

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Wednesday, 25<sup>th</sup> February, 2015**

The House met at 10.21 a.m.

*[The Speaker (Mr. Bernard Mung'ata) in the chair]***PRAYERS****Hon. Speaker:** Good morning, Hon. Members. Proceed Clerk.**COMMUNICATION FROM THE CHAIR****WATER MAPPING AND COLLECTION OF HOUSEHOLD DATA****Hon. Speaker:** Hon. Members, there is a message from the Governor and I urge the Majority Leader to deliver the message.**Majority Leader (Hon. Mwonga):** Thank you, Mr. Speaker. The message from His Excellency the Governor is that as from 2<sup>nd</sup> to 4<sup>th</sup> March, 2015, there will be an exercise on water mapping and collection of household data to measure the economic and poverty index in our county. Thank you, Mr. Speaker. And Mr. Speaker, this is just for information, it is not necessary that the member should be around during those three days, Mr. Speaker. Thank you.**PAPER LAID****ANNUAL CALENDAR FOR THE THIRD SESSION****Majority Leader (Hon. Mwonga):** Mr. Speaker, Sir, pursuant to Standing Order 25(1) I beg to lay the following paper on the table of the assembly today 25<sup>th</sup> February 2015: the report of the House Business Committee on the annual calendar of the County Assembly of Machakos for the third session. Thank you Mr. Speaker, Sir.**Hon. Speaker:** Thank you. Proceed.**NOTICE OF MOTION****ANNUAL CALENDAR FOR THE THIRD SESSION****Majority Leader (Hon. Mwonga):** Mr. Speaker, Sir, pursuant to Standing Order 25(1) I wish to give notice of the following motion: that this Hon house discusses and approves the annual calendar of the County Assembly of Machakos for the third session. Thank you, Mr. Speaker.

**NOTICE OF MOTION****CONTROL OF THE BUSINESS AND CONSUMPTION OF MIRAA**

**Hon. Nduva:** Mr. Speaker, Sir, I wish to give notice of the following motion: that this Hon house discusses and resolves that the business and consumption of *miraa* in the county be controlled and a county regulation be put in place to control the same. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you, proceed.

**MOTION****ANNUAL CALENDAR FOR THE THIRD SESSION**

**Majority Leader (Hon. Mwonga):** Mr. Speaker, Sir, aware that the assembly resumed for the third session on 10<sup>th</sup> February 2015; aware that there is need to have a programme that defines the activities of the Assembly in terms of when to have short recesses and when the sessions will end; further aware that pursuant to Standing Order 25(1), the House Business Committee shall, with approval of the Assembly determine the calendar for the assembly, Mr. Speaker Sir, I wish to move the motion that this Hon house discusses and approves the annual calendar of the County Assembly of Machakos for the third session. Mr. Speaker Sir, I would like to call upon my deputy Hon. Wilson Kasimu to second this motion. Thank you.

**Hon. Kasimu:** Mr. Speaker, Sir, I would like to second the motion that the house discusses and approves the calendar of the assembly. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Proceed.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, Sir, pursuant to Standing Order 151(5a), the House Business Committee is mandated to prepare and if necessary from time to time, adjust the Assembly calendar with the approval of the House. Further Mr. Speaker Sir, pursuant to Standing Order number 24(1), except for sessions commencing immediately after the election, the regular session of the Assembly shall commence on the second Tuesday of February and terminate on the first Thursday of December.

Consequently, members of the House Business Committee met on 13<sup>th</sup> February, 2015 and 24<sup>th</sup> February, 2015 and below is the list of the membership:-

Hon. Bernard Mung'ata - Speaker and Chair of the committee  
Hon. Joshua Kiilu Mwonga  
Hon. Thomas Kasoa  
Hon. Dominic Maitha  
Hon. Stephen Muthuka  
Hon. Joseph Muli  
Hon. Nathaniel Nganga  
Hon. Timothy Kilonzo

Hon. Alex Kamitu  
Hon. John Sila  
Hon. Joseph Itumo  
Hon. (Ms.) Nina Mbithe  
Hon. (Ms.) Mary Ndinda  
Hon. Gideon Kavuu  
Hon. Wilson Kasimu  
Hon. Philip Ndolo  
Hon. (Ms.) Anne Musyoki

*In attendance*

Evelyn Kimote - Ag. Principal Assistant Clerk  
Sarah Mwanja -Senior Clerk Assistant

Mr. Speaker, Sir, pursuant to Standing Order 25 (1), the House Business Committee shall with the approval of the Assembly determine the calendar of the Assembly. Further, Mr. Speaker Sir, pursuant to Standing Order 25 (2) the calendar of the Assembly once approved, shall be published in the gazette, Assembly website and at least two newspapers of national circulation Mr. Speaker. Mr. Speaker, Sir, the committee discussed and resolved the assembly would have four sessions with two short sessions of 18 days each and two long sessions of 32 days and 67 days each respectively. Mr. Speaker, Sir, the calendar of the sessions are hereby attached for ease of reference. Thank you, Mr. Speaker, Sir.

Mr. Speaker, each and every member is having a schedule of the sessions and Mr. Speaker, with your permission; I would like to take the shortest time possible to take members through the schedule of the sessions, Mr. Speaker.

**Hon. Speaker:** Proceed.

**Majority Leader (Hon. Mwonga):** Thank you, Mr. Speaker. Mr. Speaker, third session, first part, Tuesday, 10<sup>th</sup> February, 2015 - Thursday, 14<sup>th</sup> May, 2015, and members will be having plenary on Tuesday afternoon, Wednesday morning and afternoon and Thursday afternoon. Mr. Speaker, third session, second part- Tuesday 16<sup>th</sup> June 2015- Thursday 13<sup>th</sup> August, 2015 - the plenary sittings remain the same Mr. Speaker. Third session, third part: Tuesday 1<sup>st</sup> September 2015 - Thursday 8<sup>th</sup> October, 2015. Third session, fourth part, Tuesday 27<sup>th</sup> October, 2015 - Thursday 3<sup>rd</sup> December 2015 Mr. Speaker, and the plenary timings will remain the same, that is Tuesday afternoon, Wednesday morning and afternoon and Thursday in the afternoon.

Part Two Recess

*Third session, First part*

Long session - Friday 15<sup>th</sup> May- Monday, 16<sup>th</sup> June, 2015

*Third session, Second part*

Short session- Friday, 14<sup>th</sup> August - 1<sup>st</sup> September, 2015

*Third session, Third part*

9<sup>th</sup> October - 27<sup>th</sup> October 2015

*Third session, Fourth part*

Friday, 4<sup>th</sup> December – Monday, 9<sup>th</sup> February, 2016.

Thank you, Mr. Speaker.

**Hon. Speaker:** The motion is now on the floor and I urge for contributions. Then can I take it that it is with approval by every member? I have seen Hon Dominic Maitha noting, maybe you can move the motion and say that members are in approval.

**Hon. Maitha:** Thank you, Mr. Speaker, for seeing and catching my eye. I wish to applaud the Majority Leader for presenting this report and I think Mr. Speaker we don't need to waste any much time on this motion because it is a procedure as stipulated by the Standing Orders and I strongly believe that it has been the same, since we joined this assembly and I think as a procedure outlined in the Standing Orders and the Constitution Mr. Speaker, then I am obliged to fully support this motion and ask members, with your request, to approve the motion as immediately as possible and move forward. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. I think Hon members the house is in consensus and therefore I put the question.

*(Question put and agreed to)*

**Hon. Kasimu:** Mr. Speaker, Sir, yesterday, one member of the house, Hon Kathinzi of Masinga Sub County rose on a point of order and said that his life is in danger. Mr. Speaker Sir taking the seriousness of the matter, the member who has claimed his life is in danger, I request the house to discuss and know the seriousness of the matter. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. I am in agreement of the point raised by the Deputy Leader of Majority but yesterday I got in touch with the member and he told me he will give me particulars of the issue this morning. I have not seen him this morning, and I will urge that we deal with the matter in the afternoon. Let me give him sometime so that he can also be present. Proceed, clerk.

#### REGULATION OF THE BUSINESS AND CONSUMPTION OF MIRAA

**Hon. Nduva:** Mr. Speaker, Sir, aware that *miraa* has been classified as class C drug by European Union and consequently banned from the continent; aware that there has been several demonstrations by the female population complaining that it has negative effects on the male

population, especially on the productive health; aware that this consumption is not regulated in our country and aware that it has been abused by our youth; aware that its entry in our country is not levied and that traders selling such drug pay fees and charges just like a normal hawker; aware that we have a duty to safeguard the health of our youth and the society in general, Mr. Speaker, I wish to move the motion that this house discusses and approves that the business and the consumption of *miraa* be controlled and regulations put in place to control the same. Thank you Mr. Speaker Sir. I call upon Hon. Gideon Kavuu to second this motion.

**Hon. Kavuu:** Thank you, Mr. Speaker. I stand here to second this motion that this house discusses and approves that the business and the consumption of *miraa* be controlled and regulations put in place to control the same. So Mr. Speaker, I stand here to support and second this motion. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. The motion is on the floor. You can proceed with the contributions.

**Hon. Nduva:** Mr. Speaker, Sir, in 1980, the World Health Organization classified *khat* as a drug of abuse that can produce mild to moderate psychological independence, less than tobacco and alcohol. Mr. Speaker Sir the prolonged use of *miraa* has several side effects such as insomnia (lack of sleep) - a condition that the user sometimes tries to overcome with sedatives or alcohol.

Using *miraa* to stay awake places one in danger of causing harm through accidents when your body suddenly goes to sleep due to accumulated sleep deprivation. You can cause road accident, traffic or factory accidents, thereby inflicting damage to life and property.

A survey conducted by the Department of Assistive and Rehabilitative Services and Synovate in Algeria and AGESA in Somalia in June, found that the youth there are aware of the adverse effects of consuming the drug. 59 per cent of those surveyed said chewing of *miraa* leads to family problems while 58 per cent felt it hinders personal development. Chewing of *miraa* Mr. Speaker, constricts the vessels supplying blood to the reproductive tract, thereby causing inhibited urine flow and in men, the inability to attain and sustain an erection. *Miraa* consumption is also attributed to impotence.

Mr. Speaker, most of the consumers of *miraa* often divert income to purchase *miraa* neglecting their families in the process. Mr. Speaker, the studies have shown that continued use may endanger health and result to loss of appetite leading to malnutrition and increased susceptibility to infectious diseases. *Miraa* causes constipation; this is because *miraa* leads to dehydration. Mr. Speaker Sir, I call upon this Hon house to discuss and put in place, regulations and the manner in which our youth will be safeguarded from this habit of consuming *miraa*. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. I think the House should really appreciate that presentation; it is well researched and I am asking for contributions. There are serious issues the mover has raised. Yes, Hon. Kasimu.

**Hon. Kasimu:** Thank you Mr. Speaker. Much as I would like regulations to be put in place and this House discusses the same, I will not stand here and listen to the Hon Member give us half-baked information about *miraa* consumption because I know most of the things he has said and talked are not the truth.

One, I want him to substantiate how *miraa* causes constipation, how *miraa* has been a cause of division in our families, because Mr. Speaker Sir, I do believe that most of us here are business men and maybe their businesses are falling apart because of young men taking *miraa* instead of taking beer.

Mr. Speaker Sir, we will not allow such personal issues to be brought to this house. I would like the Hon member to give us details on how *miraa* causes all these problems he has raised in the House. Thank you, Mr. Speaker. I support with amendments of some issues raised by the Hon. Member.

**Hon. Speaker:** I think Hon Nduva you are in a position to respond substantively to that and I tend to agree with you that *miraa* can cause constipation.

**Hon. Nduva:** Mr. Speaker, I wonder why Hon Kasimu will disagree with the facts I have given here. This is a research that has been done, not even in Machakos County, not even in this country. So Mr. Speaker, the members are aware that the *miraa* has effects to our health and every member is aware of the way our youths have been affected by these drugs, because Mr. Speaker Sir, if you go to every market in this county, and actually in this country, you will find young men seated in the morning chewing *miraa*, whereas this person is supposed to be working so as to generate the economy of this country.

So Mr. Speaker, I would like to advice the Hon member, this is a research that has been done and I actually touched a part of it; i have the full information and this substance is prohibited in most countries. So Mr. Speaker, I would like the members who care for our youth, to contribute and pass the regulation on *miraa*. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Let us now take contributions and we will begin with Hon Mueni, then Hon. Muli.

**Hon. (Ms.) Mueni:** Thank you Mr. Speaker, Sir. I agree with what Mheshimiwa Nduva, is saying. Parents are crying; if you go down at Kitheka's place, you can find the young men there; they are doing as if they are going for food and they have forgotten their wives in the house. Even when you eat this 'thing'(miraa), you cannot do anything to your wife and to add on that, they are not satisfying their wives in the house, so I think this thing has to be banned because they are doing nothing in their country. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you very much. Only that Hon Mueni you did not tell us what you meant by Kitheka's place.

**Hon. (Ms.) Mueni:** In his ward, Kitheka's ward the people are eating that thing so much, even the Hon members who are here complaining that thing not to be banned, they are also the ones who eat that thing.

*(Laughter)*

**Hon. Speaker:** Okay. Enough.

**Hon. Muli:** Thank you Mr. Speaker. Although the Hon who has spoken before me has condemned the issue of *miraa* very vigorously Mr. Speaker, the mover of the motion has told us about the research that has been done but he has not given us the merits of *miraa*, because Mr. Speaker, you find much of the disadvantages have been named but also I believe there are also advantages of *miraa* because Mr. Speaker, *miraa* farming is becoming one of the cash crops of agriculture within our county Mr. Speaker, and Mr. Speaker, I am not convinced fully how it affects matrimonial issue.

Mr. Speaker, nobody has substantial evidence because I don't know if the mover of the motion has done the public investigation and met one of those *miraa* consumers and proved beyond any reasonable doubt that he has been defeated by the issues of home affairs Mr. Speaker.

Therefore, Mr. Speaker, as I support the motion, we need some amendments so that we are convinced fully that this issue has an impact because it may be some of the group creation and discussion within, instead of keeping our youth being separate Mr. Speaker. And also, I fail to understand how these youth keep in groups and they like the issue of chewing *miraa*. Therefore, Mr. Speaker, I may request for more investigations to be done.

**Hon. Speaker:** Thank you. Number three was Hon. Kitheka.

**Hon. Kitheka:** Mr. Speaker, Sir, and the house at large, thank you for this opportunity. Mr. Speaker, supporting the issue of setting regulations for the consumption and the business of *miraa*, I clearly bring to this house that majority of the youth currently depend on this business. Like in Machakos, the way the hon. Member has said, in Grogan part of my ward, about 3000-4000 youths depend on the sale of *miraa* and others trade *miraa* in other parts.

So, Mr. Speaker, without getting the merits of *miraa* business which the Hon. chairman has not even stressed very clearly the advantages, I have taken an advantage I have seen from his paper and I would request to read for you part six of it which says, the hon. Member has not elaborated that chewing of *miraa* leads to increased energy level, alertness, confidence and mood elevation.

*(Laughter)*

**Hon. Kitheka:** So Mr. Speaker, because this member has moved this document and he has read to the Hon. House, I think he is pushing for us to pass a regulation which will be

bearable in the market. So Mr. Speaker, I don't see any harm of this House making a very stringent regulation which will curb the misuse of *miraa* taking out there.

So, Mr. Speaker, I applaud the member for coming up with this document but I think because he has heard of what I have shown him from his document, he may need some amendments of which I hope you are not going to allow; we are going to pass it in that manner. Thank you, Mr. Speaker.

**Hon. Speaker:** There is a point of information.

**Hon. Nduva:** Mr. Speaker, as I have said this is a huge and detailed research that has been done and I stand here. I don't inform this house that they should go my way, but since this matter affects all our youths and men, it is for them to make decision. We know this is a business that is done by our people, but we should also and according to my motion, this house should put guidelines on how this business should be done, and regulations so that our youths will not be drawn while chasing to make huge sums of money. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Let us proceed on the order of contribution that we had elected.

**Hon. Ndeto:** Thank you Mr. Speaker, for this opportunity to contribute to this motion. A close look at the way the motion is drafted under the Order Paper, takes me to at least three key words. Two which are somehow related - regulation and control - which according to the mover of the motion, this is not a ban but it is coming up with a regulation.

Two, there are two other key words- business and consumption. When we are discussing this motion, we need to think of these three or four key words. The first one being regulation and control - when we are coming up with regulation, we need to discuss in connection to business, how do we regulate the *miraa* business.

We are aware, 99 per cent of the *miraa* that are consumed in our county are from other counties, only maybe 1 per cent like in my ward , we have several farmers now who have entered into this business. And maybe that is one percent or zero point something.

When we talk of business, we need to think what value it adds to our economy as a county. Do we have any value, monetary value, employment , and any other value, verses what are the effects in our economy that the *miraa* business is bringing into our economy/

We know these young men, quite a percentage actually you go to the market centers, quite a percentage of young men are seated there as early as 8.00 a.m. to late 8.00 p.m. in the evening; they don't work, they are doing nothing.

As one of our church elders told me one day, it's better to have girls or ladies giving birth in their fathers' home than boys and young men giving birth at their parents. When I asked him to elaborate, he told me quite a number of these young men are marrying and leaving the women for them to take care because they have gotten into this issue of *miraa* and they are wasting a lot of time without working.



When we come to this consumption, we need to realize that as the mover said, quite a number of researches have been done to prove or disapprove if miraa is a drug and what the effects are and I would request this Hon house as we move forward, through the mover and also the chair who is the Speaker, if we can come up with a good research that has been done.

I believe recently there is one that was conducted by the body that is led by Mututho, NACADA; then we compile all these reports, we go through them and probably the committee of health, be included in the same to come with a conclusive report of all the researches that have been conducted to see which are the issues raised by all those people and I believe we shall come up with a better and a very good regulation because if it was for me I would say let us ban miraa completely, but because there are restrictions according to the law, and we cannot; we need to come up with good regulations and I believe this house can come up with them, so I support the regulations and I believe we shall come up with better ones.

**Hon. Speaker:** Okay. Thank you.

**Hon. (Ms.) Nzioka:** Asante Sana Bw. Spika kwa kunipa hii nafasi. Nasimama kumuunga mkon muheshimiwa ambaye amelea huyo mswada juu ya miraa. Nasema wakati ambapo tunaongea juu ya jambo , lazima uangalie madhara na faida. Nataka kuleta faida ambayo miraa inatuletea kwenye Kaunti yetu. Sisi hatufanyi ukuzaji wa miraa, unatoka mahali kam Embu county na sehemu zingine. Wakati hizo gari zinaingia kwenye kaunti yetu, tunalipisha ushuru.

Hiyo ni faida kwa kaunti yetu. Nataka kumjulisha muheshimiwa ambaye amelea huyo mswada kwamba, itambidi sana afanye utafiti sababu, kama ukusaji tungekuwa tunafanya kwa kaunti yetu ingekuwa rahisi sana kumaliza utafunaji wa miraa. Lakini, nataka kumpa changamoto, kwamba kabla hujamjulisha mtu juu ya madhara ya kitu kama kutafuna miraa, hata ukimwambia hawezi sikia.

Angesema, sisi kama kaunti na bunge la Machakos, NACADA, Wizara ya afya, tushikane pamoja, ili twende tuzunguke katika kaunti kuwaeleza wananchi ambao wametuchagua na wale ambao tumewakilisha hapa, ubaya na madhara ambayo inaletwa na miraa kwa sababu sasa, mwanzo ilikuwa kwetu ni kama hadithi kuongea juu ya ugonjwa wa ukimwi.

Unaambia mtu kuna ukimwi na mtu hatakubali, lakini wizara ya afya zilishikana na serikali kuu wakuzunguka kueleza madhara ya ukimwi. Sasa kila mtu anajua kuna ukimwi na unajua vile ambavyo unaweza jitunza ili usipatwe na ukimwi.

Ningemuuliza muheshimiwa Nduva, alete mswada tuongee juu ya kuona NACADA tumeshikana pamoja ili tuzunguke kusema juu ya miraa.

Mimi, kabla sijakuwa muheshimiwa wa bunge la Machakos, nilikuwa kiongozi wa akina mama katika kaunti ya Machakos. Nimepata malamiko mengi kutoka kwa akina mama, ambao wana umri wa kadri, wengine kutoka miaka kumi na nane hadi arobaini, kwamba wameleta malalamiko, waume zao wametoroka nyumbani.

Kutoroka sio kwa ajili hawezi leta chakula, kuna vitu katika familia za maana sana. Unaleta chakula, unatunza watoto, lakin kama mama, kuna sehemu kutoka kwa mme anahitaji, na kama haipatikani itakuwaje.

Inakuwa mwanamke anatoka nje anaenda kutafuta ugonjwa, kwa sababu kuna kitu kiko kwenye mwili lazima kitekelezwe. Kwa hivyo tumekuwa na malalamiko juu ya miraa ,muguka, hizo vitu ambavyo wanatafuna.

Lakini tutazizuiz aje na zinatoka nje kuja kwetu. Kwa hivyo muheshimiwa Nduva ,ebu keti chini tena ulete mswaada na ufanye utafiti zaidi, utueleze utamalizaje, ama unataka tumalize aje, na miraa inatoka kwenye kaunti nyingine. Asante.

**Hon. Speaker:** Thank you.

**Hon. Muthuka:** Thank you, Mr. Speaker, Sir, and the rest of the House. Mr. Speaker, I think the mover of the motion, had some things in my mind, though maybe he may not have told us. The issue is not about the miraa, the issue is about the effects of the miraa and how it has become a lifestyle for our youths.

Mr. Speaker, on Sunday unfortunately I was involved in a slight accident at his ward, and unfortunately within five minutes, we had more than 100 youths all of them chewing miraa. Having not clothed well, everybody was smelling sweat, they don't even bath, very young boys actually from 12 years to 22 years, and that is one of the market.

Unfortunately, this is a big vice in our county; we may think of economic importance of this thing but by the end of the day, the demerits are more than what we can get from the miraa and also Mr. Speaker, I think the motion should be channeled to the department or the committee of health because there are national regulations on drugs and miraa is a drug, we may not call it a drug but it should be controlled and too much of everything is poisonous.

Because if this drug is not controlled, maybe today we are not feeling the effects but after some time maybe five years or 10 years, it will be a menace in our county and we are losing a lot of families because after chewing the same thing, if it's a young boy, sometimes you find that you are not normal. You cannot transact the business as a normal person. You even feel you are so big, for those who chew it; I once did. Mr. Speaker, I am on the floor, it is my contribution.

**Hon. Speaker:** Proceed.

**Hon. Muthuka:** And I am talking out of personal experience so if we share our experiences, maybe we will talk about it. Mr. Speaker, we also need to classify what kind of miraa we are talking about.

**Hon. Speaker:** But I fear we need to hear the point that Hon. Kitheka wanted to raise. Let us hear Hon. Kitheka.

**Hon. Kitheka:** Mr. Speaker, I think we are trying to address this issue openly so that everybody can know exactly what is happening. He is talking about a man who cannot transact business in this house; which business, is it business in the bed, business elsewhere? Why can't he just be open so that we can know how we can do it?

**Hon. Speaker:** Thank you.

**Hon. Muthuka:** Thank you Mr. Speaker, I was on that route to explaining because I have an experience. Mr. Speaker, I was on the point that we also need to classify this miraa, because what our boys are consuming---

**Hon. Speaker:** Hon. Muthuka the point that has been raised has been sustained, so you must begin by clarifying that position.

**Hon. Muthuka:** Mr. Speaker, the kind of business we are talking about is the bedroom issues; maybe he wanted to hear that. It is sex in the House.

**Hon. Speaker:** I think that is enough, proceed.

**Hon. Muthuka:** Mr. Speaker, we need also to classify the kind of miraa we are talking about, because we know miraa, we have the leaves and that is our menace.

If you go for a kilo of miraa today, it is Kshs. 1400 for the market value. How many youths can afford that money? Actually there is no youth because most of those who chew the miraa are not employed, they don't have economic power, but there are the leaves –*muguka*; that is where the danger is because with Kshs. 50, you can enjoy the whole day.

At the same time, the effects have been outlined by the mover of the motion that you lose appetite. Most of those young boys are skinny because you don't have food to eat and if you chew some miraa the appetite goes away.

So it sustains you for that day, so my appeal is, the damages are too enormous. And my suggestion would be since we have a committee on health, the motion should be forwarded to the committee so that they can also coordinate with the national drug abuse control and other national bodies that control the drugs abuse in our country, and from there we would be able to know, is it wise also to ban because at the moment, we are having a controversy, because UK a few months ago, banned miraa in their country and there are serious talks which are going on between the Members of Parliament and the legislative leaders of Embu and other places where the miraa comes from, with the President, because that will also affect the relationship between Kenya and other countries because that is a lifeline.

So I think it is good if this motion is channeled to the committee because it is a well thought motion and then from there a substantive motion will come so that we can have the regulations which are 'tantamount' with the national regulations on drug abuse. Thank you.

**Hon. Speaker:** Thank you. We need to hear the Hon. Member for Kyeleni.

**Hon. Kasyoka:** Thank you Mr. Speaker. Mr. Speaker, I differ with the mover of the motion, because this is where my age lies squarely. Mr. Speaker, I am very sorry to say I am one of the consumers of miraa, with a lot of members here and with your permission, I will try to name one like Hon. Amina Mutio; she is one of my team members in that chewing systems.

So Mr. Speaker, as much as we want to say we want to do away with miraa, Mr. Speaker, we will do away with a lot of youth because this is where we get a lot of jobs for our people. You cannot tell somebody, get away from this, yet you are not showing this person what to do. This county should first address job issues in the county, so that we can tell these people to get away from chewing miraa.

So Mr. Speaker, for me I would say we should handle some issues first before we get to say we do away with *miraa* because whoever---

**Hon. Speaker:** I think we just proceed. Perhaps it's because the mover did consult with the immediate stakeholders, but just conclude.

*(Laughter)*

**Hon. Kasyoka:** Thank you Mr. Speaker. Another issue I would talk about is the income part of it. When you see people of my age in the county, most of them who are jobless are doing it for income. Mr. Speaker, I have three friends of mine, they have those Probox, they are trying to dwell in that business. So when we say we are trying to do away with miraa chewing in the county, we will create more robberies in the county.

**Hon. Speaker:** Let us take that point of order. Maybe you have an interest.

**Hon. Maitha:** Mr. Speaker, I think that Hon. Member who is a good friend of mine must have been sleeping when the mover of the motion came here. He has not said that we ban miraa, but we control, put the right measure, not the total ban Mr. Speaker, Sir. Is it in order for this Hon. Member to say that the mover of this motion has said we ban, Mr. Speaker? Thank you.

**Hon. Speaker:** Thank you. Point of order is taken and sustained. Now we go to this side.

**Majority Leader (Hon. Mwonga):** Thank you Mr. Speaker, and the Hon. Members of this house. Mr. Speaker, first and foremost I want to start by thanking the mover of the motion and the members who have contributed. Mr. Speaker, when we talk of miraa, it is a broad term Mr. Speaker and that name miraa we have the name *Khat* (the long twigs), and *Muguka* (the leaves) Mr. Speaker.

And since the mover of the motion has not defined in his motion or in his contribution whether we are talking of *muguka* or *Khat*, but he has used the broad term miraa, Mr. Speaker, I want to tell the Hon. Members, this house has a duty to safeguard the lives of our youth Mr. Speaker.

Mr. Speaker, I have listened carefully to the contribution of some of these members. Some have said they are miraa chewers, well and good, but Mr. Speaker, do they chew from six in the morning to the late hours of the night as our youths do out there? No Mr. Speaker.

And, Mr. Speaker, the content of this motion, the mover was just seeking for regulation Mr. Speaker and I would urge these members we concentrate on the issue of

regulating and when we talk of regulating Mr. Speaker, it is putting measures and timeframes of when this miraa should be chewed Mr. Speaker.

The mover was not of the idea that we ban miraa chewing, no. Mr. Speaker, I have listened to some of the members saying we should look at the economic side of miraa Mr. Speaker, but Mr. Speaker, we cannot enrich few individuals at the expense of our youths Mr. Speaker.

Mr. Speaker, these youths are chewing miraa from as early as six in the morning to the late hours of the night, Mr. Speaker, and majority of these youths are married to young ladies Mr. Speaker who will need them during the night, Mr. Speaker, and I think Hon. Stephen Muthuka from Ndalani has talked out of experience, Mr. Speaker.

Mr. Speaker, I want to say it is good that he has given us an experience Mr. Speaker. Mr. Speaker, I represent a ward where sand harvesting exercise is a big activity and majority of the youths, the proceeds they get from this sand harvesting, Mr. Speaker, goes to purchasing of miraa Mr. Speaker, leaving their families without food, Mr. Speaker.

And Mr. Speaker, I wonder why Hon. Members are just contributing to this motion not being realistic enough and thinking of the dangers of miraa chewing Mr. Speaker.

Mr. Speaker, I remember in one of the weddings, the reverend who was presiding congratulated the bride Mr. Speaker. Why? He told her that ‘you are lucky I can see the man you are getting married to has all the teeth intact.’ Surprisingly, he said that men have two types of teeth Mr. Speaker; the ones in the mouth and one tooth which stands alone and if you see a man who has wasted all his teeth by chewing miraa, remember that the other one is not functional Mr. Speaker.

*(Applause)*

That is a reality, Mr. Speaker and to safeguard the families, the young families, including my family because I am young Mr. Speaker, we should come up with timeframes of when our youth should chew *miraa*, Mr. Speaker.

With that, I beg members we concentrate on the context of the motion but not the issue of banning miraa. The mover of the motion was not up to the banning of miraa but regulating, giving timeframe.

For example, Mr. Speaker, I can say, we have our youth chewing or opening miraa business at 4 p.m. in the evening and closing at 11 p.m. That will be fine. But our youth are wasting the whole day, 24 hours, chewing miraa.

Mr. Speaker, I urge those members who are against this motion to rethink, and if some of us are chewing, well and good, but they only chew after the plenary Mr. Speaker. I have not seen one of them now who has chewed miraa in the morning. Let us not kill our youth. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Hon member for Iveti, can we first hear the chair, health and then we will come back to you.

**Hon (Ms.) Sereka:** Thank you Mr. Speaker, Sir, and the house at large. Let me take this opportunity to congratulate the mover of this motion. Mr. Speaker, miraa chewing has been a problem in our county. I want to say that in my ward, it has become so much that, we have a lot of insecurity in the area and not only in my place but in other wards.

Mr. Speaker, Sir, those bad people are now selling the miraa up to around 12 so that after 12, they can go and start taking advantage of their work. Mr. Speaker, we women are really complaining about these men who chew miraa.

Mr. Speaker, Sir, if you go to where women are, *vikundis* and *chamas* Mr. Speaker, these young women really have problems. And I want to tell Mr. Speaker, Sir, even some of the children who are born in the homes, don't belong to the husbands, because they can't afford.

Mr. Speaker, Sir, I don't agree with the Hon. Member from Kyeleni; I don't think he chews *muguka*, but he chews *miraa*, because he can afford. And he chews after working hours. Now he is in the house and he is earning a sitting; where will that young man in the village get the money he is earning to go and buy a kilo of miraa.

Mr. Speaker, even the older women are really complaining; these boys are even selling everything in the house. If they come across a basin they sell to go and buy *muguka*. Mr. Speaker, if you go down there, you will see why we want to congratulate the Hon Member.

Last week, Mr. Speaker, my health committee went to Mombasa, and now we are thinking of classifying *muguka* as a drug, because if a young man can wake up at around six and start chewing *muguka* up to around 7 p.m. in evening, that is very dangerous. This man does not even know what the children will eat in the house so this young lady will go somewhere so that he can get money to buy children food.

And Mr. Speaker, Sir, at the end of the day, these men are the ones who are making their homes not to be stable. Most of them are now divorcing as we talk Mr. Speaker. Mr. Speaker, Sir, most of our children are now dropping out of school to join these groups of chewing *miraa* and especially *muguka* - that is the problem we have in this county.

Mr. Speaker, I would even wish we ban *muguka*; let us not see the business. Mr. Speaker, I want to assure you some 15-20 years to come, you will just find women in this Hon House because you will not find a man who can perform or talk in front of people. They are not even taking a bath Mr. Speaker.

Mr. Speaker, I think we have to do something; let us not think about the business we get or one person who wants to do business or those who chew *muguka* and have money; let us think about our youth, the problem here is our youth, and I know my fellow women here who are mothers, know what I am talking about.

(Applause)

These young men will even come to the house at around 10-11 pm and ask their mothers for food- somebody who does not want to work, who does not want to go to the *shamba*, Mr. Speaker.

Mr. Speaker, I think there is a problem and I want you to see the problem. They don't even attend churches, they wake up in the morning even on Sunday, go straight to get the *muguka*; if they don't get it, you will see it is like somebody is mad Mr. Speaker.

Fellow Hon. Members, please let's have regulation for this motion and let us not take it so lightly and say all is well, it is not well. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Do I take it as a point of order for the chief whip? Let us take that point of order first.

**Hon. T. Kilonzo:** I think those members have to respect the chair. Mr. Speaker, this is a very important motion.

**Hon. Speaker:** I am taking it that you are raising a point of order.

**Hon. T. Kilonzo:** No Mr. Speaker, I was raising my hand---

**Hon. Speaker:** Then there is a schedule of contribution, sorry about it. Hon Manyolo you will be out of order very soon. Proceed.

**Hon. A. Wambua:** Thank you, Mr. Speaker. I want to draw to the attention of this house that too much of everything is poisonous, even if you take what. Number 2, *miraa* is a national product; it is not only in Machakos; when you go to Mombasa, Nairobi, Meru, Embu and even in Machakos, you will find *miraa* there. *Miraa* business when you look around, you find most of the youth, surely are benefiting through selling of *miraa*.

Mr. Speaker, I only request the Hon Member to bring a research which he did to this house so that the house can verify what kind of research he did. Number three Mr. Speaker, it is the high time for this house to put down regulations to control *miraa* but not banning *miraa*. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you very much.

**Hon. (Ms.) Mutune:** Thank you Mr. Speaker, Sir. You bear with me that this *miraa* is becoming something wanting, because mothers down there are complaining a lot about their children. I want to caution or tell Hon Kasyoka, you are not a leader but a misleader because you are misleading the youth.

Mr. Speaker, Sir, Hon. Kasyoka started chewing *miraa* when he was a hon member for leisure after job that is why you are misleading the youth.

**Hon. Speaker:** Address the chair and you are protected.

**Hon. (Ms.) Mutune:** Mr. Speaker, I want to concur with the mover of the motion that we need to control *miraa*. Beer has been controlled and those who take beer it is written 'Not for

children under 18', Is it true members? I think we should also control *miraa*; it should not be taken by children under 18.

Also Mr. Speaker, Sir when you go to our wards, and the Hon. Members can bear me witness, one side of the road are women selling vegetables, the other side of the road is one man selling *miraa* and 100 men chewing the *miraa*. Is that a business or the misuse of the business? Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. I think the point is well put.

**Hon. Ngui:** Thank you Mr. Speaker, Sir. Mr. Speaker, I want to appreciate the mover of the motion first and say that the motion is timely, but Mr. Speaker as much as I would like to put regulations to control the chewing of *miraa* or *muguka*, Mr. Speaker I would want us to concentrate on the issue of regulation alone, because the mover of the motion has not given us the research that was done.

Mr. Speaker, I am surprised when some of the members stand here to say that when you chew *miraa*, you don't do well at home. Mr. Speaker, I once tried *miraa* and business was as usual in the house, actually more than usual.

So Mr. Speaker you know when you talk of bed matters, bed matters go with psychology, it is not about *miraa*.

Mr. Speaker, I want to say that I really support control of *miraa*, to put regulations, but Mr. Speaker let us talk of regulations that are going to be beneficial to our people.

This is a business like any other business, we know very well that cigarettes are harmful to our health, but we do not even have regulations, but it is written very well that cigarette smoking is harmful to your health.

We have beer, which is very well written that excessive consumption of beer is harmful to your health and there are regulations that control beer. These are the kind of regulations we need to put.

Mr. Speaker, Sir, once again, *miraa* is a national issue; *miraa* is like beer and cigarettes that we now put regulations in our county. Who will be there to control that? Who will be there to maintain law and order, because you realize that the issue of law and order is with the national government.

So we need to consult widely about the regulations we are going to make in this house, because we do not have a body in the county that is going to make sure that *miraa* is chewed after 6 pm or starting from 5 pm to 10 pm in the evening; we need to consult and know very well how, after we put the regulation, how it is going to be enforced to our people. Otherwise I support we regulate the chewing of *miraa*. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you.

**Hon. Kanui:** Thank you Mr. Speaker, Sir. Mine is to support for the regulation but not for the banning or the timing. Mr. Speaker, Sir, you know we have been getting drugs for family



planning from western countries and I think *miraa* and *muguka* is serving that course if they are saying the families are complaining.

You know in traditional Africa, women used to be circumcised and that has already been withdrawn, how do we check our ladies, who are very hot, very active and our young boys are not that active?

Again on cancer causing drugs, we are getting them from the West. If our people chew *miraa*, you will find that the menace of cancer will go down.

I am rejecting the issue of the family not growing; if you look at the population growth in this country, North Eastern has the largest population growth currently. Ukambani is slowing down, central Kenya is slowing down, is it because of consuming *miraa* and *miraa* is consumed more in North Eastern than Central Kenya.

The other thing is, modernization has its effects, and so if Kenya has chosen to be modern, it has to accept the side effects of modernism. Our youth will have to go and seek for leisure; you know during our youth, we never knew leisure but our kids today know leisure.

Where do you take them for leisure? I want the mover of the motion to consult with KEMRI and come with a background of *miraa* and tell us he has got this report from KEMRI: *miraa* harms our male anatomy, or the reproductive health. He is saying this research has been done in Somalia; we need research which has been done in our country because we have the highest institution of medical research in this country and I think it's better equipped than Europe. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you very much. Hon. Kanui, but you would have perhaps put the house on information on whether there is existing legislation; this having been your docket before you came to the House.

**Hon. Kanui:** Thank you Mr. Speaker, Sir. Again I am saying, let the motion be referred to the health committee and also culture where I am the chair, we will be able to handle that. Thank you.

**Hon. Ndolo:** Thank you Mr. Speaker, Sir, and the house. Let us accept that the *miraa* is a drug and we have to control it and put regulations in our county. As leaders, we attend *barazas* in our area; the issue of *miraa* is being condemned throughout. Wherever we go, people are complaining.

Mr. Speaker, we understand there are advantages and disadvantages of everything, but the issue of *miraa* consumption in our county is becoming a disaster. Mr. Speaker, sir, let us accept that we are going to set time when *miraa* should be sold and the place where it should be sold because you find *miraa* is all over in our markets and it is making even the small kids and the young people under 18 to start collecting leftovers from the ground.

So this is bringing damage to our youth and in future, our children. How do you expect if we see other peoples' children suffering, what will prevent our children from suffering too. So we should take it seriously and control and put time measures. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you very much.

**Hon. Muinde:** Thank you Mr. Speaker, Sir. Mr. Speaker, I stand to support the motion and congratulate the mover of the motion and say that the current situation is a danger to our youth and the future of this county and the country, Kenya at large.

The consumption of *miraa* has caused our youth to be idlers. One member said that we should solve the problem of unemployment first, but Mr. Speaker, our youths even the educated ones, once they decide to sit and chew *miraa*, they forget to think outside the box if not without the box because even they themselves can be innovative and think of ways in which they can make their own money but with the chewing of *miraa*, the consumers of *miraa* get to a state where they feel airier and there is a time when the user - I don't know whether it is an English term or *sheng'* - I hear they call it 'hunters' but it is a state of feeling that there is no problem and no hurry, and they would sit from 6 am till late at night and you wonder where they get money for the next day's purchase.

Meaning, Mr. Speaker, these are the same youths after chewing all day through; at night they will mug people to make sure at least they get another coin to buy *miraa*. Mr. Speaker, earlier in the life of this house, in fact the first year, 2013/2014, this assembly tried to control *miraa* business by imposing a Kshs. 10,000 fee for every truck ferrying *miraa* across Machakos.

Although this was not implemented by the Executive, I later came to understand that we are also prohibited from passing laws that hinder transportation of goods and services across our county and this is contained somewhere in the County Governments Act. I may not quote the article with precision, but Mr. Speaker, even with that, the county of Machakos has witnessed lots of deaths caused by these vehicles ferrying *miraa* across our county.

They are driven at high speed and I wonder whether these vehicles are exempted from the speed limits imposed by the National Government. Because the speed is just too much, they have caused death in areas like Kivaa in Masinga Sub County. They have knocked children as they go to school and they have knocked teachers; in fact a month ago, there was a burial in Kivaa Sub County where a teacher was knocked down as he dropped his children to school and he was also driving to his teaching place.

So that notwithstanding Mr. Speaker, these *miraa* chewing youths also smoke bhang, because they are so idle and they want to continue living in that state of no problem, and they don't even find time to bath.

Mr. Speaker, I wonder which kind of research we are asking the Hon Member who has brought this motion here. Some issues are so clear I think some are statements of facts that may not require a medic to do further research.

And we have had the chance to have our own Hon Members saying they are living testimonies because they have been chewing and the fact that they admit they have chewed, and other members say they also cause other effects, I don't know whether they are also admitting that they have also failed in other areas Mr. Speaker.

But to ensure that we control the consumption of this drug, and we do not continuously encourage our youth to be idle Mr. Speaker, I would wish that this motion is passed and that a Bill is brought to this house. Just the same way Hon. Mututho brought in the

Alcoholic Control Bill, we can also bring a *Miraa* Control Bill so that we can control the consumption and the business of miraa so that we can save the future of this country because a county that does not protect the future of their youth is a county or country that is headed to extinction.

And I would wish in future that we have energetic youth who are innovative, who can think and can be a source of hope and continuity for our county. With those few remarks Mr. Speaker, I support the motion to regulate and control miraa business.

**Hon. Speaker:** Thank you. Hon. Mary Ndinda was to say something.

**Hon. (Ms.) Ndinda:** Thank you Mr. Speaker, Sir. I stand to support the mover of the motion on control and regulation of *miraa* of which I have some few issues to point out on this issue, because we all know that this issue of *miraa* is a national disaster just the way we had the issue of alcohol and cigarettes and you have seen the national government coming up with a law where they have set regulations on how or where and the time we should take alcohol.

In conjunction with the environment, we have seen the government coming up with specific areas where the people smoke and dump their cigarette leftovers.

I hereby recommend a few issues even as this goes through, that we should know; I have heard many Hon Members talk of the side effects and the consequences for those who take the *miraa*, but with me, I only recommend that we should get a report where our Hon Member should table here so that we can know the researched details of the consequences of *miraa* and the side effects and that will enable us to go up and continue on how we shall support this issue.

What I want to say is that any prolonged intake of drug has side effects. If you smoke for too long, at the end of the day you end up with lung cancer, parts of your body are amputated; if you drink too much, there are also consequences of it.

Even if you take some medicines which are prescribed to you by a doctor and you prolong the effect, it has a side effect and the same can also happen to the *miraa* intake of which I was saying, it is the high time as we support this, we create an awareness in Machakos county, where we shall empower our youth, tell them of the dangers of taking *miraa*, and sorry Mr. Speaker, I have heard some Hon Members chew the miraa; they can give us the experience.

We can go round with them and the people on the effects because I have heard you talk of men; I don't know the effect of chewing *miraa* on women because if I take the statistics of North Eastern, I have discovered men and women chew miraa day and night and that is where we have the highest population. In fact people from there give birth almost every year and they have overtaken us because I think there could be an advantage of which I don't know but we need a research on that.

The other thing I want to talk of is, I have heard some Hon Members say in Meru and Embu is where we grow *miraa*, but I don't know whether you are aware that in Machakos county *miraa* is a very good cash crop which is coming up very well; in case you don't know where, Hon Muli can support me. In Ndithini ward, Mananja, the boys are doing that business and it is coming up very well as well as tobacco.

I am not saying that I am supporting that we grow it but I can say that people have stopped growing mangoes and beans and maize and they have said that this business is very nice.

But it is my humble request that we just come up with a law, where we will regulate it, we set specific areas where this thing should be sold, we come up with a law just the way alcohol and smoking cigarettes has been set, where we say it should not be sold to children under 18. I have been in bars and I have seen billboards or notices which are written that ‘alcohol consumption is dangerous, no idle sitting, no smoking in this area and if you do you are penalized Kshs. 50,000 and there is no chewing of miraa.’

The bar people have come up with that policy and I think if they can do it in their specific business places, we as Machakos county and members of the County Assembly, can also come up with something like that where we will set laws in Machakos County and put boards of notices where people should not sell in those areas because we have set specific areas where the *miraa* should be sold and even come up with a way of fining if you are found selling it without a license or permission.

I support Hon. Nduva, but it is my humble request that he liaises with the health committee where I am the Vice Chair and the committee of environment. I am sure with the two committees you can do a better job. Thank you.

**Hon. Speaker:** Thank you. Let us have Hon. Manyolo, then Hon. Nzoka, and the Hon Member for Muthesya.

**Hon. Manyolo:** Thank you Mr. Speaker, sir and the house at large. I congratulate Hon Nduva for this motion. I support the regulations but not the ban because I am also a victim like the other members and I understand we have so many members here who are victims.

At times when we are travelling to Mombasa I see Hon. Nzoka chewing, even Hon. Dominic, Hon. Felix Ngui, Hon. Kasimu, Hon. Muli; we have so many members here who are enjoying and they seem not to support the motion.

(Laughter)

**Hon. Manyolo:** Mr. Speaker, within the regulations, we have varieties of *miraa*. We have *kinembe*, *kangeta*, *alele*, *giza*. Now those are the *miraa* which can't be regulated. But let's regulate *muguka*. Because if you talk of *Alele*, and I understand that the Clerk, Mbiuki can also support. If we talk of *Alele*, it is few members who can afford it. It goes for more than Kshs. 2500 and it is not chewed by anyone, it is chewed by Hon. Members.

And we have the *kangeta*, which is not chewed anywhere; it is chewed by hon members but not the mere people, the boys who are chewing *muguka* there.

So if we talk of *Alele*, *Kangeta* and the other nice *miraa*s, those are nice *miraa*s and they have good steams and whoever says you do not enjoy the sweet nothing, I understand you have appetite for it and most of the members here can ascertain.

Mr. Speaker, Sir, let us just put regulations on the *muguka*, which is a problem to the county and also to the country. We have to talk of timeframe, when *muguka* has to be sold. If it

is from 6 p.m. - 8 p.m. or from 2 pm - 3 p.m, that will be better. And also Mr. Speaker, Sir, this thing has so many side effects.

When you chew *muguka*, you have sleepless nights, and most of the members here can also ascertain. When you chew it, you lose your teeth and you lose appetite, you become indolent, lazy and weak.

So it will be good as Hon. Mary has said, we involve all these members who chew, go round and guide our members on the best way we can. The Bible says in the book of Luke, whatever enters in the mouth is not bad, but what comes out is what makes the person bad. Because that which comes from your heart will make this person steal, do evil things and in order for us to safeguard our people, we have to go and talk to our people.

The other thing Mr. Speaker, Sir, we have sites for selling the *miraa*, not everywhere. We know when you go to *Eastleigh*, there is a site for selling *miraa* but not everywhere. And also we have regulations on every market on how we can control this.

With this Mr. Speaker, Sir, also the vehicles ferrying *miraa*, as hon Muinde has said, they have caused major accidents within our county, so we have also to control the speed. Even if they say *chunga isikauke*, that is not a policy for them to follow. They have to admit and be part of us and control the speed. Mr. Speaker, Sir I stand to support the regulations but not the ban. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. I think in my view we are exhausting debate because a lot of it is what we heard before but let's hear Hon. Munyaka and Hon. Nzoka.

**Hon. Nzoka:** Thank you Mr. Speaker, Sir and the house at large. Yes I agree you gave me *miraa* and you swindled me 1k.

(Laughter)

**Hon. Speaker:** For the purposes of the Hansard you need to tell us what 1k is?

**Hon. Nzoka:** Kshs. 1000 I mean; in the circles, he swindled me Kshs. 1000. You know I was given some *miraa*; I had not taken *miraa* before so I was somehow confused. So what I can say is, in fact what we are trying to say and it has been exhausted as the Speaker has said, we need to see how our youth can be busy doing something else not chewing *miraa* because when they go to the site where the *miraa* is being sold, even if he has no money, they just sit there, start chatting here and there and doing nothing.

And as you see, if someone stays today doing nothing for some hours, tomorrow, a week or so, he must keep on changing in his thoughts, trying to understand who he is, and maybe with time he will not be washing clothes. We need to put these young people to do something, and to be busy somewhere. So if we can regulate, I am supporting the mover of the motion on condition it has to go with the regulations of beer. Let it come after 5 pm and be go up to 11 pm and again there must be a ban where the *miraa* is sold, indicating that '*excessive chewing of miraa is harmful to your health*' as the other drugs are written.

So what I urge the house to do is to see how we can regulate this, we put it in order and the place where it is sold if they don't find it being sold there, they will find somewhere else to be busy doing something else.

We are trying to see how these people can go to other businesses. In fact we have educated youth and we have a person who is much learned and he is still waiting for the job to come. It is you to provoke the situation, it is you to wake up and see how you can get your daily bread. You cannot sit somewhere; if we allow them to be sitting idle they will be going down, they will be beggars, they will be some people where if you want to clean somewhere, you call someone to go and do something which he cannot even afford his life.

So we are trying to regulate this one so as to see how these youth can be busy doing something else. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Let us take the point of information.

**Hon. Maitha:** Mr. Speaker, in as much as this motion seems to be contributed to a lot, I wish to put to your attention that there is no quorum in the house Mr. Speaker. Thank you.

**Hon. Speaker:** Clerk, I think there is an issue raised on quorum. Kindly advise.

*(Clerk advises on quorum)*

**Hon. Speaker:** Let us proceed. I am advised there is quorum. Hon. Munyaka.

**Hon. Nzeki:** Thank you Mr. Speaker. I stand here to applaud the mover of the motion that *miraa* be regulated and controlled. In a parting shot, I just wanted to say that our youth consume *miraa* because they are not employed. And because our Governor's manifesto includes employment for our youths, I put this into notice that, because we know that our youth will be employed in this county, we just control and regulate the consumption of *miraa*.

Again controlling of the consumption is not enough, we have to control the incoming of *miraa* with those vans. As our budget chairman has said, they are too fast, they need to be controlled and the *miraa* should be sold in the afternoon not in the morning because most of the youths are waiting for the vans to come because they are idle, and when it comes they take it to the reserves and start selling.

So I support the mover of the motion and urge the members to have our youths in their hearts. Please, be careful with our youths. I remember in my area I command at least 65% of the youths who are women and in most cases they always come to my office and complain that their men are not doing their job well in the bed. So members please, take heart and control and regulate the selling of *miraa*. Thank you.

**Hon. Speaker:** Thank you. Hon. Member for Muthesya.

**Hon. Nzioki:** Thank you Mr. Speaker and members present. Mr. Speaker, I take this opportunity first to thank the mover of the motion. This is a good motion, but Mr. Speaker, some members have dwelt much on banning. The mover and the motion, talks of regulating and controlling.

Mr. Speaker, as one member said, when you take too much of anything, it is poisonous. When you take too much of anything, it is harmful. Mr. Speaker, beer is regulated, cigarettes, medicines, even eating food are regulated. You eat a lot of food Mr. Speaker; you will not be able to do some of your functions.

Mr. Speaker, we need to regulate *miraa* taking in terms of the timing and the places and Mr. Speaker, maybe I will give you an example. Before beer was regulated the other day, we once went to one of our neighboring counties and people were complaining that even the men are not responsible in their homes. Likewise Mr. Speaker, if this *miraa* taking is not regulated, we are going to have the same problem.

It is a big problem now that it is not regulated, but Mr. Speaker, maybe I would want to give a personal feeling on these regulations. *Miraa* is a commodity that is of economic value to our country like tobacco and malt which is used to make beer.

Mr. Speaker, I have an experience; before I got married, I used to have an intimate friend who used to give me a date when they chewed *miraa* and Mr. Speaker, I used to like it. So when you talk of people not functioning after taking *miraa*, I don't think whether it's true.

So Mr. Speaker, we need some research but what we need is regulation and controlling. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you very much. Before the mover addresses the house let's hear Hon. Nziva

**Hon. (Ms.) Nziva:** Thank you Mr. Speaker. I want to applaud the mover of the motion. Any excessive drinking has side effects and to my understanding, *miraa* is one of them. It is a contemporary moral practice, and since many disadvantages have been talked much about, I wish to say that *miraa* taking has many disadvantages which outweigh the advantages. Please let us regulate the *miraa* taking and I am very sure at the end of the day, our county will go to greater heights. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Any additional contribution and Clerk for the purposes of this sitting, I think the members in this assembly who are working very hard to conclude debate are now sitting for the first session in the afternoon. Let us proceed.

**Hon. Nduva:** Thank you Mr. Speaker, I want to congratulate the Hon Members who have felt they need to support this motion. I don't want to blame the Hon Members who have a different thinking because they also have their own reasons.

Mr. Speaker, I want to move very quickly and put to the attention of the Hon Members, much about *miraa*. Some have stood to say that we should control *muguka* but not *miraa*. Mr.

Speaker when we talk of *miraa*, we talk of all kinds of *miraa*, *muguka* included, because they are several. As they have said, there is *veve*, *khat*, *muguka*, *mbachu*, *mairugi*, *giza*, *alele*, and others.

So Mr. Speaker, when we talk of regulating this drug, we don't mean we regulate the *muguka* alone. Mr. Speaker, I want to give reasons why I felt that this house should discuss and pass that we should put regulations and control this substance.

Mr. Speaker, as this hon house is aware that I am the chair for Planning and I am doing planning Mr. Speaker, I moved in several areas while looking for facts about *miraa*. Mr. Speaker, some counties have initiated the process of enacting laws to control the use of *miraa* for example Mandera and Garissa counties have already introduced such Bills in the assemblies.

The National Councils of Churches of Kenya (NCCCK), while making a presentation on the need to regulate *miraa* during an investigation of *miraa* by National Assembly on 17<sup>th</sup> October 2013, by a parliamentary select committee on *miraa* (Khat) recommended several issues to be included in the legal framework to regulate *miraa*.

Mr. Speaker, some of the laws or the areas they touched was a clear guideline of licensing equipment for traders in the industry. Licensing traders of integrity to ensure market management, proper packaging of the product to ensure safety of the consumers, guidelines for hygienic handling of the product to prevent exposure to elements, prevention of development of cartels that would seek to defeat market forces, taxation measures to ensure that those who trade in *miraa* contribute to national development since it is a high turn-over crop, and many others.

Mr. Speaker, I want to put to the attention of this Hon House that *miraa* currently is grown everywhere. Some members have mentioned about Ndithini, Mr. Speaker. I want to inform this Hon House that *miraa* is also grown in Kithimani ward and the turnover of this business is huge.

We know farmers who are making over Kshs. 40,000 in a day but Mr. Speaker, *miraa* is harvested daily because they use irrigation.

So Mr. Speaker, you realize, if regulations and an Act is passed by this Assembly, also the county government of Machakos will make a lot of money by charging those doing this business.

Mr. Speaker, I will urge this Hon House that also these farmers and the dealers of these product should be charged high so that the cost of *miraa* will not be afforded by school going children or young men.

As they have said, the cost of *alele* is very high; not many of consumers of *miraa* can afford *alele* so Hon Speaker, I have detailed research that some of the members are saying I should do much research, Mr. Speaker, I would request your chair to allow the committee in which this motion will be given to also visit Garissa and Mandera, because this is where they have started and these are the areas where *miraa* was consumed in big quantity.

So Hon Speaker, I wish to inform this house that research has been done by the chair, Planning and we need to move from those areas where assemblies have also enacted these Bills to control the sale of *miraa*. Thank you, Mr. Speaker.



**Hon. Speaker:** Thank you very much Hon chair. I think I would say this is a motion that has been well exhausted; thank you for those who sat until this time and I say this is the first session for the afternoon and I proceed to put the question.

*(Question put and agreed)*

The motion will be referred to the committee on Trade, Planning and Industrialization which shall work with the committee on Health and come up with the appropriate legislative controls in accordance with Standing Order number 163 that will put the two committees at liberty to form an appropriate subcommittee that will be backed by experts and come up with the legislation, of course observing national laws and consulting the public.

### **ADJOURNMENT**

**Hon. Speaker:** Thank you very much and let us meet later in the afternoon, the house adjourns.

The House rose at 12.06 p.m.