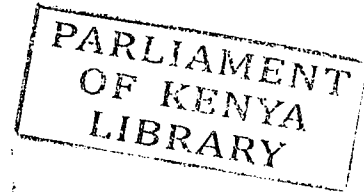


REPUBLIC OF KENYA



NATIONAL ASSEMBLY OF KENYA

NINTH PARLIAMENT- SIXTH SESSION

**DEPARTMENTAL COMMITTEE ON HEALTH,
HOUSING, LABOUR AND SOCIAL WELFARE**

REPORT ON THE TOBACCO CONTROL BILL, 2007

**CLERKS CHAMBER,
PARLIAMENT BUILDINGS,
NAIROBI**

JULY, 2007

The Hon. Zebedeo J. Opore, MP
The Hon. Abdalla Ngozi, MP
The Hon. (Prof.) Julia Ojiambo, MP
The Hon. William Boit, MP
The Hon. Benson Mbai, MP
The Hon. David Koros, MP

4.0 SUMMARY

Mr. Speaker, Sir,

On behalf of the Departmental Committee on Health, Housing, Labour and Social Welfare, I am pleased to present to the House the Committee's recommendations on the Tobacco Control Bill, 2007, pursuant to the provisions of Standing Order 162. The Bill was referred to the Committee after it was read a First Time in the House on 17th May, 2007.

I take this opportunity to thank all Members of the Committee and the secretariat for their dedication and hard work and their desire to improve the Bill.

The Committee held three sittings to deliberate on the Bill with various stakeholders some of whom sent in their memoranda. The stakeholders' views have been incorporated in the form of proposed amendments.

5.0 BACKGROUND

Mr. Speaker, Sir,

The Tobacco Control Bill seeks to protect the health of Kenyans from the hazards of using tobacco and tobacco products. The Bill provides for a comprehensive legal framework to control the production, manufacture, sale, labeling, advertising and promotion of tobacco products.

Tobacco is a major issue because it kills, on top of the suffering and harm to the people and the economies of countries. It strains the meagre resources in the health and other sectors of the economy. The leaves of tobacco plant contain pollutants, poisons, carcinogens

It is sad to note that 13% of the Primary School pupils in Kenya are among the regular smokers. It has been established that smoking at a young age increases the risk of death from tobacco related illnesses and lowers the age at which death is likely to occur in addition to mental retardation.

6.0 CONCLUSION

Mr. Speaker, sir,

It is worth noting that the Tobacco Control Bill was first introduced in the House in November 1994 and since then the Bill has been lapsing year in year out. The onus is upon the Members of this Ninth Parliament to enact this Bill into law as their legacy to the people of Kenya and future generations. The Committee recommends the enactment of this Bill into law but with the attached proposed amendments.

**HON. DR. HEZRON MANDUKU, MP.
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON HEALTH, HOUSING, LABOUR
AND SOCIAL WELFARE.**

Date:

- (ii) That sub clause 12 be amended by deleting the words **"he"** and **"his"** appearing in the second line and substituting therefor the words **"he/she"** and **"his/her"** respectively.
- (iii) That the proviso be amended by deleting the word **"the"** appearing after the word **"have"** in the fourth line.

CLAUSE 6: That Clause 6 be amended as follows:

That sub clause (a), be amended by deleting the word **"production"** appearing in the second line and substituting therefor the word **"growing"**.

CLAUSE 7: That Clause 7 be amended as follows:

That sub clause (3), be amended by deleting the word **"he"** appearing in the third line and substituting therefor the words **"he/she"**.

CLAUSE 8: That Clause 8 be amended as follows:

- (i) That sub clause (1) be amended by deleting the word **"him"** appearing after the word **"by"** in the fourth line and substituting therefor the words **"him/her"**.
- (ii) That sub clause (3)(b) be amended by deleting the words **"him"** and **"his"** appearing on the second line and substituting therefor the words **"him/her"** and **"his/her"** respectively.

CLAUSE 9 to CLAUSE 11: - agreed to

CLAUSE 12: That Clause 12 be amended as follows:

That sub clause (a) be amended by inserting the words **"tobacco and"** after the word **"on"** appearing in the second line.

CLAUSE 13: - agreed to

CLAUSE 14: That Clause 14 be amended as follows:

That sub clause (3) be amended by deleting the words **"manufactured in Kenya"** appearing after the word **"statement"** in the second line.

CLAUSE 15 and 16: - agreed to

CLAUSE 27 and CLAUSE 28: - agreed to

CLAUSE 29: That Clause 29 be amended as follows:

That sub clause (3) be amended by deleting the words "**one hundred and fifty**" appearing after the word "**exceeding**" in the third line and substituting therefor the words "**two hundred**".

CLAUSE 30 to 36: - agreed to

CLAUSE 37: That Clause 37 be amended as follows:

That sub clause (1)(b) be amended by deleting the word "**libelling**" appearing after the word "**packaging**" in the second line and substituting therefor the word "**labelling**".

CLAUSE 38 to 62: - agreed to

SCHEDULE: - agreed to

MEMORANDUM OF OBJECTS: That the memorandum of objects be amended as follows:

That **part II** be amended by deleting the words "**Clause 4**" and substituting therefor the words "**Clause 5**"