to clarify that conduct outside ADRVs remains an offence by inserting a provision clarifying that the definition of "doping" for purposes of the Act includes conduct that constitutes an offence under the Act even if it does not amount to an ADRV.
   (v) Amend clause 2(t) on definition of "national level athlete" to be in harmony with that of "athlete" to ensure consistency in relationship and cross-referencing.
   (vi) Amend clause 2(z) on the definition of "recreational athlete" to correct drafting errors in internal numbering like" 1a," "2b," "3c,".
   (vii) Amend clause 2(bb) on "sports organisation" to exclude research institutions, as the definition is broad, which is inappropriate for research institutions whose core business is science and not sports governance; **proposed definition:** "sports

organisation" does not include a public research institution or laboratory providing testing-related research services, provided that such institution or laboratory remains subject to the International Standard for Laboratories and the Data Protection Act, 2019.

Committee Observation:

The objective of the proposed new section 2A is to ensure that the words and expressions used but not defined in the Bill shall be construed as having the meaning assigned to them in the Code and International Standards. this therefore ensures clarity of words and alignment with the Code.

(viii) Amend clause 3 to refer to "*the Code, the International Standards and any technical documents issued pursuant thereto*" to avoid hierarchy problem of Code instruments.

Committee Observation:

The proposed new section 2A already imports undefined expressions from the Code and International Standards. Technical documents and letters operate under their respective Standards, therefore no separate hierarchy clause is necessary.

(ix) Amend clause 4 to restore paragraph (iii) of section 3(b) and clarify that research institutions and laboratories providing testing-related research services are not "sports organisations" for the purposes of the Act, while remaining subject to the ISL and data protection obligations.

Committee Observation:

The Act applies to covered persons and sports bodies and not all researchers. The Bill does not delete the existing section 3(b)(iii); it replaces only subparagraphs (i) and (ii). The scope of the Rules also covers Code-authorised persons.

(x) Delete and substitute clause 5 as laboratory analysis and research should not be considered "anti-doping activities" reserved to Agency because it conflicts with Code Articles 5.2 and 20.8.11, while making testing by WADA, international federations, or foreign organisations unlawful. **Proposed substitution (2A, 2B, 2C, 2D, 2E) below**:

(2A) The Agency is the national anti-doping organisation for Kenya and has primary authority to plan and conduct testing, manage results and enforce this Act in Kenya. Nothing in this subsection shall be construed as restricting the analysis of samples by WADA-accredited laboratories or bona fide research conducted in accordance with applicable ethics and data protection laws.

(2B) Subsection (2A) does not limit the testing authority that the Code and International Standards give to WADA, an international federation, a major event organisation or another anti-doping organisation. Testing by those bodies in accordance with the Code is lawful in Kenya.

(2C) The Agency shall coordinate its testing with those bodies, record testing in ADAMS, and shall not unduly impede or interfere with their testing.

(2D) The Agency's authority to enforce this Act and its consequences shall be recognised by all sports organisations.

(2E) Research, method validation and health screening that are not doping control, and are carried out with ethical approval and informed consent, are not anti-doping activities for this section.

Committee Observation:

ADAK's national statutory mandate is consistent with Article 20.5 of the Code; other organisations' testing powers continue under Article 5.2 of the Code and the Rules. Any ambiguity would therefore require narrow clarification, and not replacing the mandate with the proposed structure.

(xi) Amend clause 6 to include use of WADA-accredited laboratories, safe transit of samples, and ABP function; expand research function and add cooperation with state agencies and research institutions. Clarify subsection (e) to confirm that this does not preclude the Office of the DPP from prosecuting criminal offences.

Proposed Amendment: Add to new section 7(1):

( ) use laboratories accredited or approved by the World Anti-Doping Agency for the analysis of samples, and secure the safe transit of samples to them;

( ) manage the athlete biological passport programme in accordance with the Code and the International Standards;

( ) co-operate and enter into agreements with state agencies, public research institutions, universities, non-governmental organisations and anti-doping organisations in Kenya and elsewhere, including agreements on reciprocal testing, sample analysis, data sharing and research;

( ) undertake, commission, co-ordinate or facilitate research in anti-doping science, including detection methods, athlete biological passport reference data, athlete health and the effects of prohibited substances and methods, in accordance with Article 19 of the Code;

( ) establish, designate or collaborate in the establishment of a national anti-doping laboratory accredited by WADA, and enter into arrangements with accredited laboratories for the analysis of samples;

( ) support research and development in anti-doping science, including through collaboration with research institutions;

And insert a new section: 7A. Research agreements

(1) The Agency may enter into a written agreement with a public research institution for research under section 7(1). Section 7(4) applies to the Kenya Medical Research Institute and the National Commission for Science, Technology and Innovation.

(2) Research using athletes' samples, data or doping control information shall be approved by a recognised research ethics committee, comply with the Data Protection Act, 2019, rely on written consent, use untraceable data and not attempt re-identification.

(3) A party passing samples or data to a third party shall bind it in writing to subsection (2) and prohibit further transfer.

(4) An athlete who may be tested under this Act shall not be a subject of a study that administers a prohibited substance or method.

Committee Observation:

The functions of the Agency as contained in the Bill retains testing, therapeutic use exemption, results management and research functions. Articles 5, 6 and 19 of the Code and the Rules govern accredited analysis, athlete biological passport, sample handling and research. A KEMRI-specific statutory research or laboratory duty is therefore unnecessary and would result in duplication.

(xii) Amend clause 7 to provide exception for qualified laboratory scientists serving on institutional committees in the conflict-of-interest provision (subsection (3)), to carve-out for scientific advisory roles.
Proposed Amendment: exclude scientific advisory and laboratory accreditation roles from the conflict-of-interest prohibition, provided such persons do not participate in results management or hearing decisions.
Committee Observation:
Section 9 as proposed to be amended in the Bill targets actual or potential conflicting concurrent management and operations, and not expertise alone. The Rules require operational independence under Article 20.5 of the Code, therefore scientific advisors without conflicts are not automatically disqualified.

(xiii) Amend clause 8 to reduce the required work experience to 10 years or include sports science/research management experience; as raising experience to 15 years risks narrowing pool of qualified candidates including sports scientists with laboratory/research leadership experience.
Proposed Amendment: Reduce to ten years, or provide that experience in sports science, sports medicine, laboratory science or research management counts toward the requirement.
Committee Observation:
The Career Guidelines for the Staff of the Anti-Doping Agency of Kenya, approved by the Public Service Commission, provide the job specifications for the staff of the Agency. The Guidelines provide that the Chief Executive Officer shall possess, among others, at least fifteen years of relevant work experience, five of which must be in senior management position in sports administration.

(xiv) Amend clause 9 to insert a sub-section that provides for independent TUE advisory panel, comprising medical, pharmacological, anti-doping experts and researchers to advise the Agency, in line with the International Standard for TUEs; as the absence of dedicated expert committee creates risk that TUE decisions may be made without requisite medical and pharmacological expertise.
Committee Observation:
The new section 7(1)(g) and section 24 as proposed in the Bill provides that the Agency shall establish and administer the Therapeutic Use Exemption process in line with international standards. The obligation therefore rests on the Agency to ensure that the therapeutic use exemption complies with the Code and international standards.

(xv) Amend clause 10 to preserve right of international athletes to apply directly to International Federation; require Agency to recognize TUEs granted by IFs and other NADOs (consistent with Code Article 4.4); and provide for emergency

TUEs, and specify timelines for Agency decisions and appeal rights to the Sports Disputes Tribunal.
Committee Observation:
The new section 24 as proposed in the Bill expressly provides that therapeutic use exemption shall granted in accordance with the Anti-Doping Rules in force at the time. This therefore mean that matters relating to timelines and emergency applications must be in accordance with the Rules.

(xvi) Amend clause 11 to reconcile extraterritorial testing power with sovereignty of other states and Code requirements that out-of-competition testing be coordinated through the relevant NADO or IF; and require sample collection by DCOs, complying with ISTI and ISL. **Proposed Amendment:**
Add "in accordance with the Code and any applicable bilateral or multilateral arrangements" to subsection (3)(b). Insert a new subsection requiring sample collection by trained and accredited DCOs in compliance with the ISTI and ISL.
Committee Observation:
The new section 25(2) and (5) as proposed in the Bill expressly subject testing to the Rules and International Standards. Further, Article 5.2 of the Code governs testing authority and coordination. Training and sample collection procedures are technical matters for the International Standard for Testing and Investigations.

(xvii) Amend clause 12 to clarify relationship between ADRV sanctions and criminal penalties to avoid double jeopardy concerns under Article 50(2)(o) of the Constitution.
Proposed Amendment: Insert a provision clarifying that disciplinary sanctions under the Anti-Doping Rules are not criminal penalties and that criminal proceedings may proceed independently, with the Agency required to coordinate with the DPP.
Committee Observation:
The new section 26(3) as contained in the Bill distinguishes disciplinary sanctions and consequences from criminal penalties under the law. The provision therefore gives clarity and serves as a deterrent to the commission of anti-doping rule violations.

(xviii) Amend clause 13 because the repeal removes statutory basis for athlete obligations (knowledge of rules, strict liability, informing medical personnel, disclosing support personnel).
Proposed Amendment: Retain these obligations, either in a new section or by cross-referencing the Anti-Doping Rules. Amend section 7(3) so that delegation is in writing and binds the third party to the Code, the International Standards (including the ISL where analysis is delegated) and the Data Protection Act, 2019.
Committee Observation:
The new section 26(2) as proposed in the Bill obligates the compliance with the Act and the Anti-Doping Rules. Further, the Articles 19 to 21 of the Code specify the responsibilities and obligations of athletes, support personnel and others.

(xix) Delete clause 14 and substitute with the clause below to replace section 28 of the principal Act. ***Substitution clause 14: 28. Accredited laboratories***

(1) A sample collected for doping control shall be analysed only in a laboratory accredited, or an ABP laboratory approved, by the World Anti-Doping Agency under the International Standard for Laboratories, or in another laboratory that the Agency has expressly approved.
(2) Samples and related data may be analysed only for a purpose permitted by the Code and the International Standards.
(3) Samples and related data may be used for research only with the athlete's written consent and after processing so that they cannot be traced to the athlete.
(4) Results of all sample analysis shall be submitted to the Agency.

(xx) Introduce a substitute clause for laboratories, which should not be left to be inferred from International Standards alone. While the Memorandum cites duplication with the International Standards, the ISL (Articles 5.3.8.2, 8.2 and 8.3.1) binds laboratories, not ADAK, and does not give athletes statutory protection. KEMRI is keen on this laboratory provision as it leads the establishment of an anti-doping laboratory.

Proposed section 28A: National Anti-Doping Laboratory

(1) The Cabinet Secretary may, on the Agency's recommendation and after consulting the Cabinet Secretary responsible for health and science, designate a public research institution to seek WADA accreditation or ABP approval.
(2) A designated institution shall operate independently of the Agency, sports organisations and the Ministry responsible for sport, as the ISL requires.
(3) The Agency may enter into analysis agreements with it and give the letters of support WADA requires.

Committee Observation:
Article 6.1 of the Code governs selection of WADA-accredited and approved laboratories. Further, Article 6 of the Rules implements sample analysis. A national designation cannot substitute WADA accreditation or compel the Agency to contract a designated institution.
The Rules adequately preserve WADA's mandatory laboratory standards and safeguards relating to sample analysis and use.

(xxi) Amend clause 15 to provide safeguards for: urgent entry in exceptional circumstances with judicial oversight; arrest subject to Bill of Rights and Criminal Procedure Code; training and certification of compliance officers and protection of research records (s.7A)

Committee Observation:
The requirement for a warrant for entry and inspection is a critical safeguard that protects a person's fundamental right to privacy and prevents arbitrary searches. It also ensures the legal admissibility of evidence seized under a warrant.

(xxii) Amend clause 16 to: add a definition and a provision on enforceability of the Continental Results Management Panel; provide for provisional suspensions and interim measures; specify timeframes for hearing and determination and provide for legal aid or pro bono representation for indigent athletes.

Committee Observation:
Articles 7, 8 and 13 of the Rules adequately provide for suspensions, hearings and appeal rights.

(xxiii) Amend clause 17 to preserve the Agency's right to appeal to CAS against decisions of WADA or International Federations in the new section 31 or elsewhere in the Act.

Committee Observation:

The new section 31 as proposed in the Bill, and Article 13 of the Rules provide the operative appeal regime. Further, Article 13.2 of the Code identifies appealable decisions and entitled appellants. Specific WADA or international federation decisions must be assessed against Code jurisdiction and not as an unrestricted appeal right.

(xxiv) Amend clause 18 to define "sponsor" and "event organizer"; clarify that research institutions and laboratories are not "sports organisations"; and align with Code's Article 24.4 requirement that anti-doping programs be incorporated into every sporting event.

Committee Observation:

The proposed new section 41B in the Bill specifies sponsors and event organisers by their functions and its obligations target sporting events. A blanket exemption for laboratories could be overinclusive. Further, Articles 18 and 20 of the Code govern education and signatory responsibilities.

(xxv) Amend clause 19 to add a provision that reporting must comply with the Data Protection Act, 2019, and that the Agency must establish a confidential reporting mechanism and whistle blower protections (as already required by section 7(1)(ue) of the principal Act).

Committee Observation:

The amendment in clause 19 only replaces "a national federation" with "a sports organisation". It does not create the general reporting duty described. Further, section 4 of the Data Protection Act, Cap. 411C provides that the Act applies to a data controller and a data processor in the processing of personal data. It is therefore not necessary to restate it.

(xxvi) Amend clause 20 to specify that sanctions are subject to due process (notice, hearing, appeal); and consequences of non-compliance for research institutions and laboratories

Committee Observation:

The new section 41E(3) as proposed in the Bill already requires an opportunity to be heard before the imposition of sanctions under the Rules. This therefore allows for due process.

(xxvii) Amend clause 21 to Define "unlawful" by reference to the Pharmacy and Poisons Act, the Narcotic Drugs and Psychotropic Substances (Control) Act, and the Prohibited List; Limit the provision to personal use and possession, and retain criminal liability for supply, trafficking and administration; Provide for notification to professional regulatory bodies and mandatory reporting of suspicious prescriptions; Create offences for tampering, forging results, and unauthorized disclosure; Clarify that sanctions are civil/disciplinary and do not preclude criminal prosecution; and add to section 42: *"This section does not apply to the possession, importation, transport or use of a prohibited substance or method as a reference material, calibrator or analytical standard by a laboratory accredited or approved by WADA, or by a research institution with ethical approval and any authorisation required under written law."*

Committee observation:
Clause 21 amends the terminology of the existing offences and penalties. Further, Articles 2 and 10 of the Code separately govern anti-doping rule violations. New offences or laboratory exemptions require distinct criminal-law analysis, including legitimate scientific authorisations, rather than an open-ended amendment.

(xxviii) Amend clause 22 to provide for periodic review of fines and differentiated penalties for individuals versus corporate bodies.
Committee Observation:
While Code sanctions concern international sporting consequences and not Kenya's general criminal penalties, legislative review of penalty levels and corporate liability is a domestic criminal-law policy matter, not a Code compliance requirement.

(xxix) Amend clause 23 (transitional provisions) to add the following:
- saving for samples, analytical data, research approvals and agreements existing at commencement, which continue as if made under the amended Act;
- a provision recognizing the Centre's role in the establishment of the national anti-doping laboratory, pending formal designation;
- a saving for pending research ethics approvals relating to anti-doping research and data-sharing arrangements.
Committee Observation:
The transitional provisions provided for in clause 23 of the Bill protect pending anti-doping rule violation proceedings, existing therapeutic use exemptions and the registered testing pool. The regulations prescribed under the Act contain broader savings for prior lawful acts. Laboratory accreditation remains governed by Article 6 of the Code and the international standard for laboratories.

c) KEMRI proposed additional Clauses to be introduced into the Bill as follows:
(i) Insert a clause to provide for research use of anti-doping data subject to ethics approval (KEMRI Scientific and Ethics Review Unit) and the Data Protection Act, 2019; anonymization of samples and data before research use; benefit-sharing with athletes and sports organisations; and dissemination of research findings for the benefit of clean sport.
Committee Observation:
The proposed amendment introduces an additional regulatory framework that is not directly related to the principal object of the Bill. Further, the ethical use of research data and protection of personal information are adequately addressed under existing legal frameworks, including the Data Protection Act, Cap. 411C.

(ii) Insert a general conflict clause e.g. *"Where any provision of this Act conflicts with the Code or the International Standards, the Code and the International Standards prevail; the Agency shall notify the Cabinet Secretary, who shall cause the Act to be amended within a specified period".*
Committee Observation:
Granting the Code and International Standards automatic precedence over an Act of Parliament raises concerns regarding the hierarchy of laws and the

constitutional legislative authority of Parliament. Alignment with the Code should instead be achieved through appropriate legislative amendments.

(iii) Insert a clause to recognize the National Anti-Doping Laboratory Project to provide for multi-year accreditation roadmap; funding mechanisms (e.g., through the Sports, Arts and Social Development Fund); staff training and capacity building (DCOs, laboratory technicians, results management personnel) and partnerships with WADA, the International Federation of Clinical Chemistry (IFCC) and other accredited laboratories.

Committee Observation:

The proposal introduces institutional, financial and operational considerations that extend beyond the scope of the Bill, in light of the provisions of Standing Order 133(5). The development of the National Anti-Doping Laboratory is better addressed through appropriate policy, administrative and budgetary interventions.

(iv) Insert a clause to require the Agency to collaborate with the Centre and other research institutions in anti-doping education for athletes, coaches and support personnel; training of Doping Control Officers and laboratory personnel; and public awareness on the health risks of doping and the availability of testing.

Committee Observation:

The existing legal framework already mandates the Agency to undertake anti-doping education, research and awareness programmes and collaborate with relevant institutions. The proposed activities can therefore be undertaken through existing statutory powers and administrative arrangements.

(v) Insert a clause to require the Agency to enter into memoranda of understanding for inter-agency collaboration with KEMRI (laboratory development, research, ethics); KEBS (product testing and standards); PPB (regulation of prohibited substances); DCI (investigations); ODPP (prosecutions); and KRA (customs and border control of prohibited substances).

Committee Observation:

The existing Act already provides for collaboration between the Agency and relevant State agencies and institutions. The proposed memoranda of understanding can therefore be pursued through administrative arrangements without requiring additional legislative provisions.

d) KEMRI rejected and sought deletion of the following clauses in the Bill:

(i) Delete clause 2(a) to retain the definition of accredited laboratory, because ISL binds laboratories and deletion creates legal vacuum as the Act will not specify which laboratories may be used; and also removes legal protection from athletes.

(ii) Delete clause 2(b) to retain the definition of "anti-doping activities" to avoid creating interpretive uncertainty in new section 5(2A), regarding scope of exclusive mandate or provide a clear definition in section 2 that excludes laboratory analysis and bona fide research from the scope of "anti-doping activities" reserved exclusively to the Agency.

(iii) Delete clause 2(f) to retain the definition of "athlete biological passport (ABP)" as ABP is a core detection and deterrence tool; its deletion leaves Agency reliant on ISL without legal grounding, or define ABP as "means the program and methods of gathering and collating data as described in the International Standard for Testing and Investigations and International Standard for Laboratories".

(iv) Delete clause 2(m) to retain the definition of "institutional independence" as it is a core safeguard for hearing panels and results management bodies under the Code, and undermines new s.9. on independence of the Agency.

(v) Delete clause 2(p) to retain the definition of "marker" or define as, "means a compound, group of compounds or biological variables that indicates the use of a prohibited substance or prohibited method"; as the deletion creates interpretive risk for laboratories contracted or designated by the agency, enforcement of standards against laboratories, and the drafting of regulations.

(vi) Delete clause 2(q) to retain the definition of "metabolite" or define as "means any substance produced by a biotransformation process"; as the deletion creates interpretive risk for enforcement of standards against laboratories.

(vii) Delete clause 2(s) to retain the definition of "National Anti-Doping Organization" as the deletion without replacement creates ambiguity regarding agency's role and international/WADA recognition as Kenya's antidoping agency for purposes of the Code and International Standards.

(viii) Delete clause 2(u) to retain the definition of "national sports organization" as it creates a gap and amend clause 2(bb) to clarify that research institutions and laboratories providing testing-related research services are not "sports organisations" for the purposes of the Act, while remaining subject to the ISL and data protection obligations.

(ix) Delete clause 2(v) to retain the definition of "operational independence" as the deletion undermines new section 9 and the independence of results management.

Committee Observation:

The objective of the proposed new section 2A is to ensure that the words and expressions used but not defined in the Bill shall be construed as having the meaning assigned to them in the Code and International Standards. this therefore ensures clarity of words and alignment with the Code.

1.7.5 Kenya Law Reform Commission (KLRC)

19. The Committee received submissions from a representative of the Kenya Law Reform Commission, who confirmed the Commission's participation in the development of the Bill.
20. The Commission expressed support for the harmonisation of the proposed amendments with the Constitution and other relevant legislation, including the Criminal Procedure Code, to ensure legal consistency, clarity and enforceability.

1.7.6 State Corporations Advisory Committee (SCAC)

21. The Committee received submissions from Mr. Jake Jacoba, Secretary and Chief Executive Officer of the State Corporations Advisory Committee, who presented recommendations relating to the governance and institutional framework of ADAK.
22. The stakeholder submitted as follows:

(a) **Qualification of the Chief Executive Officer:** In relation to the proposed amendment to Section 17, SCAC recommended that the professional experience requirement for appointment as ADAK Chief Executive Officer be reduced from fifteen (15) years to between seven (7) and ten (10) years. It was observed that the proposed fifteen-year requirement could unnecessarily narrow the pool of eligible candidates and would not be consistent with the Government's broader youth empowerment and leadership development policies.

Committee Observation:

The Career Guidelines for the Staff of the Anti-Doping Agency of Kenya, approved by the Public Service Commission, provide the job specifications for the staff of the Agency. The Guidelines provide that the Chief Executive Officer shall possess, among others, at least fifteen years of relevant work experience, five of which must be in senior management position in sports administration.

(b) **Separation of Institutional Roles:** SCAC recommended the establishment of a distinct Office of the Corporation Secretary, separate from the office of the Chief Executive Officer, in accordance with the principles of the Mwongozo Code of Governance and applicable provisions of the Companies Act.

Committee Observation:

While this was a justifiable proposal, the Committee noted that the introduction of an amendment at Committee Stage of the Bill would expand the scope of the Bill and go against the provisions of Standing Order 133(5). Further, the proposed amendment would result in financial implications and would require consideration under the provisions of Article 114 of the Constitution.

(c) **Board Quorum:** With regard to the First Schedule, SCAC recommended reducing the quorum required for meetings of the ADAK Board from two-thirds of the membership, equivalent to seven (7) out of nine (9) members, to five (5) members to minimise the risk of operational paralysis arising from difficulties in attaining quorum.

Committee Observation:

The Committee noted that the principal objective of the Bill was to align the Act with the World Anti-Doping Agency Code. The proposal could however be introduced for consideration in a subsequent legislative proposal.

(d) **Board Committees:** SCAC further recommended that the membership of Board Committees be capped at not more than one-third of the total Board membership. It also proposed that such committees submit advisory reports and recommendations to the full Board rather than make unilateral determinations on matters falling within the Board's mandate.

Committee Observation:

The Committee noted that the principal objective of the Bill was to align the Act with the World Anti-Doping Agency Code. The proposed amendment could however be introduced for consideration in a subsequent legislative proposal.

1.7.7 Submission of the DCI

23. Philip Langat, presented the amendments DCI Proposed to the Bill as follows:

(i) Insert the following definitions –

*"**Conspiracy to commit a doping offence**"- means an agreement between two or more persons to pursue a course of conduct that, if carried into effect, would constitute an offence under section 42(2) or section 42(4) of this Act, irrespective of whether the substantive offence is completed;*

*"**Organized doping network**"- means a structured group of three or more persons, existing for a period of time and acting in concert, whose purpose is the supply, trafficking, or administration of prohibited substances or prohibited methods for financial or material benefit;*

*"**Proceeds of doping**" - means any property or economic advantage derived directly or indirectly from the commission of an offence under section 42(2) or section 42(4) of this Act.*

These definitions, missing in both the Act and the Bill, provide the statutory anchors for the conspiracy offence (Amendment 5), the aggravated organised-crime offence (Amendment 6), and the forfeiture provisions (Amendment 7). The definition of "organised doping network" tracks the UNTOC definition of an organised criminal group, ensuring compatibility with Kenya's international obligations under the Palermo Convention.

Committee Observation:

The proposed definitions introduce new criminal offences and enforcement mechanisms that fall outside the principal object of the Bill. The proposals require broader legislative review and may be considered separately and should therefore not be incorporated in the Bill.

(ii) Amend section 29(2)(b) (already deleted in the principal Act)

(b) shall, in the exercise of functions under this Act, have the powers, privileges, and immunities of a police officer of the rank of inspector under the National Police Service Act, 2011, and shall be subject to the same disciplinary and accountability mechanisms as a police officer under that Act, in addition to the oversight of the Agency.

This amendment removes the requirement for case-by-case authorisation from the Inspector General, which is operationally impractical and has no counterpart in comparative anti-doping legislation; and ensures that evidence gathered by compliance officers is less vulnerable to challenge on the basis of defective authority.

Committee Observation:

Section 29(2) of the Act was deleted by the Anti-Doping (Amendment) Act, No. 24 of 2020. An amendment cannot therefore be introduced in respect of a deleted section of the Act.

(iii) Replace section 30 with the following:

30. Power of search, entry, and interrogation

(1) *An anti-doping compliance officer may, for the purpose of enforcing this Act—*

(a) enter and search any premises, vessel, or vehicle in accordance with a search warrant issued under section 118 of the Criminal Procedure Code, or with the consent of the occupier, or in the exercise of the powers of arrest under subsection (3);

(b) seize, detain, and where applicable remove for detention any prohibited substance, document, or thing found in the course of a lawful search that may constitute evidence of an offence under this Act.

(2) An application for a search warrant under subsection (1)(a) shall be made to a magistrate or judge on oath, and the warrant shall be executed in accordance with the procedures prescribed under the Criminal Procedure Code.

(3) An anti-doping compliance officer may, in accordance with sections 32 and 33 of the Criminal Procedure Code, arrest without a warrant any person whom the officer suspects on reasonable grounds of having committed an offence under section 42(2) or section 42(4) of this Act, and shall bring the arrested person before a court within twenty-four hours or, if the twenty-four-hour period expires outside ordinary court hours, on the next court day.

(4) A person arrested under subsection (3) shall be informed promptly, in a language that the person understands, of the reason for the arrest and of the right to remain silent and to consult an advocate.

(5) Evidence obtained in contravention of this section shall be inadmissible in criminal proceedings under this Act, save where the court is satisfied that the admission of the evidence would not render the trial unfair or otherwise be contrary to the interests of justice.

this aligns the search and arrest powers with the Criminal Procedure Code and Article 49 of the Constitution; preserves the operational capacity of compliance officers while substituting the CPC's warrant procedure for the open-ended "with or without warrant" formula. The exclusionary rule in subsection (5) mirrors the approach in comparable common-law jurisdictions and provides a clear incentive for procedural compliance, and also satisfies the requirement under the WADA ISTI that sample collection and investigative processes be conducted in a manner that preserves the integrity and admissibility of evidence.

Committee Observation:

Matters of arrest without a warrant, rights of an arrested person and admissibility of evidence are provided for in the Criminal Procedure Code. It is therefore not necessary to restate it.

(iv) Amend section 42(2) as follows:

(2) A person or body who—

(a) unlawfully transports or transfers prohibited substances, within or outside Kenya;
(b) stocks supplies of products containing prohibited substances in an unlawful manner;
(c) administers, applies, or generally causes an athlete to use prohibited substances; or
(d) participates in any way in an organized doping network;
commits an offence and shall be liable, on conviction, to imprisonment for a term of not less than four years or to a fine of not less than five million shillings, or to both.

(2A) *In the case of a corporate body convicted under subsection (2), the court shall, in addition to any fine, order the withdrawal of the corporate body's trading licence for a period of not less than two years and may order the dissolution of the corporate body where it is established that the body was formed primarily for the purpose of facilitating doping offences.*

The Palermo Convention defines a "serious crime" as an offence punishable by at least four years' imprisonment. Without this change, doping offences cannot serve as predicate conduct for transnational organised crime cooperation, mutual legal assistance, or extradition under the UNTOC framework. The new paragraph (d) gives direct statutory effect to the "organised doping network" concept defined above, while the corporate dissolution power addresses the use of corporate vehicles to shield doping enterprises, a pattern documented in comparative enforcement experience.

Committee Observation:

The proposed amendments introduce enhanced criminal penalties, corporate sanctions and new offences relating to organised doping networks, which extend beyond the principal object of the Bill. The Committee further noted that the proposed provisions require broader consideration of their implications for criminal justice administration and Kenya's existing legal framework on organised crime. The proposals may be considered separately through a comprehensive review of the Act.

(v) Insert the following new section immediately after section 42:

42A. Conspiracy to commit a doping offence

(1) Any person who conspires with another person to commit an offence under section 42(2) or section 42(4) of this Act is guilty of the offence of conspiracy to commit a doping offence.

(2) For the purposes of this section, a conspiracy may be established by evidence of an agreement, whether express or implied, and whether or not the substantive offence is completed, and may be inferred from the conduct of the parties and the surrounding circumstances.
(3) A person convicted of conspiracy under this section shall be liable to imprisonment for a term of not less than four years or to a fine of not less than five million shillings, or to both.
(4) This section is without prejudice to the disciplinary jurisdiction of the Agency and the Sports Tribunal over complicity under the Anti-Doping Rules, and a finding of complicity in disciplinary proceedings shall not constitute a bar to prosecution under this section, nor shall a conviction under this section constitute a bar to disciplinary action.
(5) In sentencing a person convicted under this section, the court may consider any substantial assistance rendered by the convicted person to the investigation or prosecution of other persons involved in the conspiracy.

This section applies the Penal Code conspiracy framework specifically to Anti-Doping Act offences. The exclusion of athlete-level violations from the scope of the offence preserves the boundary between the disciplinary system and the criminal law. The "without prejudice" clause in subsection (4) is essential to ensure compatibility with the WADA Code, which requires that national anti-doping organisations retain authority over complicity as an anti-doping rule violation. The substantial-assistance provision mirrors the WADA Code's substantial-assistance mechanism and provides an investigative incentive structure consistent with the 2027 International Standard for Intelligence and Investigations (ISII).

Committee Observation:

The proposed amendment creates a new criminal offence of conspiracy to commit a doping offence, together with additional evidentiary and sentencing provisions. Introducing the offence would require broader consideration of its interaction with existing criminal law and the disciplinary framework under the Anti-Doping Rules. The proposal may be considered separately through a comprehensive review of the Act.

(vi) Insert the following new section:

42B. Aggravated offence: participation in an organized doping network

(1) Any person who, for the purpose of obtaining a financial or material benefit, participates in an organized doping network commits an aggravated offence and shall be liable, on conviction, to imprisonment for a term of not less than seven years.
(2) "Participation" for the purposes of this section includes—
(a) agreeing with one or more other persons to commit an offence under section 42(2);
(b) taking part in the activities of an organised doping network in any capacity, including financing, logistics, recruitment, or concealment;
(c) organising, directing, or coordinating the activities of an organised doping network.

This offence operationalises the UNTOC-aligned characterisation of doping as transnational organised crime where the conduct involves structured, profit-driven networks. The seven-year minimum reflects the aggravated seriousness of network-based conduct and situates the offence squarely within the "serious crime" category for the purposes of international cooperation. It draws on the model of the Rodchenkov Anti-Doping Act's doping-fraud provisions while adapting the structure to Kenya's common-law offence architecture.

Committee Observation:

The proposed amendment introduces a new aggravated criminal offence targeting participation in organised doping networks and prescribes enhanced

penalties. The proposal expands the scope of criminal liability under the Act and requires broader consideration of its implications within the existing criminal justice framework. The proposal may be considered separately through a comprehensive review of the Act.

(vii) Insert the following new section:

42C. Forfeiture of proceeds of doping

(1) Where a person is convicted of an offence under section 42(2), section 42(4), section 42A, or section 42B, the court shall, in addition to any other penalty, order the forfeiture of any property that the court is satisfied, on a balance of probabilities, constitutes the proceeds of doping or was used in the commission of the offence.

(2) The court may make a forfeiture order under subsection (1) whether the property is in the possession of the convicted person or of a third party, and whether the property is located in Kenya or elsewhere.

(3) For the purposes of this section, "property" includes money, bank balances, securities, cryptocurrency, real property, vehicles, and any other tangible or intangible asset.

(4) The Assets Recovery Agency shall have the power to trace, freeze, and recover property that is the subject of a forfeiture order under this section, and the provisions of the Proceeds of Crime and Anti-Money Laundering Act relating to the management and disposal of recovered property shall apply, with necessary modifications.

This amendment fills a significant lacuna in the Act's financial-crime architecture, by designating doping offences as generating forfeitable proceeds, removing any doubt about the applicability of POCAMLA's tracing and recovery mechanisms. It is deliberately confined to supply-side and trafficking offences—not athlete-level anti-doping rule violations—to avoid conflating disciplinary sanctions with criminal confiscation. The inclusion of cryptocurrency reflects the documented use of digital assets in illicit doping supply chains.

Committee Observation:

The proposed amendment introduces additional forfeiture powers and enforcement mechanisms that are already substantially addressed under the Proceeds of Crime and Anti-Money Laundering Act, Cap. 59A. Further, the proposal would require consideration of the jurisdiction and mandate of the Assets Recovery Agency and the applicable procedures for asset recovery. The proposal is therefore best addressed within the existing legal framework.

(viii) Amend section 45 to insert the following paragraphs:

45(2) Without prejudice to the generality of subsection (1), regulations made under this section may provide for—

(a) the designation of sports governing bodies, national federations, and betting operators as reporting institutions for the purposes of suspicious transaction reporting under the Proceeds of Crime and Anti-Money Laundering Act, in respect of transactions suspected to be connected with doping offences;

(b) the establishment of a doping-specific financial intelligence function within the Agency, and the modalities of its cooperation with the Financial Reporting Centre and the Directorate of Criminal Investigations;

(c) the procedures for intelligence-gathering, investigation planning, and cooperation with law enforcement agencies in accordance with the WADA International Standard for Intelligence and Investigations.

This amendment provides the delegated legislative authority for the operational measures identified in the preceding analysis. It aligns the Act with the 2027 ISII, which will require national anti-doping organisations to maintain structured intelligence and investigation capabilities.

Committee Observation:

The proposed amendment introduces financial intelligence and reporting obligations that extend beyond the regulatory scope of the Bill. Further, the designation of reporting institutions and establishment of financial intelligence functions are matters governed by the Proceeds of Crime and Anti-Money Laundering Act, Cap. 59A and fall within the mandates of the relevant agencies. The proposed amendments should therefore not be incorporated into the Bill.

(ix) Amend the incorporation provision of the Regulations (Regulation 3 or the equivalent) to insert the following:

The Anti-Doping Rules shall incorporate the WADA International Standard for Intelligence and Investigations (ISII), 2027, and any subsequent amendments thereto, and the Agency shall exercise its intelligence-gathering and investigative functions in accordance with the ISII.

This is a consequential amendment to align with the ISII by reference to ensure continuing WADA compliance without the need for repeated regulatory amendment.

Committee Observation:

The definition of "Anti-Doping Rules" as contained in the Bill already provides that these are the rules of the Agency adopted and implemented in conformity with the Code. It therefore follows that the Rules incorporate the WADA Code as well as the International Standards.

(x) Insert a consequential amendment to POCAMLA, inserting a reference to the Anti-Doping Act, in the Schedule or in the definitional provisions identifying predicate offences, in the following terms:

"The offences under sections 42(2), 42(4), 42A, and 42B of the Anti-Doping Act, are designated as predicate offences for the purposes of this Act."

While the "all crimes" approach is legally sound, express designation serves three practical purposes: it signals priority to prosecutors and reporting institutions, it removes any argument that doping offences fall outside the POCAMLA framework, and it aligns Kenya's regime with the Rodchenkov Act model, which expressly designates doping fraud as a predicate offence for money-laundering and racketeering purposes.

Committee Observation:

The proposed amendment seeks to introduce additional predicate offences under the Proceeds of Crime and Anti-Money Laundering Act, Cap. 59A which would require a separate legislative process and consideration of the implications for the existing anti-money laundering framework. The proposal therefore falls outside the scope of the Bill and may be considered separately.

1.7.8 Submission by the Council of Governors (COG)

24. In a letter ref. COG/6/45 VOL.4(108), dated 29th October, the COG submitted proposed amendments on the Bill as follows:

(i) Amend the definition of "sports organisation" because County Governments are constitutionally mandated to undertake sports activities and facilities according to Part II of the Fourth Schedule of the Constitution.

"Sports Organization" means anybody that governs, regulates, administers, organizes, manages, promotes or is responsible for sporting activities and includes a national governing body, **a County Government** federation, club, league, association, event organizer and any other body exercising authority over athletes, athlete support personnel or sporting activities in Kenya

Committee Observation:

The definition of "sports organization" in the Bill specifically relates to the international obligation and compliance requirement imposed by WADA on the State parties.

(ii) Delete sub-clause 6(e) on functions of the agency because the prosecutorial mandate is vested in the Office of the DPP and this provision encroaches on the role of the ODPP.

Committee Observation:

The proposed deletion is unnecessary, as the Agency's role in undertaking or supporting enforcement activities does not necessarily usurp the prosecutorial mandate of the Office of the Director of Public Prosecutions under Article 157 of the Constitution. The functions should therefore be read and exercised within the existing constitutional framework.

(iii) Amend clause 6(j) to read: *(j) Advise the National and County Governments on all matters relating to antidoping policies;* because Article 6(2) of the Constitution provides that the governments at the National and County levels are distinct and interdependent.

Committee Observation:

The term "government" includes the collectivity of both the national and county levels of government. The amendment is therefore not necessary.

(iv) Amend clause 7(c) to read as follows, to ensure that both levels of Government are recognised in the provision, in line with their respective roles and responsibilities in the sports sector.

For the purposes of Subsection 2(b), a real or potential conflict of interest shall without limitation be deemed to arise where a person is concurrently involved in the management or operational activities of the agency and in the management or operational activities of a sports organisation or of a State Organs at both levels of Government with responsibility for Sport or antidoping.

Committee Observation:

The Committee observed that the existing provision adequately addresses potential conflicts of interest arising from involvement in the management or operations of sports organisations. The proposed amendment is therefore unnecessary, as it introduces additional wording without materially enhancing the existing conflict-of-interest safeguards.

1.7.9 Submission by the Sports Disputes Tribunal

25. The Sports Disputes Tribunal supports the strengthening and harmonisation of Kenya's anti-doping legal framework in line with the World Anti-Doping Code and applicable international standards. The Tribunal recommends that the proposed amendments establish a clear, coherent and adequately resourced adjudication and appeals framework that guarantees the independence and impartiality of decision-makers, protects the constitutional rights of athletes, promotes timely determination of anti-doping cases and provides certainty regarding the respective roles of the SDT, the Continental Results Management Panel and the Court of Arbitration for Sport.

26. The Tribunal further recommends that the implementation of any expanded jurisdiction be accompanied by appropriate institutional capacity, clear procedural rules and transitional provisions to ensure continuity of proceedings and effective access to justice. These measures would strengthen confidence in Kenya's anti-doping system while advancing the integrity of sport and compliance with international obligations.

Key issues and recommendations

27. The Bill proposes restructuring the anti-doping dispute-resolution process, including providing for the SDT to hear and determine doping cases involving national- and international-level athletes, followed by an appeal to the Continental Results Management Panel (CRMP) and ultimately the Court of Arbitration for Sport (CAS). This is a major area on which the Tribunal should provide technical and legal input.

1. Jurisdiction and clarity of the adjudication framework

28. The SDT should recommend clear statutory provisions defining its original jurisdiction over anti-doping cases, the categories of athletes and cases it can hear, and the relationship between its jurisdiction and that of other sports dispute-resolution bodies.

(a) Clarify whether the SDT will be the first-instance adjudicatory body for all anti-doping rule violations within the specified categories.
(b) Define the relationship between the SDT, the CRMP and CAS.
(c) Ensure that the legislation avoids overlapping jurisdiction, conflicting decisions and uncertainty over the appropriate forum.

Committee Observation:

The proposed new section 31(1) as contained in the Bill provides that the Sports Dispute Tribunal shall be the first instance in the hearing and determination of anti-doping rule violation cases.

2. Fair hearing and protection of athletes' rights

29. The Tribunal should emphasise that effective anti-doping enforcement must comply with Article 50 of the Constitution and the applicable World Anti-Doping Code and International Standards.It should recommend express safeguards for:

(a) Adequate notice of charges and hearings.
(b) Access to evidence and a meaningful opportunity to respond.
(c) Independent and impartial adjudicators.
(d) Reasoned, timely decisions.
(e) Access to legal representation, interpretation where necessary, and an effective right of appeal.
(f) Appropriate consideration of provisional suspensions and applications for their review.

Committee Observation:

The provisions of the Constitution on fair administrative action apply automatically and therefore it is not necessary to restate it.

3. Independence and institutional capacity of the SDT

30. If the proposed amendments expand the Tribunal's role, Parliament should consider the resources and institutional arrangements required to discharge that mandate effectively. The SDT should recommend:

(a) Adequate and predictable funding.
(b) Sufficient legally qualified and technically competent members.
(c) Specialised training in anti-doping law, scientific evidence, results management and the 2027 World Anti-Doping Code.
(d) Administrative support for managing a potentially increased caseload.
(e) Safeguards against actual or perceived conflicts of interest.

Committee Observation:

Matters of funding would be best considered during the appropriation and budget making process. Further, section 61 of the Sports Act, Cap. 223 grants the Chief Justice the power to make rules governing the practice and procedure of the Tribunal, which may include internal administrative arrangements.

4. Appeals to the CRMP and CAS

31. The Tribunal should seek clarity on the proposed appellate structure, particularly the legal status, independence and jurisdiction of the CRMP. Parliament should ensure that the law clearly specifies:

(a) The decisions that may be appealed and by whom.
(b) Applicable filing deadlines and procedures.
(c) Whether an appeal suspends implementation of a decision.
(d) The relationship between national appeal procedures and any applicable international appeal rights.
(e) The effect of decisions issued by the CRMP and CAS.
(f) Appropriate transitional arrangements for pending proceedings.

32. These matters should be checked against the applicable Code and International Standards before the provisions are finalised.
Committee Observation:
Clause 31 allows a person to appeal against a decision of the Sports Dispute Tribunal to the Continental Results Management Panel.

5. Timely and efficient determination of cases

33. The SDT should recommend procedural timelines that promote expeditious hearings without compromising procedural fairness. This could include timelines for filing responses, preliminary applications, hearing dates, delivery of decisions and appeals.

The law should also accommodate complex scientific evidence, expert witnesses and legitimate applications for extensions.
Committee Observation:

Section 61 of the Sports Act, Cap. 223 grants the Chief Justice the power to make rules governing the practice and procedure of the Tribunal, which may include timelines for hearing and determination of disputes.

6. Transitional and consequential provisions

34. Parliament should consider how the proposed law will apply to cases already before the SDT when the amendments take effect.
35. The SDT should recommend provisions addressing pending cases, existing procedural rules, previous decisions, ongoing provisional suspensions and appeals lodged under the former framework. The transition should not inadvertently prejudice either athletes or anti-doping organizations. The Tribunal's existing mandate under the Sports Act and the Anti-Doping Act provides a foundation for these recommendations.
Committee Observation:
Clause 23(1) of the Bill provides that any proceedings relating to an anti-doping rule violation that are pending before the Sports Dispute Tribunal or any other body shall continue and be concluded in accordance with the principal Act as if the amended Act has not been enacted.

1.7.10 Submissions from the Public during the Visits to the North Rift and Western Regions

36. In each of the Counties the Committee first paid a courtesy call to the Office of the County Commissioner and the head of the institution hosting the public participation and thereafter proceeded to the public participation hall to engage the public on the Bill. The Committee sensitized the attendees on the background of the doping menace and explained the key provisions of the Bill and that the amendment will align Kenya with World Anti-Doping Agency (WADA) code, protect athletes and promote clean sport. This would be enforced through Anti-Doping Agency of Kenya (ADAK) implementing random testing, investigations, hefty fines, jail terms and/ or the ban on participating in sports and appeals. The expanded liabilities for those involved in sports-related livelihood were emphasized while also informing on the additional avenues for seeking appeal if a person has reasons to belief that he/she was subjected to unfair ruling.

1. Kitale National Polytechnic, Trans-Nzoia County

37. The Committee conducted public participation in the County on Monday 26th August, where the public commented on the Bill as follows:

38. Mr. Kennedy Asembo, the ACC Trans-Nzoia, called for a clear mechanism of requiring a coach to officially sign off and document the handover of an athlete to an agent or third party, so that if an athlete tests positive or faces anti-doping violations after being handed over, proper documentation should exonerate the coach to prevent unfair liability, when evidence shows the coach was not involved in the offense. He also informed the committee that stakeholders raised concerns regarding random

anti-doping testing, noting that unannounced testing protocols can lead to potential infringements on athletes' fundamental right to privacy, underscoring that clear guidelines are needed to balance compliance with privacy rights, including Anti-Doping Control Officers (ADCOs) carrying clear official identification.

39. Dr. Tom Mulati, principal of Kitale National Polytechnic appreciated the Bill and observed that doping is a menace that has adversely affected both athletes and student games and called for the Bill to cover the students' sports too.

40. Mark Sabwa, a former rugby player, requested the committee to include a provision on psychological counselling on win and lose scenarios, as a factor contributing to doping, and also urged the coaches to avoid extreme exercises to discourage doping. He also called for the decentralization of ADAK to primary and secondary schools or villages. He also urged the Bill to provide for research on herbal medicine as alternative to doping drugs.

41. Emmanuel Sumba, raised concern on the possibility of the coach being held responsible for doping the player did secretly and prayed that the collective responsibility on doping would be handled with clarity, to avoid placing liability on those not involved in the doping.

42. Walter Kefa, FKF chairperson Saboti, suggested organizing tournaments to sensitive the youth including students and pupils on the new regulations enforcing the amended legislation on doping.

43. Bii Rutto, a teacher, suggested coaches to officially sign off the handover of their players or athletes to agents that will serve as evidence of their innocent in a doping case

44. Daniel Iyadi, agriculturalist, and Mary Nduta, a tutor at Kitale Polytechnic and a basketball coach urged the government to sensitize the youth on the implications of the Bill including distributing materials to sensitive the school clubs.

45. Tobias Wangila, a football coach, also urged the decentralization of ADAK to Ward level, requested the ADAK officers to show official identification and respect player privacy while undertaking their duties and cautioned on using the law to unfairly target an opponent team in competitions.

46. Evans Rono, secretary of Sports Kenya, Trans-Nzoia branch, called for sensitization on the updated law on anti-doping at the grassroots including primary and secondary schools.

47. Retired chief Andrew Rotich, chairman of athletics Kenya, Trans-Nzoia, supported the Bill and called for severe penalties on anti-doping violations. He observed that doping has adversely affected the sports men and women, while perpetuating unfair competition in student sports.

48. Binta Omondi agreed with the sentiments that coaches introduce doping to the athletes without disclosing its implications and welcomed extending anti-doping liability to the coach.

49. Bintiah Kiarie, a polytechnic tutor and a long serving basketball player and a coach for school children, acknowledged unfair doping practices and welcomed liability for coaches. She, however, raised concern on the therapeutic use exception given by ADAK to the injured regarding how long it will take for such traces to clear from the body.

50. Coach Okulo Okello suggested that the Bill should provide for documentation of the history of medical treatment for every athlete or player to provide evidence for therapeutic use exception.

51. David Wamocha, a coach, supported the Bill and raised a concern on lack of testing machines, requesting for financial support through a fund.

Committee Observation:
ADAK should continue to conduct sensitization and awareness campaigns and propose reforms to the anti-doping legal framework if this is established to be necessary.

2. Bungoma County

52. The Committee conducted public participation in the County on Monday 26th August, where the public commented on the Bill as follows:

53. Omar Abdi supported the collective responsibility of doping in the amendment Bill, noting that players had been left to bear the consequences of the vice alone, while Denis Barasa called for the decentralization of sensitization activities to the level of villages and schools.

54. Samson Jimi supported the Bill and encouraged its full implementation and enforcement in grassroot sports and games.

55. Mildred Idagiza welcomed the liability the Bill placed on coaches and emphasized on increasing the penalty in the Bill, as she recounted the sad experience of doping that befell her brother due to the football coach introducing him into illegal substance without disclosure of its illegality.

56. Eric Wafula, a tutor of a polytechnic and a trainer of Bungoma Queens, supported the Bill and appreciated the Legal counsel for the briefing on the Bill and its implications. He emphasized the need for further sensitization on the updated legislation and the list of substances categorized as doping including herbals such as *mukhombero*, be published. He called for proper investigation to ensure fairness in penalizing the real culprit and not the innocent, and urged the committee to provide a mechanism of providing support to the athletes and players who have not succeeded and are struggling in their daily lives.

57. Joseph Wafula, a former rugby player, wanted the Bill to clarify the period of completing a litigation. Solomon Chaga, a pastor, suggested the registration of coaches into a routinely updated register so as to identify unregistered coaches.

58. Joseph Otieno, Coach of Bungoma stars, requested food vendors be included among those who could face penalties for facilitating doping. He called for training and involving the safety policy officers so that they guide the children and also compensate the players in cases of innocent use of a prohibited substance.

59. Byron Simiyu, a digital marketer and Nyongesa, a footballer, welcomed the Bill and raised a concern on unintentional use of substances such as those added to the food of a sportsperson without their knowledge or prescribed medical drugs that contain such illegal ingredients.

Committee Observation:
ADAK should continue to conduct sensitization and awareness campaigns and propose reforms to the anti-doping legal framework if this is established to be necessary.

3. Ollessos Polytechnic, Nandi County

60. The Committee conducted public participation in the County on Tuesday 27th August, where the public commented on the Bill as follows:

61. Ngalia Ndaya, the DCC Nandi County, welcomed the amendment and observed that the Bill is important to Nandi County, the home of athletic champions, which has made Kenya the second globally in athletic ranking after the United States; but found it disturbing that Kenya also ranks the third globally in doping cases.

62. Isaac Leting, executive Chair of SEE TRUST, supported the Bill, and sought amendment of clause 16 on substitution of s. 31 of Cap 245B so as to include training camps.

63. Chemeli Bismarck, medical social worker, raised a concern on counselling and rehabilitation for athletes who may have been misled by coach to consume illegal substance; Josephat Tanui raised a concern on ugali/mursik as a potential substance containing ingredients considered illegal; while Benjamin chepkochoi, a member of the BOM of a primary school, called for publishing the full list of substances and ingredients considered as doping materials.

64. Joseph Lagat, former MCA, and raised concerns on grassroots sensitization and introducing high penalties for companies that supply doping substances to sports persons.

65. Daniel Chesimet also supported the Bill and called for the penalty for the suppliers of doping substances to be increased more than the Bill proposed. He also emphasized the financial autonomy of ADAK to be prioritized if the government is committed to the fight against doping.

66. Joseph Mibei, a retired TVET principal and a member of health facility committee, supported the Bill and suggested the establishment of hospital clinic dedicated to athletes and other sports persons so as to align their medical prescriptions to the antidoping code. He also wanted the regulations to be availed for sensitization.

67. Susan Lagat raised a concern if pupils who were using herbal extracts to manage muscle pull during competition events can be provided with an alternative substance that is permitted.

68. Lawrence, called for the Bill to provide for labelling of medical drugs by pharmaceutical companies as either containing ingredients that are regarded doping

or free from such ingredients, to enable sports persons make an informed decision on medicines, such as those bought over the counter.

69. Isaac Kongowelei suggested the penalty of 100,000 be increased to 500,000 and add "and ban"; while David Kemboi supported the Bill and called for its full implementation.

Committee Observation:
ADAK should continue to conduct sensitization and awareness campaigns and propose reforms to the anti-doping legal framework if this is established to be necessary.

4. ITEN COUNTY HALL, ITEN IN ELGEYO-MARAKWET COUNTY

70. The Committee conducted public participation in the County on Monday 26th August, where the public commented on the Bill as follows:

71. The submissions raised issues concerning lack of education and awareness of anti-doping by the athletes and even the community at large. It was proposed that the Bill should expressly support anti-doping education and awareness for athletes, coaches, trainers and other support personnel through Anti-Doping Agency of Kenya (ADAK).

72. On the responsibility of medical and other health care providers, the submissions called for amending the Bill to clearly include the role and potential accountability of the doctors, pharmacists and other health providers, while distinguishing intentional facilitation from inadvertent or negligent conduct. Proposals also included amending the term "health practitioners" to read "health care providers".

73. Other proposals concerned clarity on prohibited substances and supplements, the submissions called upon the Anti-Doping Agency of Kenya (ADAK) to ensure that athletes and their support personnel can readily access an up-to-date list of the prohibited substances and supplements.

74. Issues relating to due diligence by pharmacists and chemist were also raised by the pharmacists' participants. They proposed that the Bill should consider having a provision setting out reasonable due diligence steps by the pharmacists supplying medicines and supplements to athletes together with clear guidance on record keeping, checking prohibited substances and referring uncertain cases to appropriate authority. Any liability or protection should be clearly defined and proportionate to the practitioner's conduct.

75. Other submissions proposed a standardized documentation and emergency-response procedures where medicines are supplied or administered to athletes, subject to applicable privacy and health record requirements. They were also of the view that the Bill should clarify when and how a medical emergency should be reported to the relevant club, federation, organisation or medical team.

76. On the fair treatment and rehabilitation of athletes once found guilty of anti-doping offences, the proposal is that ADAK should consider having an athlete-welfare measures including access to counselling, rehabilitation and reintegration support where appropriate. Further, that any sanction should follow a fair process and be proportionate to the violation and the applicable anti-doping rules.

77. Other proposals called for witness protection for athletes and any other informants, that there should be a clear and fair mechanism through which athletes can confidentially disclose the source of a prohibited substance and provide relevant information, without intimidation or retaliation.

Committee Observation:
ADAK should continue to conduct sensitization and awareness campaigns and propose reforms to the anti-doping legal framework if this is established to be necessary.

5. KENYA SCHOOL OF GOVERNMENT IN KABARNET, BARINGO COUNTY

78. The Committee conducted public participation in the County on Monday 26th August, where the public commented on the Bill as follows:

79. The submissions sought for clarification of the role of ADAK in education, guidance, coordination and referral of cases involving athletes and health care practitioners. The proposal is that the ADAK should consider providing regular engagement with sports organisations, clubs, coaches, trainers, pharmacists and other medical practitioners.

80. Other proposals called upon ADAK to implement a continuing anti-doping education programme reaching schools, gyms, clubs, training camps and grassroot athletes. They proposed that the Bill should consider county-level outreach or designated contact points, with accessible guidance for athletes, coaches and support personnel.

81. On the issue of testing coverage, training and random testing, the submissions proposed that ADAK should maintain a risk-based testing programme that includes appropriate random testing and transparent selection criteria. This will strengthen testing capacity and provide timely education before major competitions while ensuring that testing remains consistent with applicable anti-doping rules. Additionally, they proposed that the Bill should set out clear procedural safeguards for sample collection, searches and athlete notification.

82. The testing personnel should act professionally, respect privacy and dignity, explain the process in a simple language and provide a clear avenue for complaints and review in case of violation.

83. On the issue of offences and penalties, they proposed that the penalty against the medical practitioners should be enhanced especially on the revocation of the professional licence. Their general view is that one year revocation is not proportionate to the offence. Further submissions were on the issue of mental health, stigma and support during rehabilitation. They proposed that the Bill should provide for the access to appropriate counselling, mental health support and reintegration measures.

Committee Observation:
ADAK should continue to conduct sensitization and awareness campaigns and propose reforms to the anti-doping legal framework if this is established to be necessary.

6. UASIN GISHU COUNTY HALL ELDORET IN UASIN NGISHU COUNTY

84. The Committee conducted public participation in the County on Tuesday 27th August, where the public commented on the Bill as follows:

85. The submissions raised issues concerning accountability of coaches and support personnel. They proposed that the Bill should clarify the duties and potential consequences applicable to coaches and athlete-support personnel where their conduct contributes to an anti-doping rule violation. The Bill was proposed to have a regular, accessible training for coaches and having a list of the prohibited substances written in the layman's language. They also called for the inclusion of protection for the whistle blowers and athletes who report doping related practices.

86. Other proposals called for vetting and oversight of foreign coaches. They proposed that the Bill should consider vetting and accreditation framework for foreign coaches working with Kenyan athletes in coordination with relevant sports bodies. The submissions further called for the foreign coaches to undergo appropriate anti-doping education while observing applicable employment, immigration and other professional requirements.

87. On the issue of prohibited substances and testing processes, they proposed that the Bill should ensure that the current list of prohibited substances is readily accessible in plain language and also explain well the process for results management. Further proposal is that they should provide for review of results from testing and allow the athletes to challenge the results if they feel unsatisfied with it. Additionally, they proposed that the cost and payment for anti-doping testing should be reviewed.

88. Some of the submissions sought clarification on the support available to an athlete who unintentionally consumes prohibited substances through medication. They also proposed that ADAK should come up with a reliable and transparent anti-doping processes.

89. The submissions on professional accountability of pharmacists and other medical practitioners, proposed that there should be clarity on the respective responsibilities. They proposed that the Bill should provide for fair investigation and accountability based on evidence, knowledge, motive and professional duties as well as safeguarding against arbitrary conduct by officials.

90. On the issue of offences and penalties, they proposed that the option of a fine imposed on athletes, coaches, clubs, trainers, organisations, support personnel or federations should be scrapped. This will make the penalty punitive hence discouraging the use of prohibited substances. Further proposal is the introduction of a provision prohibiting any athlete found guilty of violating any anti-doping rule from participating in competitive sporting activities.

91. On the issue of decision making by ADAK, the submissions proposed that there should be transparency and public accountability. They also proposed that there should be safeguards against wrongful accusations and protection of confidential medical records and test results at all times.

Committee Observation:

ADAK should continue to conduct sensitization and awareness campaigns and propose reforms to the anti-doping legal framework if this is established to be necessary.

CHAPTER FOUR

4.0 COMMITTEE OBSERVATIONS

92. Upon reviewing the Bill and the submissions received, the Committee made the following observations:

I. The Bill is a timely legislative intervention aimed at aligning the Anti-Doping Act, Cap. 223, with the revised World Anti-Doping Code and applicable International Standards. This will ensure that Kenya's legal framework remains responsive to emerging challenges in anti-doping regulation and is consistent with evolving international best practices.

II. Kenya is a party to the UNESCO International Convention against Doping in Sport and is required to maintain an appropriate national framework for implementing its international anti-doping commitments. The proposed amendments will demonstrate Kenya's commitment to international cooperation and strengthen Kenya's participation in global efforts to eliminate doping in sport.

III. The Bill seeks to strengthen the legal and institutional framework within which the Anti-Doping Agency of Kenya discharges its mandate. This will enhance the Agency's operational effectiveness and capacity to implement anti-doping programmes, conduct testing and investigations, manage results and respond effectively to doping violations.

IV. The Bill provides for measures to protect athletes from the harmful physical and psychological effects associated with the use of prohibited substances and methods. By enhancing the prevention, detection and management of doping violations, the proposed amendments will promote clean sport, safeguard athletes' well-being and encourage responsible participation in sporting activities.

V. Doping undermines fair competition and compromises the credibility of sporting achievements. The Bill therefore seeks to strengthen the framework for addressing anti-doping rule violations, promote adherence to the principles of fair play and integrity as well as enhance public confidence in the fairness of sporting competitions involving Kenyan athletes.

VI. The proposed amendments will contribute to safeguarding Kenya's reputation as a leading sporting nation and sustaining confidence in the achievements of its athletes. An effective anti-doping framework will support the continued participation of Kenyan athletes in international competitions, strengthen relationships with international sporting bodies and promote the development of a credible and sustainable sports sector in Kenya.

VII. While the Committee appreciates the valuable proposals and recommendations proposed by stakeholders and the members of the public during public participation, the principal object of the Bill is to amend the Act to align it with Kenya's international obligation on anti-doping. The proposals will however inform future reviews of the policy and legal framework on anti-doping.

CHAPTER FIVE

5.0 COMMITTEE RECOMMENDATIONS

93. Having deliberated on the Bill and having considered the submissions from stakeholders, the Committee recommends that the Anti-Doping (Amendment) Bill, 2026 (National Assembly Bills No. 66 of 2026) be **passed without amendments.**

SIGNED..... **DATE**..4th Nov 2026.....

THE HON. DANIEL WANYAMA SITATI, M.P. CBS

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE



ANNEXTURE I: ADOPTION SCHEDULE

THE NATIONAL ASSEMBLY

13TH PARLIAMENT - FIFTH SESSION - 2026

DEPARTMENTAL COMMITTEE ON SPORTS AND CULTURE

REPORT ADOPTION SCHEDULE

DATE: 4th Mar 2026 VENUE: CR 13, 2nd Floor Bunge Tower.

No.	NAME	SIGNATURE
1.	The Hon. Daniel Wanyama Sitati, M.P.CBS – Chairperson	
2.	The Hon. James Githua Wamacukuru, M.P. CBS – Vice Chairperson	
3.	The Hon. Naomi Jillo Waqo, M.P. CBS	
4.	The Hon. Muhanda, Elsie Busihile, M.P.	
5.	The Hon. Stephen Mutinda Mule, M.P.	
6.	The Hon. Janet Jepkemboi Sitienei, M.P.CBS	
7.	The Hon. Robert Ngui Basil, M.P.	
8.	The Hon. Charles Ngusya Nguna, M.P.	
9.	The Hon. Caroli Omondi, M.P.	
10.	The Hon. Catherine Nakhabi Omanyo, M.P.	
11.	The Hon. Letipila, Dominic Eli, M.P.	
12.	The Hon. Paul Ekwom Nabuin, M.P.	
13.	The Hon. Richard Kipkemoi Yegon, M.P.	
14.	The Hon. BSP. (EM) Dr. Jackson Kipkemoi Kosgei, M.P.	
15.	The Hon. Ndakwa David Athman, M.P.	