

ALCOHOL LEGISLATION IN KENYA: Contributing to HIV prevention and management

**PEPFAR Southern & Eastern Africa
Meeting on Alcohol and HIV infection**

Windhoek, Namibia

POLICY CONTEXT:

Excessive alcohol consumption

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- The country has in the last decade experienced heightened consumption of alcohol;
- About 39% of Kenyans aged 15-65 years have used one type of alcohol or another. 13% are current alcohol users; NACADA 2007
- Illicit brews and second generation alcohols are also highly abused;
- Over 15% of 15–64 year olds currently consume traditional brews *i.e* *chang'aa*; NACADA 2007
- From a survey of one of the provinces by NACADA Authority in April 2010, 74% of the respondents indicated that second generation alcohols (alcohols produced by local small scale manufacturers) were highly available, accessible and affordable;
- Nearly 60% of the respondents also reported that in their areas there was alcohol consumption before noon;

POLICY CONTEXT:

Excessive alcohol consumption

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- A significant majority (80.6%) also reported occurrence of alcohol consumption between 12.00 noon and 6.00 pm and past 11 pm (55.9%);
- The country has also experienced harm resultant from excessive consumption and adulteration of alcohol;
- A NACADA analysis in May 2010, indicated that 68% of alcoholic drinks presented for analysis didn't meet the set alcoholic drinks standards (ingredients, alcohol content percentage by volume, packaging, safety, labeling, health warning and certification)
 - Between April and August 2010, over 50 deaths were reported and dozens of alcohol-related blindness.
 - In previous incidences, 50 people died of changa'aa poisoning in Machakos, 2005
 - Close to 512 persons admitted at the Kenyatta National Hospital suffering changa'aa poisoning in November, 2000

POLICY CONTEXT:

Alcohol & HIV and AIDS

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- Reports indicate that a considerable global burden of disease is attributable to alcohol abuse.
- These include HIV and AIDS and mental illnesses
- A study by NACADA in August 2010 on the correlation between Alcohol Abuse and HIV infection showed that:-
 - Alcohol abuse is a major driver of the HIV and AIDS pandemic
 - Alcohol abuse is associated with multiple sex partners and unprotected sexual intercourse.
 - Alcohol dependence and HIV infection have a “symbiotic” relationship. Alcohol dependence is both a risk enhancing behavior and a coping strategy for persons living with HIV.
 - There is likelihood of persons abusing alcohol defaulting on their ART treatment

POLICY CONTEXT:

Alcohol & HIV and AIDS

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- HIV, alcohol and drug abuse have far reaching effects on individuals, families and societies thereby slowing down the country's development process.
- Reduction in alcohol abuse contributes to:-
 - ▣ Reduced incidences of risky sexual behavior
 - ▣ Reduced incidences of HIV infection
 - ▣ Adherence to ART treatment for HIV positive persons

Description of legislative intervention

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- Unregulated alcohol has the potential to harm and wash down the country's hard earned social, economic and political achievements.
- Towards regulating the alcohol industry, the Government enacted the Alcoholic Drinks Control Act, 2010 in August 2010
- The Act's main objective is to control the production, sale and consumption of alcoholic drinks
- Seeks also to mitigate the negative health, social and economic impact resulting from the abuse of alcoholic drinks.
- Contains important measures that will greatly reduce the harm caused by excessive consumption of alcohol.

Overview of the Alcoholic Drinks Control Act, 2010: Notable Provisions

- **Section 4:** Government will undertake research, documentation and dissemination of relevant information on alcoholic drinks.
- **Section 5:** Establishment of the Alcoholic Drinks Control Fund which will draw funds from licenses and fees payable under the Act.
- **Section 8:** Establishment of District Alcoholic Drinks Regulation Committee to oversee licensing of alcohol selling outlets.
- **Section 12:** Demarcation of alcohol selling points in supermarkets and related chain stores; prohibits sale of alcoholic drinks to persons below 18 years; retailers to mount a ‘no sale to minors’ sign
- **Section 22:** An outlet may refuse entry or expel a person who is drunk and disorderly or violent.
- **Section 23** provides that no suit shall be maintainable to recover any debt alleged or arising from the sale of any alcoholic drink.

Overview of the Alcoholic Drinks Control Act, 2010: Notable Provisions

- **Section 24:** Persons below 18 shall not be allowed to enter areas where alcoholic drinks are manufactured, stored or consumed.
- **Section 27:** legalises the production and sale of *chang'aa*. The production and consumption of *chang'aa* was previously illegal. The Act therefore repeals the *Chang'aa* Prohibition Act thereby enabling the Government to regulate its production, sale and consumption.
- **Section 32:** All alcoholic drink packages to bear the content of the drink and a health warning message.
- **Section 38:** No person shall sell any alcoholic drink that is adulterated,
- **Section 43:** Prohibits false promotion of alcoholic drinks.
- **Section 63** provides that the Government shall provide public awareness on the health consequences, addictive nature and mortal threat posed by excessive alcoholic drink consumption

Overview of the Alcoholic Drinks Control Act, 2010: Notable Provisions

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Hours of operation for alcohol selling premises:

General Retail Alcoholic drink License

- From Monday to Friday during the hours of 5.00 p.m. to 11.00 p.m.
- Weekends and public holidays during the hours of 2:00 pm to 11:00 p.m.

Supermarket or franchised retail stores

- Authorized to sell any day of the week between 10.00am and 8:30 p.m.

Hotel Alcoholic drink License

- Authorized to sell any day of the week to a lodger for his own and his guest's consumption on the premises, at any hour.

Restaurant Alcoholic drink License

- Authorized any day of the week to persons taking meals in the restaurant,
- Authorized to sell from Monday to Friday between 5.00 p.m. and 11.00 p.m.
- Weekends and public holidays between 2.00pm and 11.00pm.

Overview of the Alcoholic Drinks Control Act, 2010: Notable Provisions

Hours of operation for alcohol selling premises:

- The hours are realistic and aimed at curbing excessive consumption of alcohol.
- The rules are currently in force.
- The different categories of licenses form the basis of enforcement as each license stipulates the hours of operation.
- Business owners have raised concern on reduced sales and possible downsizing of staff.
- The public and opinion leaders have immensely supported the restrictions.

What has worked: contribution to HIV prevention, control and mitigation

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1. Restriction on drinking hours

This has:-

- ¹Reduced the overall alcohol consumption
- ¹Increased workforce as persons have up to 5pm to engage in productive activities i.e farming
- Reduced risky sexual behaviors due to less drunkenness

2. Underage drinking

- Restriction on sale and access of alcoholic drinks by minors has reduced the youth's debut into alcohol which predisposes them to HIV infection

¹NACADA Authority's assessment on the implementation of the Alcoholic Drinks Control Act, 2010 in eight districts, December 2010

What has worked: contribution to HIV prevention, control and mitigation

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3. Packaging and labeling

- Increased public's awareness on the dangers of alcohol use especially by persons on ART

4. Rules on promotion

- Vulnerable persons are protected from deceptive promotion of alcoholic drinks that are likely to trigger/encourage drinking

Challenges

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- Resistance from industry players
- Resistance from consumers
- Weak regulatory/enforcement framework
- The link between alcohol abuse and HIV is unappreciated
- A complacent society

Actions to address the challenges

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- Engaged stakeholders in the implementation process
- Regularly informing the public of the Act's provisions and the benefits thereof
- Engagement of law enforcement agencies in supporting the implementation of the Act, through:-
 - Sensitization workshops on the Act's provisions. Currently, all relevant senior law enforcement Officers at National and District level have been sensitized.
 - Coast Province law enforcement officers sensitized on drug abuse and HIV/AIDS through a UNODC supported program
 - Organized consultative forums with respective agencies/departments
 - Undertaking a Rapid Results Initiative (100 days) with law enforcement agencies to speed up the implementation of the Act.
- Undertaking research to inform possible interventions

Results and Evaluation

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- Variance on revenue collected from the alcohol industry. This to indicate levels of alcohol consumption in the country, either low/high
- Quantitative surveys documenting the country's alcohol prevalence
- Feedback on alcohol consumption from consumers and other relevant players

Key Consideration for replication

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- Researches on the various linkages between alcohol abuse and HIV prevention and management
- Regional alcohol regulation for sustainable development i.e East African Community
- Legalization of illicit/traditional brews to improve on standards and reduce resultant harm

THANK YOU