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FAA
28/8/20

MINISTRY OF HEALTH
OFFICE OF THE CABINET SECRETARY

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please deal

Ref. No: MOH/LEGAL/055(37)

25th August, 2020.

THE NATIONAL ASSEMBLY PAPERS LAID	
CBS DATE:	10 SEP 2020
DAY:	THUR
TABLED BY:	WOM (Hon. Kimunya Amos)
CLERK-AT THE-TABLE:	(A) MDDb Ministry

Mr. Jeremiah M. Nyegenye,
Clerk of the Senate,
Parliament Buildings,
NAIROBI.

Mr. Michael Sialai, EBS
Clerk of the National Assembly,
Parliament Buildings,
NAIROBI.

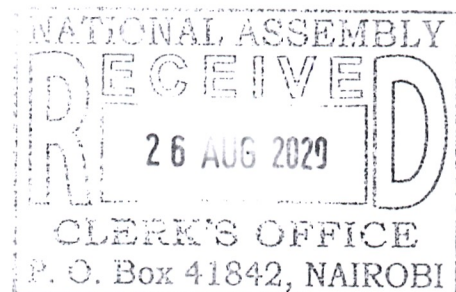
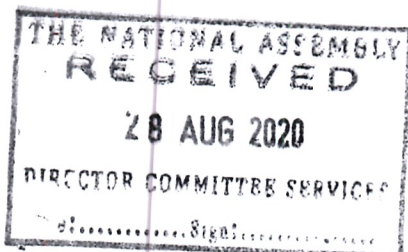
(B) Head Table Office
P/S register cause to
tabing p. refer to
committee & acknowledge
receipt
9/9/

RE: 1. THE PUBLIC HEALTH (COVID-19 GENERAL PUBLIC SAFETY) RULES, 2020- L.N. 129/2020;

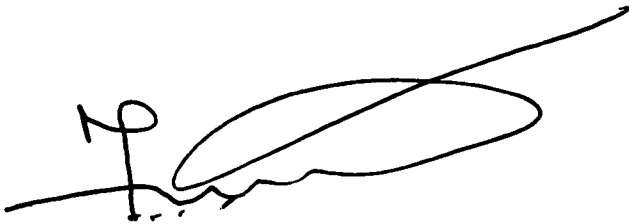
2. THE PUBLIC HEALTH (COVID-19 SALE OF ALCOHOLIC DRINKS) RULES, 2020- L.N. 163/2020.

We make reference to the Public Health (COVID-19 General Public Safety) Rules, 2020 dated 14th July, 2020 and the Public Health (COVID-19 Sale of Alcoholic Drinks) Rules, 2020 published on 19th August, 2020 with respect to COVID-19.

In line with the requirements of sections 5A and 11 of the Statutory Instruments Act, 2013, please find enclosed herewith copies of the captioned Rules together with the accompanying explanatory memorandums, for your further necessary action.



The said Rules have been made pursuant to section 36 of the Public Health Act which vests in the Cabinet Secretary for Health, the power to make Rules whenever any part of Kenya appears to be threatened by any formidable epidemic, endemic or infectious disease, to prevent the further spread of such disease.

A handwritten signature in black ink, consisting of a stylized 'M' followed by a large, sweeping loop and a horizontal line extending to the right.

SEN. MUTAHI KAGWE, EGH
CABINET SECRETARY.

Encl.

Copy to: Principal Secretary.

EXPLANATORY MEMORANDUM TO THE PUBLIC HEALTH (COVID-19 SALE OF ALCOHOLIC DRINKS) RULES, 2020-L.N. 163/2020

A. The Purpose of the Rules

The general purpose of the Public Health (COVID-19 Sale of Alcoholic Drinks) Rules, 2020-L.N. 163 of 2020 is to regulate the sale of alcoholic drinks in order to prevent the spread of COVID-19. The Rules seek to regulate human conduct in public places in order to prevent the spread of COVID-19 by—

- (a) prohibiting the sale of alcoholic drinks at any restaurants, hotels, eateries, bars, food courts or entertainment establishments;
- (b) prohibiting the consumption of alcohol in public places; and
- (c) prescribing the timelines within which alcoholic drinks may be sold in wines and spirits shops and supermarkets

B. Legislative Context

Section 36 of the of the Public Health Act, Chapter 242 of the Laws of Kenya gives the Minister responsible for Health (hereinafter referred to as " the Cabinet Secretary") the power to make rules to prevent the spread of a formidable epidemic, endemic or infectious disease.

C. Policy Background

The World Health Organization declared COVID-19 a public health emergency on 30th January 2020. Since then, the disease continues to spread rapidly. The disease spreads mainly through close contact with infected persons. On 13th March 2020, Kenya confirmed its first case of COVID-19. As at 3rd August 2020, there were a total of 22, 597 confirmed cases of COVID-19 in Kenya, with 382 deaths and 8,740 recoveries.

The World Health Organization has provided guidelines on measures that need to be taken to prevent and control the spread of COVID-19. Some of these measures have been implemented in several jurisdictions that have been afflicted by COVID-19. These measures include maintaining social distance, washing hands

with soap and water and observing respiratory hygiene in the context of COVID-19.

To slow down the spread of the virus, the World Health Organization (WHO) recommends physical distancing of at least one meter from sick people as a protective measure. Bars, casinos, night clubs, restaurants and other places where people gather to consume alcohol increase the risk of transmission of the virus. Alcohol alters a person's thoughts, judgment, decision-making and behavior and may therefore reduce the chances of people the observing physical distancing requirements.

These Rules seek to give effect to the foregoing prevention and control measures that have been recommended by the World Health Organization and implemented in other jurisdictions faced with the COVID-19 pandemic, in order to prevent and control the spread of COVID-19.

D. Public Consultations

The Ministry of Health embarked on public stakeholder's consultations. The public consultations were in the nature of correspondences.

E. Guidance

The Ministry of Health and the County Governments shall sensitize members of the public on the provisions and requirements of these Rules.

F. The Contact Person in the Ministry of Health

The contact person at the Ministry of Health shall be the Cabinet Secretary, Sen. Mutahi Kagwe, EGH or the Principal Secretary, Ms. Susan Mochache, CBS.

Dated the 25th August 2020.



Sen. Mutahi Kagwe, EGH
Cabinet Secretary for Health.

EXPLANATORY MEMORANDUM TO THE PUBLIC HEALTH (COVID-19 GENERAL PUBLIC SAFETY RULES), 2020-L.N. 129/ 2020

A. The Purpose of the Rules

The general purpose of the Public Health (General Public Safety) Rules, 2020-L.N. 129 of 2020 is to prevent the spread of COVID-19. The Rules seek to regulate human conduct in public places in order to prevent the spread of COVID-19 by—

- (a) prescribing hygiene conditions to be observed in public places;
- (b) providing for social distancing amongst persons in public places;
- (c) prohibiting gatherings; and
- (d) providing for the disposal of bodies of persons whose cause of death is COVID-19.

B. Legislative Context

Section 36 of the of the Public Health Act, Chapter 242 of the Laws of Kenya gives the Minister (Cabinet Secretary) responsible for Health (hereinafter referred to as the “Cabinet Secretary”) the power to make rules to prevent the spread of a formidable epidemic, endemic or infectious disease.

C. Policy Background

The World Health Organization declared COVID-19 a public health emergency on 30th January, 2020. Since then, the disease continues to spread rapidly and spreads mainly through close contact with infected persons. On 13th March, 2020, Kenya confirmed its first case of COVID-19. As at 3rd August 2020, there were a total of 22, 597 confirmed cases of COVID-19 in Kenya, with 382 deaths and 8,740 recoveries.

The World Health Organization has provided guidelines on measures that need to be taken to prevent and control the spread of COVID-19. Some of these measures have been implemented in several jurisdictions that have been afflicted by COVID-19. These measures include maintaining social distance, washing hands with soap and water, wearing masks, observing respiratory hygiene and the safe management of dead bodies in the context of COVID-19.

These Rules seek to give effect to the foregoing prevention and control measures that have been recommended by the World Health Organization and implemented in other jurisdictions faced with the COVID-19 pandemic, in order to prevent and control the spread of COVID-19.

D. Public Consultations

The Ministry of Health embarked on public stakeholder's consultations. The public consultations were in the nature of correspondences.

E. Guidance

The Ministry of Health and the County Governments shall sensitize members of the public on the provisions and requirements of these Rules.

F. The Contact Person in the Ministry of Health

The contact person at the Ministry of Health shall be the Cabinet Secretary, Sen. Mutahi Kagwe, EGH or the Principal Secretary, Ms. Susan Mochache, CBS.

Dated the 21st August 2020



Sen. Mutahi Kagwe, EGH
Cabinet Secretary for Health.

SPECIAL ISSUE

Kenya Gazette Supplement No. 150

(Legislative Supplement No. 94)

TABLED BY: LON (Hon. Amos Kimani)	CLERK AT THE TABLE: Mado Mwangi
DATE: 10 SEP 2020	DAY: Thurs
THE NATIONAL ASSEMBLY PAPERS LAID	
1883 19th August, 2020	

LEGAL NOTICE NO. 163

THE PUBLIC HEALTH ACT

(Cap. 242)

THE PUBLIC HEALTH (COVID-19 SALE OF
ALCOHOLIC DRINKS) RULES, 2020

ARRANGEMENT OF RULES

Rule

- 1—Citation.
- 2—Interpretation.
- 3—Prohibition of sale of alcoholic drinks in some business establishments.
- 4—Sale of alcoholic drinks in wines and spirits shops and supermarkets.
- 5—Consumption of alcoholic drinks in public places.
- 6—Penalty.
- 7—Enforcement.
- 8 —Revocation of L.N. 135 of 2020.

THE PUBLIC HEALTH ACT

(Cap. 242)

THE PUBLIC HEALTH (COVID-19 SALE OF ALCOHOLIC DRINKS) RULES, 2020

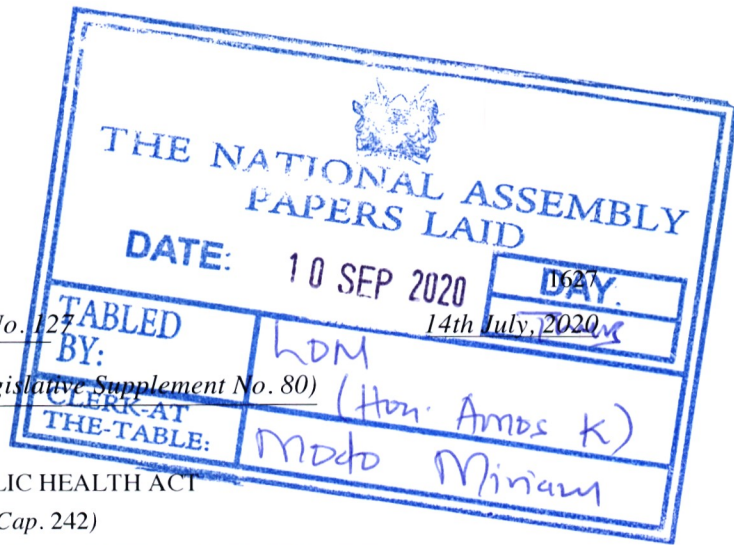
IN EXERCISE of the powers conferred by section 36 (m) of the Public Health Act, the Cabinet Secretary for Health makes the following Rules—

THE PUBLIC HEALTH (COVID-19 SALE OF ALCOHOLIC DRINKS) RULES, 2020

- | | |
|---|--|
| 1. These Rules may be cited as the Public Health (COVID-19 Sale of Alcoholic Drinks) Rules, 2020. | Citation. |
| 2. In these Rules, unless the context otherwise requires—
“alcoholic drink” has the meaning assigned to it in the Alcoholic Drinks Control Act, 2010; and
“COVID-19” means an infectious disease caused by Coronavirus. | Interpretation.

No. 4 of 2010 |
| 3. (1) Alcoholic drinks shall not be sold at any restaurant, hotel, eatery, bar, food court or entertainment establishment.
(2) A person who contravenes paragraph (1) commits an offence. | Prohibition of sale of alcoholic drinks in some business establishments. |
| 4. (1) Alcoholic drinks may be sold in a wines and spirits shop or supermarket between 9.00 am and 7.30 pm.
(2) A person who contravenes paragraph (1) commits an offence. | Sale of alcoholic drinks in wines and spirits shops and supermarkets. |
| 5. (1) A person shall not consume any alcoholic drink in a public place including a restaurant, hotel, parking lot, eatery, bar, entertainment establishment, public park, supermarket or wines and spirits shop.
(2) A person who contravenes paragraph (1) commits an offence. | Consumption of alcoholic drinks in public places. |
| 6. A person who commits an offence under these Rules shall, on conviction, be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a period not exceeding six months or both. | Penalty. |
| 7. These Rules shall be enforced by the National and County Governments as the respective health authorities in line with the provisions of the Public Health Act. | Enforcement. |
| 8. The Public Health (COVID-19 Prohibition of Sale of Alcoholic Drinks) Rules, 2020 are revoked. | Revocation of LN 135 of 2020. |

MUTAHI KAGWE,
Cabinet Secretary for Health.



SPECIAL ISSUE

Kenya Gazette Supplement No. 127

(Legislative Supplement No. 80)

LEGAL NOTICE No. 129

THE PUBLIC HEALTH ACT

(Cap. 242)

**THE PUBLIC HEALTH (COVID-19 GENERAL PUBLIC SAFETY)
RULES, 2020**

IN EXERCISE of the powers conferred by section 36 of the Public Health Act the Cabinet Secretary for Health makes the following Rules—

**THE PUBLIC HEALTH (COVID-19 GENERAL PUBLIC SAFETY)
RULES, 2020**

1. These Rules may be cited as the Public Health (COVID-19 General Public Safety) Rules, 2020.

Citation.

2. In these Rules, unless the context otherwise requires—

Interpretation.

"Gathering" means any gathering or meeting or public gathering, meeting, grouping, assembly, crowd, or procession, in or on any public or private road, space, any building, place or premises including wholly or partly in the open air, and including any premises or place used for sporting, entertainment, recreational, cultural, political or social purposes;

"Public Place" means any outdoor, indoor, enclosed, or partially enclosed area which is open to the public or any part of the public, or to which members of the public ordinarily have access, and includes a workplace and public service vehicles;

3. (1) Every person who is in a Public Place shall—

Hygiene conditions.

(a) maintain a physical distance of at least one (1) metre from the next person; and

(b) wear a face mask that covers the mouth and nose.

(2) Every organisation, business entity or any other trader, whether in an open air market, enclosed premises or any other public Place shall—

(a) provide a handwashing station with soap and water or an alcohol based sanitizer approved by the Kenya Bureau of Standards for use at the entrance of its premises;

(b) put in place measures to ensure that a physical distance of at least one metre is maintained between persons accessing or within its premises;

(c) disinfect its premises using a disinfectant approved by the Kenya Bureau of standards at least three times a day;

- (d) for premises where employees operate in shifts, disinfect its premises using a disinfectant approved by the Kenya Bureau of standards at the end of each shift subject to (c) above; and
- (e) screen every person entering its premises using a thermometer gun and a person whose body temperature exceeding thirty-seven point three degrees Celsius (37.3°C) shall not be allowed into the premises;
- (3) A person who contravenes sub paragraph (1) or (2) commits an offence.
4. (1) All gatherings are prohibited except as may be otherwise permitted in any other rules made under the Public Health Act. Prohibition of gatherings.
- (2) For purposes of these Rules, a funeral shall not be regarded as a prohibited gathering provided that—
- (a) attendance at a funeral shall be limited to fifteen people;
- (b) night vigils shall not be held in relation to a funeral;
- (c) hygiene conditions under rule 3 are adhered to
- (d) the conditions set out in rule 8(1) of the Public Health (Prevention, Control and Suppression of COVID-19) Rules are adhered to.
- (3) A person who contravenes paragraph (1) or (2) commits an offence.
5. Save as may be otherwise permitted pursuant to the Public Health Act, where a person infected with COVID-19 dies, the body shall be interred or cremated within forty eight hours from the time of death. Disposal of bodies.
6. A person who commits an offence under these Rules shall, on conviction, be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a period not exceeding six months or both. Penalty.
7. These Rules shall be enforced by the National and County Governments as the respective health authorities in line with the provisions of the Public Health Act. Enforcement.
8. In instances where other Rules under the Public Health Act provide for higher safety standards than the ones set out herein, those higher safety standards shall apply. Application of other Rules.

Dated the 14th July, 2020.

MUTAHI KAGWE,
Cabinet Secretary for Health.