

LEGAL NOTICE NO.

THE PUBLIC HEALTH ACT
(Cap. 242)

**THE PUBLIC HEALTH (PROHIBITION OF SHISHA SMOKING AND WATERPIPE
TOBACCO PRODUCTS) RULES, 2026**

Arrangement of Rules.

Rule

- 1- Citation.
- 2- Interpretation.
- 3- Object of the Rules.
- 4- Smoking of shisha and other waterpipe tobacco products.
- 5- Importation, manufacture and sale, etc., of shisha and other waterpipe tobacco products.
- 6- Enforcement.
- 7- Revocation of L.N.292/2017.

THE PUBLIC HEALTH ACT
(*Cap. 242*)

IN EXERCISE of the powers conferred by section 36(m) of the Public Health Act, Cap. 242, the Cabinet Secretary makes the following Rules—

THE PUBLIC HEALTH (PROHIBITION OF SHISHA SMOKING AND WATERPIPE TOBACCO PRODUCTS) RULES, 2026

- Citation. **1.** These Rules may be cited as the Public Health (Prohibition of Shisha Smoking and Waterpipe Tobacco Products) Rules, 2026.
- Interpretation. **2.** In these Rules, unless the context otherwise requires—
- Cap 242. “Act” means the Public Health Act;
- “Cabinet Secretary” has the meaning assigned to it under section 2 of the Act;
- “health authority” has the meaning assigned to it under section 2 of the Act;
- “health officer” means any of the officers appointed under section 9 of the Act;
- “shisha smoking” means a form of consumption of tobacco through a waterpipe delivery system; and
- “waterpipe tobacco product” means a tobacco product, whether flavoured or unflavoured, that is consumed using a single or multi-stemmed waterpipe delivery system including shisha or any of its variants, that contains water or other liquid through which smoke passes and whose content includes molasses, honey, vegetable glycerol, fruit flavours or any similar substance.
- Object of the Rules. **3.** The object of these Rules is to prohibit—
- (a) shisha smoking; and
 - (b) the importation, manufacture, supply, distribution, promotion, sale and use of shisha and any other waterpipe tobacco product in Kenya.

Smoking of shisha and waterpipe tobacco products.

4. A person who smokes, inhales or otherwise consumes shisha or any water pipe tobacco product commits an offence and shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand shillings, or to both.

Importation, manufacture, sale, etc of shisha and other waterpipe tobacco products.

5. (1) A person who—

- (a) imports, manufactures, supplies, sells or offers for sale shisha or any other waterpipe tobacco products;
- (b) knowingly allows the use or consumption of shisha or any other waterpipe tobacco product on premises under their ownership, occupation or management;
- (c) operates or permits the operation of any premises for the purpose of enabling the use or consumption of shisha or any other waterpipe tobacco products; or
- (d) publishes, disseminates, distributes or causes to be published, disseminated or distributed any information where the information promotes the use or consumption of shisha or any waterpipe tobacco product designed to influence consumers based on the perception of reduced harm to the health of the consumer,

commits an offence and shall, on conviction, be liable to imprisonment for a period not exceeding six months or to a fine not exceeding one million shillings or to both.

Enforcement.

6. (1) These Rules shall be enforced by the health authorities of the National and county governments.

(2) For purposes of subrule (1), a health officer shall exercise any or all of the powers conferred upon him or her by the Act.

Revocation of L.N.292/2017.

7. The Public Health (Control of Shisha Smoking) Rules, 2017 are revoked.

Made on the, 2026.

HON. ADEN DUALE,
Cabinet Secretary.

