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**KENYA GAZETTE SUPPLEMENT**

**NATIONAL ASSEMBLY BILLS, 2014**

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**NAIROBI, 1st April, 2014**

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**THE ALCOHOLIC DRINKS CONTROL  
(AMENDMENT) BILL, 2014**

**A Bill for**

**AN ACT of Parliament to amend the Alcoholic  
Drinks Control Act, 2010**

**ENACTED by the Parliament of Kenya as  
follows—**

**1. This Act shall be cited as the Alcoholic Drinks Control (Amendment) Bill, 2014.**

Short title and commencement.

**2. Section 4 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (e)-**

Amendment of section 4 of No 4 of 2010.

**(ea) provide support and assistance in the establishment of treatment and rehabilitation programmes that shall recognize alcoholism as a disease;**

**3. Section 65 of the principal Act is amended by inserting a new section immediately after subsection (5) as follows—**

Amendment of section 65 of No 4 of 2010.

**(6) In conducting the education and awareness campaign under this section, the relevant agency and the Government shall-**

- (a) recognize alcoholism as a disease and the alcohol use disorders as defined and classified by World Health Organization shall be recognized as disorders in Kenya;**
- (b) promote the establishment of treatment and rehabilitation programmes that are affordable;**
- (c) educate the public on the benefits of using affordable alternatives to dangerous liquor.**

4. The principal Act is amended by inserting the following new section immediately after section 68-

Insertion of new sections 68A into No 4 of 2010.

Tax policies.

**68A.** The Cabinet Secretary responsible for finance shall implement tax policies and where appropriate grant remission of duty under the relevant law on alcoholic drinks that are locally manufactured so as to promote compliance of those drinks with the objectives of this Act.

**MEMORANDUM OF OBJECTS AND REASONS**

The principle object of this Bill is to amend the Alcoholic Drinks Control Act, 2010 so as to provide an additional function to the relevant agency (National Authority for the Campaign Against Alcohol and Drug Abuse-NACADAA) , namely the provision of support and assistance in the establishment of treatment and rehabilitation programmes.

The Bill also proposes to oblige Cabinet Secretary for the time being responsible for finance shall implement tax policies and where appropriate grant remission of duty under the relevant law on alcoholic drinks that are locally manufactured so as to promote compliance of those drinks with the objectives of this Act. Such measures will encourage the hygienic packaging and labeling of traditional alcoholic drinks like changaa and muratina.

This Bill is not a Bill concerning county government as it does not contain any provisions on liquor licensing.

The enactment of this Bill shall not occasion additional expenditure of public funds

Dated the 31st March, 2014.

**KIMANI ICHUNG'WAH,**  
*Member of Parliament.*

*Section 4 of No 4 of 2010 which it is proposed to amend—*

**4. The relevant agency shall-**

Functions of the  
relevant agency

- (a) keep statistics on the level of alcoholic drinks consumption and related deaths and carry out research, documentation and dissemination of all relevant information on alcoholic drinks;
- (b) promote national treatment and rehabilitation programmes;
- (c) advise the Minister on the national policy to be adopted with regard to the production, manufacture, sale, and consumption of alcoholic drinks;
- (d) advise the Minister generally on the exercise of his powers and the performance of his functions under this Act, and in particular to –
  - (i) recommend to the Minister the permissible levels of the constituents of alcoholic drinks required to be prescribed under section 68 (2) (a);
  - (ii) advise the Minister on the harmful constituents and ingredients of alcoholic drinks required to be prohibited under section 68(2) (b);
  - (iii) advise the Minister on the test methods to be used in determining alcoholic drinks in order to test conformity with the requirements of this Act and any regulations made thereunder;
  - (iv) advise the Minister on the information that manufacturers shall provide, including information on product composition, ingredients, hazardous properties and brand elements required to be provided under section 68 (2) (c);
  - (v) advise the Minister on the packaging, sale and distribution of alcoholic drinks;
- (e) recommend to the Minister and to participate in the formulation of the regulations to be made under section 68;

- (f) carry out such other roles necessary for the implementation of the objects and purpose of this Act and perform such other functions as may, from time to time, be assigned by the Minister.

*Section 4 of No 65 of 2010 which it is proposed to amend—*

65. (1) The Government shall promote public awareness about the health consequences, addictive nature and mortal threat posed by excessive alcoholic drink consumption through a comprehensive nation-wide education and information campaign conducted by the Government through the relevant Ministries, departments, authorities and other agencies including the relevant non governmental organizations and civil society.

Government to undertake information, education and communication.

(2) The education and information campaign referred to in subsection (1) shall focus on the family as the basic social unit and shall be carried out in all schools and other institutions of learning, all prisons, remand homes and other places of confinement, amongst the disciplined forces, at all places of work and in all communities in Kenya.

(3) The relevant agency in collaboration with the Government and the relevant civil society groups shall provide training, sensitization and awareness programmes on alcoholic drink control for community workers, social workers, media professionals, educators, decision makers, administrators and other concerned persons for proper information, dissemination and education on alcoholic drinks.

(4) In conducting the education and information campaign referred to in this section, the relevant agency and Government shall ensure the involvement and participation of individuals and groups affected by misuse of alcoholic drinks.

(5) Every local authority in collaboration with the civil society and the relevant agency, shall conduct education and information campaigns on alcoholic drink within its area of jurisdiction.