



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, OCTOBER 25, 2018**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Speaker
4. **PETITIONS**

The following Petitions were conveyed:

- (i) By the Speaker–

“Honourable Members,

Standing Order 225(2)(b) requires that the Speaker reports to the House any Petition other than those presented through a Member. I therefore wish to convey to the House that my office has received a Petition from one Peter MugoMukua regarding amendment of the Constitution to include 9<sup>th</sup> March as a National Peace Day.

The Petitioner is seeking that the House amends Article 9(3) of the Constitution so as to include 9<sup>th</sup> March as a Public holiday to celebrate National Peace Day. The Petitioner avers that the event witnessed on 9<sup>th</sup> March, 2018 following the historic handshake between H.E. the President, Hon. Uhuru Kenyatta and the former Prime Minister, the Rt. Hon. RailaAmolloOdinga after the contested Presidential Elections in 2017 marked a renaissance in the country’s history.

Honourable Members, the Petitioner further contends that, for decades, peace in Kenya had been elusive hence the recent handshake would be a gateway to a greater cohesion, peaceful co-existence, tranquility and a sense of nationhood. Of great importance is the concerted effort by both Government and opposition towards achievement of the big four agenda and realization of the desired socio-economic and political development in the country.It is against this premise that the Petitioner prays that the National Assembly through the relevant Departmental Committee amends Article 9(3) of the Constitution to include National Peace Day as a National holiday to be observed on 9<sup>th</sup> March annually.

Honourable Members, this Petition therefore stands committed to the Departmental Committee on Justice and Legal Affairs for consideration. The Committee is requested to consider the Petition and report its findings to the House and petitioners in accordance with Standing Order 227(2).

Thank you”.

- (ii) By the Member for Kilifi North (Hon. Owen YaaBaya) regarding the Mazruitrust land in Kilifi North.

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227.

5. **PAPERS LAID**

The following Papers were laid on the Table –

**(a)** The East African Community (EAC) Customs Regulations from the EAC as follows:-

- (i) Legal Notice No. 57 of 2018 on Approved measures on Import Duty Rates in the EAC Common External Tariff;
- (ii) Legal Notice No. 58 of 2018 on Approved Duty Remission on Raw Materials and Inputs;
- (iii) Legal Notice No. 59 of 2018 on Stay of Application of the conditions contained in Legal Notice EAC /39/2013 of 30th June, 2013 on duty remission for motorcycle assembly for one year;
- (iv) Legal Notice No. 60 of 2018 on Revocation of the conditions contained in Legal Notice No. EAC/32/2016 of 30th June, 2016 on duty remission for sugar for industrial Use;
- (v) Legal Notice No. 61 of 2018 on Approved Duty Remission on Raw Materials and inputs for Uganda;
- (vi) Legal Notice No. 62 of 2018 on Approved Duty Remission on raw materials and Inputs for the manufactures of textile and footwear for Uganda;
- (vii) Legal Notice No. 63 of 2018 on Approved Duty Remission on Raw Materials and inputs for Rwanda;
- (viii) Legal Notice No. 64 of 2018 on Approved Duty Remission on raw materials and inputs for the manufactures of textile and footwear for Tanzania;
- (ix) Legal Notice No. 65 of 2018 on Stay of Application of EAC CET on raw materials and inputs for manufacture of textile and footwear for Rwanda;
- (x) Legal Notice No. 66 of 2018 on Stay of Application of EAC CET on Telecommunication equipment in Rwanda;
- (xi) Legal Notice No. 67 of 2018 on Approved Duty Remission on Raw Materials and Inputs for Rwanda;
- (xii) Legal Notice No. 68 of 2018 on Amendments to the Fifth Schedule of the EAC Customs Management Act, 2004;
- (xiii) Legal Notice No. 69 of 2018 on Corrigenda to EAC Gazette Vol.AT.1 – No. 8 Legal No. 85 of 30th June, 2017;
- (xiv) Legal Notice No. 70 of 2018 on Approved Kenya Manufacturers and quantities of duplex board and paper for manufacture of text and exercises books to be imported at a duty rate of 0% under duty remission scheme for twelve months;
- (xv) Legal Notice No. 71 of 2018 on Approved Kenya Manufacturers and quantities of Raw Materials for manufacture of Solar panels to be imported at a duty rate of 0% under Duty Remission Scheme for twelve months;
- (xvi) Legal Notice No. 72 of 2018 on Approved Kenya manufacturers and quantities of sugar for industrial use to be imported at a duty rate of 10% under duty remission scheme for twelve months;
- (xvii) Legal Notice No. 73 of 2018 on Approved Kenya manufacturer and quantities of glucose to be imported at the rate of 0% under duty remission scheme for twelve months;

- (xviii) Legal Notice No. 74 of 2018 on Approved Kenya Manufacturers and quantities of inputs for manufacture of leaf springs, bolts and nuts to be imported at a duty rate of 0% under duty remission scheme for twelve months;
- (xix) Legal Notice No. 75 of 2018 on Approved Kenya Manufacturer and quantities of inputs for manufacture of matches to be imported at a duty rate of 0% under Duty Remission Scheme for twelve months;
- (xx) Legal Notice No. 76 of 2018 on Approved Kenya Manufacturers and quantities of raw materials for manufacture of goods for export to be imported at a duty rate of 0% under duty remission scheme for twelve months;
- (xxi) Legal Notice No.77 of 2018 on Approved Kenya Manufacturer and quantities of inputs for the manufacture of filters to be imported at a duty rate 0% under duty remission scheme for twelve months; and
- (xxii) Legal Notice No. 78 of 2018 on Approved Kenya manufacturers and quantities of duplex board to be imported at a duty rate of 0% under duty remission scheme for twelve months.

**(b)** The Reports of the Auditor-General and Financial Statements in respect of the following **Institutions** for the year ended 30<sup>th</sup> June, 2017 and the certificates therein: -

- (i) National Transport and Safety Authority;
- (ii) Veterinary Services Development Fund;
- (iii) The Office of the Attorney General and Department of Justice; and
- (iv) Kenya Railways Corporation.

**(c)** The Reports of the Auditor-General and Financial Statements in respect of the following **Constituencies** for the year ended 30<sup>th</sup> June, 2017 and the certificates therein: -

- (i) Kaiti;
- (ii) Masinga;
- (iii) Kasarani;
- (iv) Makueni;
- (v) Westlands; and
- (vi) Kibra.

*(The Leader of the Majority Party)*

**(d)** The Reports of the Select Committee on National Government Constituencies Development Fund on:

- (i) Constituency Digital Innovation Hubs during a Joint Retreat with National Government Constituencies Development Fund Board and Ministry of Information, Communication and Technology held at Swahili Beach, Kwale County from 25<sup>th</sup> to 28<sup>th</sup> May, 2018; and,
- (ii) the Scandinavian Engagement with Green Energy and Sustainable Regional Development held in Copenhagen, Denmark from 12<sup>th</sup> to 18<sup>th</sup> August, 2018.

*(Vice-Chairperson, Select Committee on  
National Government Constituencies Development Fund)*

**(e)** Reports of the Departmental Committee on Justice and Legal Affairs on: -

- (i) Petition by Mr. Geoffrey OtienoOgola to amend the Constitution of Kenya to establish an elected Jury and end the exercise of sovereign power of the people by Judicial Officers in contravention of Article 1 Clause 2 of the Constitution; and

- (ii) Petition by Dr. Gibson MachangaMareka to amend Articles 81, 138, 144, 145 and 148 of the Constitution of Kenya.

*(Chairperson, Departmental Committee on Justice and Legal Affairs)*

- (f)** The Reports of the Departmental Committee on Communication, Information and Innovation on -
- (i) The Google Internet Academy held in Wolmar, Mauritius on 7<sup>th</sup> to 9<sup>th</sup> March, 2018;
  - (ii) The 2<sup>nd</sup>Artificial Intelligence for Good Global Summit held at ITUHeadquarters in Geneva, Switzerland on 15<sup>th</sup> to 17<sup>th</sup>May 2018;
  - (iii) The National Broadcasters Show held in Las Vegas, Nevada, USAfrom 7<sup>th</sup> to 12<sup>th</sup>April, 2018;
  - (iv) The World Summit on the Information Society (WSIS) Forum held in Geneva, Switzerland on 19<sup>th</sup> to 23<sup>rd</sup>March 2018; and,
  - (v) The Global System Mobile Association World Congress held in Barcelona, Spain on 26<sup>th</sup>February to 1<sup>st</sup>March, 2018.

*(Chairperson, Departmental Committee on Communication, Information and Innovation)*

6. **NOTICES OF MOTION**

The following Notice of Motion was given–

- *Hon. Prof. Ogutu Abel – Member, Select Committee on National Cohesion and Equal Opportunity -*

**THAT**, notwithstanding the provisions of section 3 of the First Schedule of the National Cohesion and Integration Act, 2008, and pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, 2011, this House resolves to extend the period for recruitment of Commissioners to the National Cohesion and Integration Commission by a further period of **fourteen (14) days** from 2<sup>nd</sup> November, 2018.

7. **QUESTIONS**

**(a)** The following Questions were asked –

- (i) Question No.053/2018 by the Member for Nakuru Town (Hon. David Gikaria) regarding payment of retirement benefits to Mr. David GicheruKinuthia.; Question referred to the Departmental Committee on Labour and Social Welfare.
- (ii) Question No.057/2018 by the Member for Kwale County (Hon. Zuleikha Hassan) regarding title deeds on ancestral lands; Question referred to the Departmental Committee on Lands.
- (iii) Question No.067/2018 by the Member for Mandera East (Hon. Omar Mohamed Maalim) regarding residents affected by the border wall between Kenya and Somalia; Question referred to the Departmental Committee on Defence and Foreign Relations.

- (iv) Question No.079/2018 by the Member for Bomet Central (Hon. Ronald Tonui) regarding awarding of tender for construction of buildings for Bomet University College; Question referred to the Departmental Committee on Education and Research.
- (v) Question No.104 by the Member for Kwanza (Hon. Ferdinand Wanyonyi) regarding number of teachers who lost their lives in North Eastern Counties in the last five years; Question referred to the Departmental Committee on Education and Research.
- (vi) Question No.107/2018 by the Member for Igembe Central (Hon. IringoKubai) regarding gazettelement of the Miraa Task Force Report Implementation Committee; Question referred to the Departmental Committee on Agriculture and Livestock.
- (vii) Question No.109/2018 by the Member for Tharaka (Hon. George Gitonga) regarding livestock theft in Tharaka Constituency and access to Meru national Park by livestock bandits; Question referred to the Departmental Committee on Environment and Natural Resources.
- (viii) Question No.112/2018 by the Member for Kuria East (Hon. MarwaMaisori) regarding compensation for the late John Merengo; Question referred to the Departmental Committee on Environment and Natural Resources.
- (ix) Question No.124/2018 by the Member for Starehe (Hon. Charles Njagua) regarding influx of foreigners in the country and their access to jobs meant for locals; Question referred to the Departmental Committee on Administration and National Security.
- (x) Question No.126/2018 by the Member for Embakasi Central (Hon. Benjamin Mwangi) regarding increased cases of insecurity in Kayole, Embakasi Central Constituency; Question referred to the Departmental Committee on Administration and National Security.

**(b)** The following Question was deferred –

- (i) Question No.113/2018 by the Member for North Mugirango (Hon. Joash N.Nyamoko) regarding loss of property and disruption of learning in four schools: Kea and Etono boarding primary schools; and Misambi and St. Francis Gekendo Secondary schools, investigations into the causes of the fires, assistance to the affected families and any mechanisms in place by the Ministry to ensure such incidences are eradicated.

## 8. **STATEMENTS**

The following Statements were made -

- (i) By the Leader of the Majority Party regarding the Business of the House for the week commencing Tuesday, November 06, 2018 pursuant to the provisions of Standing Order 44(2)(a);

- (ii) By the Hon. Junet Mohamed (Suna East) requesting for a Statement regarding the implementation of section 65 of the Finance Act, 2018 pursuant to the provisions of Standing Order 44(2)(c);

*(The Speaker directed the Chairperson of the Departmental Committee on Finance and Planning to issue a response on Thursday, November 08, 2018 - Afternoon)*

- (iii) By the Hon. Alois Lentoimanga (Samburu North) regarding delays in the disbursement of funds to the National Government Constituencies Development Fund; and

- (iv) By the Vice Chairperson of the Select Committee on National Government Constituencies Development Fund, Statement on allocation of National Government Constituencies Development Funds for the Financial Year 2018/2019.

9. **PROCEDURAL MOTION – EXTENSION OF SITTING TIME**

Motion made and question proposed -

**THAT**, pursuant to the provisions of Standing Order 30(3)(a), this House resolves to extend the sitting time of the House until conclusion of business appearing as Order 9 on today's Supplementary Order Paper.

*(The Leader of the Majority Party)*

Question put and agreed to.

10. **MOTION - EXTENSION OF THE PERIOD FOR RECRUITMENT OF COMMISSIONERS TO THE NATIONAL COHESION AND INTEGRATION COMMISSION (NCIC)**

Motion made and question proposed

**THAT**, notwithstanding the provisions of section 3 of the First Schedule of the National Cohesion and Integration Act, 2008, and pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, 2011, this House resolves to extend the period for recruitment of Commissioners to the National Cohesion and Integration Commission by a further period of **fourteen (14) days** from 2<sup>nd</sup> November, 2018.

*(Hon. Prof. Ogutu Abel, Member, Select Committee on National Cohesion and Equal Opportunity)*

Question put and agreed to.

11. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The Deputy Speaker in the Chair

**The Health Laws (Amendment) Bill (National Assembly Bill No.14 of 2018)**

**(1) PROVISIONS RELATING TO THE NURSES ACT, CAP. 257-**

Proposed amendment to the Schedule

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to paragraph 2(2) of the Schedule.

*(Chairperson, Committee on Health)*

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to paragraph 2(2) of the Schedule, as further amended **agreed to.**

**NEW SECTIONS**

Proposed New Section 1

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new proposed amendment immediately before the proposed amendments to section 2-

s. 1 Insert the words "and Midwives" immediately after the word "Nurses".

*(Chair, Departmental Committee on Health)*

Motion made and Question proposed -

THAT, the Proposed New Section 1 be read a Second Time

Debate arising;

Question put and agreed to.

Question proposed -

THAT, the Proposed New Section 1 be part of the Bill

(No.100)

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(945)

Debate arising;

Question of the further amendment put and agreed to

Proposed New Section 1 **agreed to.**

**(2) PROVISIONS RELATING TO THE KENYA MEDICAL TRAINING COLLEGE ACT, CAP. 261-**

Proposed amendment to the Schedule

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to section 2, by deleting the words “in charge of” appearing in the definition of the term “Cabinet Secretary” and substituting therefor the words “responsible for”;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 2, as further amended **agreed to.**

Proposed amendment to Sections 3(1)(b) & 4(1) - **agreed to.**

Proposed amendment to Section 4(2)

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 4(2) and substituting therefor the following new proposed amendment-

s. 4(2) Delete and substitute therefor the following new subsection-

“(2) The common seal of the College shall be kept in the custody of the Corporation Secretary and shall be authenticated by the signature of the Chief Executive Officer.”

*(Chairperson, Committee on Health)*

Question of the further amendment proposed,

Debate arising;



Question of the further amendment put and agreed to

Amendment to Section 4(2), as further amended **agreed to.**

Proposed amendment to Sections 4(3), 5(1) & (2.)& 7(a)- **agreed to.**

Proposed amendment to Section 7(b)

Further amendment proposed;

THAT,the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 7(b)-

- (c) Delete the words “constituent training centre” and substitute therefor the word “campus”

*(Chairperson, Committee on Health)*

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 7(b), as further amended **agreed to.**

Proposed amendment to Section 7(d)

Further amendment proposed;

THAT, theSchedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 7(d)-

- (e) Delete the word “Board” and substitute therefor the word “Council”

*(Chairperson, Committee on Health)*

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 7(d), as further amended **agreed to.**

Proposed amendment to Sections 7(i) & (j)- **agreed to.**

Proposed amendment to Sections 8- **agreed to.**

Proposed amendment to Section 8(1)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 8(1)-

- (i) in the opening sentence, by inserting the words “who shall be the Secretary to the Board” immediately after the words “Chief Executive Officer”;
- (ii) in the proposed new paragraph (a), by inserting the word “masters” immediately after the words “hold a”;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed new section 8-

- (i) by deleting the opening sentence in the proposed new subsection (1) and substituting therefor the following new opening sentence-  
“(1) There shall be a Chief Executive Officer who shall be appointed by the Board and will be eligible for re-appointment upon satisfactory performance, and who shall have the following minimum qualifications-”

*(Hon. Daniel Maanzo)*

Proposed further amendment dropped.

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed new section 8 by deleting the opening sentence in the proposed new subsection (1) and substituting therefor the following new opening sentence-

- “(1) There shall be a Chief Executive Officer who shall be appointed by the Board and will be eligible for re-appointment upon satisfactory performance, and who shall have the following minimum qualifications-”

*(Hon. Ondieki Miruka)*

Proposed amendment dropped.

Amendment to Section 8(1), as further amended **agreed to.**

Proposed amendment to Sections 8(2)- **agreed to.**

Proposed amendment to Section 8(3)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 8(3), by inserting the words “business development and” immediately before the word “resource” appearing in the proposed new paragraph (d);

*(Chairperson, Committee on Health)*

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 8(3), as further amended **agreed to.**

Proposed amendment to Section 8(4)

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 8(4) and substituting therefor the following new amendment-

- s. 8(4) Delete and substitute therefor the following new subsection-
- “(4) The Chief Executive Officer shall hold office for a term of four years and shall be eligible for reappointment for one further term of four years subject to satisfactory performance of duties.”

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 8(4), as further amended **agreed to.**

Proposed amendment to Section 8(5)

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 8(5) and substituting therefor the following new amendment-

- s. 8(5) Delete and substitute therefor the following new subsection-  
“(5) There shall be a Corporation Secretary to the Board who shall be appointed by the Board, on such terms and conditions of service as the Board may determine.”

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Further amendment proposed –

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to subsection (5) and substituting therefor the following new amendment-

- (5) Delete and substitute therefor the following new subsection-  
“(5) The Board shall appoint a corporation secretary, who shall be the secretary to the Board, on such terms and conditions of service as the Board may determine.”

*(Hon. Daniel Maanzo)*

Proposed amendment dropped.

Further amendment proposed –

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to subsection (5) and substituting therefor the following new amendment-

- (5) Delete and substitute therefor the following new subsection-  
“(5) The Board shall appoint a corporation secretary, who shall be the secretary to the Board, on such terms and conditions of service as the board may determine.”

*(Hon. OndiekiMiruka)*

Proposed amendment dropped.

Amendment to Section 8(5), as further amended **agreed to.**

Proposed amendment to Section 9- **agreed to.**

Proposed amendment to Section 9(1)

Further amendment proposed;

THAT, the Schedule to the Bill be amended by –

(a) deleting the proposed amendment to section 9(1) and substituting therefor the following new amendment–

s. 9(1) Delete and substitute therefor the following new subsection–

**9.** (1) The Board shall comprise the following–

- (a) a chairperson appointed by the President who shall–
  - (i) have a minimum of a bachelors’ degree in a relevant field from a university recognised by the Board; and
  - (ii) have at least ten years’ experience in leadership and management;
- (b) the Chief Executive Officer who shall be an ex-officio member;
- (c) the Principal Secretary in the Ministry for the time being responsible for health or their designated representative;
- (d) the Principal Secretary in the Ministry for the time being responsible for national treasury or their designated representative
- (e) the Director General of Health or their designated representative;
- (f) three independent members appointed by the Cabinet Secretary taking into consideration gender balance, regional balance and skills mix; and
- (g) one person with knowledge and expertise in finance or audit appointed by the Cabinet Secretary.

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 9(1), as further amended **agreed to**.

Proposed New Subsections after Section 9 (1) - amendment proposed –

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new subsections in section 9–

- (i) by deleting the word “chairman” wherever it appears in the proposed new subsection (1B) and substituting therefor the word “chairperson”;
- (ii) by deleting the word “chairman” appearing in the proposed new subsection (1D) and substituting therefor the word “chairperson”;
- (iii) by deleting the word “chairman” appearing in the proposed new subsection (1E) and substituting therefor the word “chairperson”;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to New Sections after Section 9(1), as further amended **agreed to.**

Proposed amendment to Section 9(2)- **agreed to.**

Proposed amendment to Section 9(3)

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 9(3) and substituting therefor the following new amendment-

s. 9(3) Delete and substitute therefor the following new subsection-

“(3) The office of a member of the Board of Directors shall become vacant-

(a) if, not being an ex officio member-

(i) he resigns from office by writing to the appointing authority;

(ii) he is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;

(iii) he is absent, without permission of the Board of management, from three consecutive meetings;

(b) if the Board of Management is satisfied that such member is, by reason of physical or mental infirmity, unable to exercise the functions of his office;

(c) upon death;

(d) upon adjudication of bankruptcy by a court of competent jurisdiction;

(e) upon conviction of an offence related to fraud; or

(f) upon the conviction for offence under this Act.”

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 9(3), as further amended **agreed to.**

Proposed amendment to Sections 9(4) & (5)- **agreed to.**

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed new section 9A;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to New Section 9A, **deleted**

Proposed amendment to Sections 10(1)- **agreed to.**

Proposed amendment to Section 10(2)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 10(2), by deleting the word “Board” appearing in the proposed new paragraph (f) and substituting therefor the word “Council”;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 10(2), as further amended **agreed to.**

Proposed amendment to Section 11

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 11-

- (i) in the proposed new paragraph (1)(b), by deleting the word “the” and substituting therefor the word “four”;
- (ii) by deleting the proposed new paragraph (1)(c) and substituting therefor the following new paragraph-
  - (c) one head of the faculties of the College appointed by the Board;
- (iii) by deleting the proposed new paragraph (1)(d) and substituting therefor the following new paragraph-

**(c)** one head of each campus appointed by the Board;

(iv) by deleting the proposed new subsection (3) and substituting therefor the following new subsection-

“(3) Notwithstanding any other provision of this Act, the Board of Directors shall not initiate any action in respect of any of the matters mentioned in subsection (2) (a), (b) or (c), except upon receipt of a report or proposal of the Academic Council thereunder and except in consultation with the Academic Council.”

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 11, as further amended **agreed to**.

Proposed amendments to Sections 12(2),13(1)(2)(3)(4), 5(a) & 6- **agreed to**.

Proposed amendment to Section 14(1)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 14(1), by deleting the word “may” and substituting therefor the word “shall”;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 14(1), as further amended **agreed to**.

Proposed amendment to Section 14(2)

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 14(2) and substituting therefor the following new amendment-

s. Delete and substitute therefor the following new subsection-

14(2) “(2) In the event of the simultaneous incapacity of the Chief Executive Officer and the Deputy Directors, the Cabinet Secretary, after consultation with the Board of Directors, shall appoint a member of the Academic Council to perform the functions of the Chief Executive Officer during such incapacity.”

*(Chairperson, Committee on Health)*



Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 14(2), as further amended **agreed to**.

Proposed amendment to Sections 14(3)- **agreed to**.

Proposed amendment to Section 16(1)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 16(1), by deleting the second proposed amendment;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 16(1), as further amended **agreed to**.

Proposed amendment to Sections 16(2), 17(1), 17(2)(f) & 17(3)- **agreed to**.

Proposed amendment to Section 17(4)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 17(4), by deleting the words “a college” appearing in the proposed new subsection (5) and substituting therefor the words “the College”;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 17(4), as further amended **agreed to**.

Proposed amendments to Sections 18(1), (2), (3) & 19(1)- **agreed to.**

Proposed amendment to Section 19(2)

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 19(2) and substituting therefor the following new amendment-

s. Delete.

19(2)

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 19(2), as further amended **agreed to.**

Proposed amendments to Sections 19(3), 19(4) & 20(1)- **agreed to.**

Proposed amendment to Section 20(2)

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to section 20(2) and substituting therefor the following new amendment-

s. Delete and substitute therefor the following new subsection-

20(2)

“(2) Any person who, except with the written consent of the Board of Directors, uses the words “Kenya Medical Training College” in furtherance of, or as, or in connection with, any advertisement for any trade, business, calling or profession commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.”

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 20(2), as further amended **agreed to.**

Proposed amendments to Sections 21, 22(8) & (9)- **agreed to.**

Proposed amendments to Schedule - **agreed to.**

*(Change of Chair from the Chairperson to the Second Chairperson)*

**(3) PROVISIONS RELATING TO THE NUTRITIONISTS AND DIETICIANS ACT, NO. 18 OF 2007-**

Proposed amendment to Section 2

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 2-

- (i) by inserting the words “records of” immediately after the word “keeping” in the definition of the term “indexing”;
- (ii) in the definition of the term “internship”, by deleting the expression “s specialized are” and substituting therefor the words “a specialized area”;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 2, as further amended **agreed to.**

Proposed amendment to Section 3

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 3, by deleting the proposed new subsection (2) and substituting therefor the following new subsection-

“(2) Notwithstanding any other provisions of this Act, a person registered and licensed under this Act shall engage in private practice only if he holds a diploma or a degree and has completed one-year internship or has a minimum three years’ experience in nutrition and dietetics.”

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 3, as further amended **agreed to.**

Proposed amendment to Section 5(2)

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 5(2) and substituting therefor the following new amendment-

s. 5(2) Delete and substitute therefor the following new subsection-

- (2) The Council shall consist of-
- (a) a chairperson who shall be appointed by the Cabinet Secretary and who shall-
    - (i) be a holder of a bachelors' degree in nutrition or dietetics; and
    - (ii) have at least ten years of professional experience after the first degree of which two years shall be at leadership and managerial level;
  - (b) one qualified nutritionist or dietician professional with a minimum of a diploma in good standing from private practice who shall be appointed by the Cabinet Secretary;
  - (c) the Director of Nutrition and Dietetics Services in the Ministry responsible for health or their designated representative;
  - (d) one representative of the Consumers Federation of Kenya, who shall be a holder of at least a Bachelors' degree;
  - (e) one representative of faculties teaching nutrition and dietetics at public universities who shall be competitively sourced and who shall be a holder of at least a Masters' degree;
  - (f) one representative from public and private middle level colleges, offering courses in nutrition or dietetics;
  - (g) the Director General for health or their designated representative;
  - (h) one member with technical knowledge and competencies on finance who shall be appointed by the Cabinet Secretary; and
  - (i) the Chief Executive Officer as an ex-officio member.

*(Chairperson, Committee on Health*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 5(2), as further amended **agreed to**.

Proposed amendment to Section 5(4)

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed new subsections after section 5(4) and substituting therefor the following new amendment-

New

Insert the following new subsections immediately after subsection

subsections

(4)–

“(5) Pursuant to nominations in paragraphs (d), (e) and (f) of subsection (2), each organization shall present two nominations one of whom will be appointed by the Cabinet Secretary taking into account ethnic diversity, gender disability, skill mix and regional balance.

(6) The appointments under subsection (2) shall consider gender, regional and ethnic balance.

(7) The Council shall establish a maximum of four committees to deal with matters of training, registration, finance and human resource, audit and risk policies management for proper administration of the Act, but may establish such other ad hoc committees as may be necessary to carry out the functions of the Council.

(8) The Council shall regulate its own procedures in accordance with the First Schedule.”

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 5(4), as further amended **agreed to**.

Proposed amendments to Section 6- **agreed to**.

Proposed amendment to Section 7

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new section 7, by deleting the words “ad hoc”;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 7, as further amended **agreed to**.

Proposed amendment to Section 8

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new section 8, by inserting the words “the Council in consultation with the” immediately after the words “from time to time by”.

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 8, as further amended **agreed to.**

Proposed amendment to Section 9

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new section 9–

- (i) by deleting the word “appointed” appearing in the proposed new subsection (1) and substituting therefor the word “recruited”;
- (ii) by deleting the word “five” appearing in the proposed new subsection (3) and substituting therefor the word “four”;
- (iii) in the proposed new subsection (4), by deleting the words “and in consultation with the council shall be spokesperson of the Institute”;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 9, as further amended **agreed to.**

Proposed amendments to Section 9A- **agreed to.**

Proposed amendment to Section 12

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 12 and substituting therefor the following new amendment–

- s. 12 Delete the word “Board” wherever it appears and substitute therefor the word “Committee”.

*(Chairperson, Committee on Health)*

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 12 as further amended **agreed to.**

Proposed amendment to Section 13

Further amendment proposed;

**THAT**, the Schedule to the Bill be amended in the proposed new section 13-

- (i) by deleting the word “may” appearing in the opening sentence;
- (ii) by deleting the proposed new paragraph (f) and substituting therefor the following new paragraph-
  - (f) develop regulations for internship programmes for students of nutrition and dietetics during pre-service training;

*(Chairperson, Committee on Health)*

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 13 as further amended **agreed to.**

Proposed amendments to Sections 14, 15, 16(c), 17(1), 19(1), 19(2), 19(3),

19(5), 21(1) & 25(1) - **agreed to.**

Proposed amendment to Section 25(2)

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to section 25(2) and substituting therefor the following new amendments-

- s. 25(2) Delete paragraph (c) and substitute therefor the following new paragraph-
  - (a) one member of the Accreditation Committee;
 Delete the word “Board’ appearing in paragraph (e) and substitute therefor the word “Committee”

*(Chairperson, Committee on Health)*

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 25(2) as further amended **agreed to.**

Proposed amendment to Section 25(2B)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new subsection (2B) of section 25, by inserting the words “Council in consultation with the” immediately after the words “determined by the”.

*(Chairperson, Committee on Health)*

Question of the amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendment to Section 25(2B) as further amended **agreed to.**

Proposed amendments to Sections 23(3) - **agreed to.**

Proposed amendment to New Section 25(6)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new subsection (6) of section 25, by deleting the word “instate” and substituting therefor the word “Committee”;

*(Chairperson, Committee on Health)*

Question of the amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendments to New Section 25(6) as further amended **agreed to.**

Proposed amendments to Sections 27(a)& (c), - **agreed to.**

Proposed amendments to Sections 27A, - **agreed to.**

Proposed amendments to Section 30

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new section 30, by inserting the following new subsection immediately after subsection (4)-

(5) The annual accounts of the Council shall be prepared, audited and reported upon, in accordance with the provisions of Articles 226 and 229 of the Constitution and the law relating to public audit.

*(Chairperson, Committee on Health)*

Question of the amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendments to Section 30, as further amended **agreed to.**



Proposed amendments to Sections 38 & 39 - **agreed to.**

**New Sections**

New Section 31 proposed –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 30–

s. 31 Delete.

*(Chairperson, Committee on Health)*

Motion made and Question proposed –

THAT, the New Section 31 be read a Second Time  
Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Section 31 be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

New Section 31 - **Agreed to**

**Schedules**

Proposed amendments to the First Schedule

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new First Schedule–

(i) by deleting paragraph 3(2)(b);

(ii) by deleting the proposed paragraph 5(e);

*(Chairperson, Committee on Health)*

Question of the amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendments to the First Schedule , as further amended **agreed to.**

Proposed amendments to the Second Schedule - **agreed to.**

**(4) PROVISIONS RELATING TO THE KENYA MEDICAL SUPPLIES AUTHORITY ACT, NO. 20 OF 2013-**

Proposed amendment to Section 5(1)(a)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 5(1)(a) and substituting therefor the following new amendment-

- s. 5(1)(a) Delete and substitute therefor the following new paragraph-
- (a) a chairperson appointed by the President and who shall-
    - (i) have at least a university degree in a relevant discipline;
    - (ii) have at least fifteen years' experience in matters relating to healthcare, business management or public administration;
    - and
    - (iii) satisfy the requirements of Chapter Six of the Constitution.

*(Leader of the Majority Party)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendments to the Section 5(1)(a), as further amended **agreed to.**

Further amendment proposed -

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 5(1)(a) and substituting therefor the following new amendment-

- s. 5(1)(a) Delete and substitute therefor the following new paragraph-
- (b) a chairperson appointed by the President and who shall-
    - (i) have at least a university degree in a relevant discipline;
    - (ii) have at least fifteen years' experience in matters relating to healthcare or business management;
    - (iii) satisfy the requirements of Chapter Six of the Constitution.

*(Chairperson, Committee on Health)*

Proposed further amendment to the further amendment withdrawn by the mover.

Amendments to the Section 5(1)(a), as further amended **agreed to.**

Proposed amendments to the Section 5(1)(a)(2) - agreed to.

*(Change of Chair from the Second to the Fourth Chairperson)*

Proposed amendment to Section 5(1)(a)(e)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 5(1)(e) and substituting therefor the following new amendment-

- s.5(1)(e) Delete and substitute therefor the following new paragraph-
- “(e) three persons recruited and appointed by the Cabinet Secretary, one of whom shall at least hold a degree in pharmacy and two shall be from among persons who-
  - (i) have at least a university degree in a relevant discipline;
  - (ii) have at least ten years’ experience in management or in the health sector; and
  - (iii) satisfy the requirements of Chapter Six of the Constitution.”

*(The Leader of the Majority Party)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Further amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed new paragraph 5(1)(e), by deleting the words “County Governments” and substituting therefor the words “Council of Governors”.

*(Chairperson, Committee on Health)*

Proposed further amendment to the further amendment withdrawn by the mover.

Amendments to the Section 5(1)(e), as further amended **agreed to.**

Proposed amendment to Section 5(2)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 5(2) and substituting therefor the following new amendment-

s.5(2) Delete.

*(The Leader of the Majority Party)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Further amendment proposed –

THAT, theSchedule to the Bill be amended by deleting the proposed amendment to section 5(2) and substituting therefor the following new amendment–

s.5(2) Delete.

*(Chairperson, Committee on Health)*

Proposed further amendment to the further amendment withdrawn by the mover.

Amendments to the Section 5(2), as further amended **agreed to.**

Proposed amendment to Section 5(3)-

Further amendment proposed;

THAT, theSchedule to the Bill be amendedby deleting the proposed amendment to section 5(3) and substituting therefor the following new amendment–

s.5(3) Delete.

*(The Leader of the Majority Party)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Further amendment proposed –

THAT, theSchedule to the Bill be amendedin the proposed new subsection 5(3)–

- (i) by deleting the words “in a relevant discipline” appearing in paragraph (a) and substituting therefor the words “in Pharmacy, Medicine, Business Management, Finance, Supply Chain Management or any other related field from a recognized University”;
- (ii) by deleting the proposed new paragraph (d);

*(Chairperson, Committee on Health)*

Proposed amendment withdrawn by the mover

Amendments to the Section 5(3), as further amended **agreed to.**

Proposed amendments to the Section 8(2)(a) - agreed to.

Proposed amendments to Section 8(3)(b)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 8(3)(b).

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendments to the Section 8(3)(b), as further amended **deleted.**

Proposed amendments to the Section 8(4)- agreed to.

Proposed amendments to Section 9A-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new section 9A-

- (i) by deleting the words “and appointed by the Cabinet Secretary” appearing in the proposed new subsection (1);
- (ii) by deleting the words “shall be the secretary to the Board” appearing in the proposed new subsection (2);

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendments to the Section 9A, as further amended **agreed to.**

Proposed amendments to Section 13(2)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 13(2) and substituting therefor the following new amendment—

s. 13(2) Delete and substitute therefor the following new subsection—  
 “(2) The affixing of the common seal of the Authority shall be authenticated by the signature of the Chief Executive Officer and the Corporation Secretary and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signature of the Chief Executive Officer or the signature of the Corporation Secretary upon delegation by the Chief Executive Officer.”

*(The Leader of the Majority Party)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendments to the Section 13(2), as further amended **agreed to.**

**New Sections**

Proposed New Section 4 –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately before the proposed amendment to section 5(1)(a)–

s. 4           New           Insert the following new subsection immediately after subsection. subsection (2)–

“(3) A national or county public health facility shall, in the procurement and distribution of drugs and medical supplies, obtain all such drugs and medical supplies from the Authority unless–

- (a) such drugs and medical supplies are for the time being not available in the Authority; or
- (b) the prices of such drugs and medical supplies as provided by the Authority exceed the prices offered by other commercial entities.”

*(The Leader of the Majority Party)*

Motion made and Question proposed –

THAT, the New Section 4 be read a Second Time

Debate arising;

Question put and agreed to.

Question proposed –

THAT, the New Section 4 be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section 4 - **Agreed to**

New Section 5(1)(d) proposed –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 5(1)(a)–

s. 5(1)(d) Delete.

*(The Leader of the Majority Party)*

Motion made and Question proposed –

THAT, the New Section 5(1)(d) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Section 5(1)(d) be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section 5(1)(d) - Agreed to

Proposed New Section 5(1)(eb) –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 5(1)(e)–

New Insert the following new paragraph immediately after paragraph  
paragraph 5(1)(e)–

(eb) one person recruited by the Council of Governors and

appointed by the Cabinet Secretary from among persons who-

- (i) have at least a university degree in a relevant discipline;
- (ii) have at least ten years' experience in management or in the health sector; and
- (iii) satisfy the requirements of Chapter Six of the Constitution."

*(The Leader of the Majority Party)*

Motion made and Question proposed –

THAT, the New Section 5(1)(eb) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Section 5(1)(e)(b) be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section 5(1)(eb)- **Agreed to**

Proposed New Section 5(7) -

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 5(3)–

New subsection Insert the following new subsection immediately after subsection (6)–  
“(7) The persons referred to in subsection (1) (e) shall be appointed by the Cabinet Secretary, taking into account regional, gender and skills balance.”

*(The Leader of the Majority Party)*

Motion made and Question proposed –

THAT, the New Section 5(7) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Section 5(7) be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;



Further amendment proposed:-

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 5(3)-

New subsection Insert the following new subsection immediately after subsection (6)-  
“(7) The persons referred to in subsection (1) (e) shall be appointed by the Cabinet Secretary, taking into account regional balance, gender and skills mix.”

Proposed amendment withdrawn by the mover

Proposed New Section 5(7)-**Agreed to**

**(5) PROVISIONS RELATING TO THE COUNSELLORS AND PSYCHOLOGISTS ACT, NO. 14 OF 2014-**

Proposed amendment to Section 2-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Counsellors and Psychologist Act, No. 14 of 2014 by deleting the proposed amendments to Section 2.

*(Hon. Wafula Wamunyinyi)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendments to the Section 2, **deleted.**

Proposed amendment to Section 4(1)(b)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 4(1)(b).

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendments to the Section 4(1)(b), **deleted.**

Proposed amendment to Section 4(1)(e)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 4(1)(e).

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendments to the Section 4(1)(e), **deleted.**

Proposed amendment to Section 4(1)(f)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 4(1)(f).

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Amendments to the Section 4(1)(f), **deleted.**

Proposed amendment to Section 4(5)-

Further amendment proposed;

Proposed amendment to Section 4(5)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 4(5) and substituting therefor the following new amendment-

s. 4(5) Delete the word "five" appearing in paragraph (a) and substitute therefor the word "fifteen"

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Section 4(5) - as amended agreed to

Proposed amendment to Section 4(6) –

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new section 4(6), by deleting the word “shall” appearing immediately after the words “subsection (1)”;

*(Chairperson, Committee on Health)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Amendments to the Section 4(6), as amended **agreed to**

Proposed amendments to the Section 6- agreed to.

Proposed amendment to Section 15 –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to Section 15.

*(Hon. Wafula Wamunyinyi)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Amendments to the Section 15, **deleted**

Proposed amendment to Section 16 –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to Section 16.

*(Hon. Wafula Wamunyinyi)*

Question of the further amendment proposed;

Debate arising;

Question of the further put and agreed to

Amendments to the Section 15, **deleted**

Proposed amendment to Section 16 –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to Section 16.

*(Hon. Wafula Wamunyinyi)*

Question of the further amendment proposed;

Debate arising;

Question of the further put and agreed to

Amendments to the Section 16, **deleted**

Proposed amendment to Section 17 –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to Section 17.

*(Hon. Wafula Wamunyinyi)*

Question of the further amendment proposed;

Debate arising;

Question of the further put and agreed to

Amendments to the Section 17, **deleted**

Proposed amendment to Section 18 –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to Section 18.

*(Hon. Wafula Wamunyinyi)*

Question of the further amendment proposed;

Debate arising;

Question of the further put and agreed to

Amendments to the Section 18, **deleted**

Proposed amendment to Section 19 –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to Section 19.

*(Hon. Wafula Wamunyinyi)*

Question of the further amendment proposed;

Debate arising;

Question of the further put and agreed to

Amendments to the Section 19, **deleted**

Proposed amendment to Section 20 –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to Section 20.

*(Hon. Wafula Wamunyinyi)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Section 20 - deleted

Proposed amendment to Section 21 –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to Section 21.

*(Hon. Wafula Wamunyinyi)*

Question of the further amendment proposed;

Debate arising;

Question of the further put and agreed to

Amendments to the Section 21, **deleted**

Proposed amendment to Section 22 –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to Section 22.

*(Hon. Wafula Wamunyinyi)*

Question of the further amendment proposed;

Debate arising;

Question of the further put and agreed to

Amendments to the Section 22, **deleted**

Proposed amendment to Section 23(a) –

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 23(a), by deleting the words “a masters” and substituting therefor the words “a diploma”.

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 23(a), as amended agreed to

Proposed amendment to Section 23(b) –

Further amendment proposed;

Section 23(b) – amendment proposed –

THAT, the Schedule to the Bill be amended in the proposed amendment to section 23(b), by deleting the words “a masters” and substituting therefor the words “a diploma”

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to  
Amendments to the Section 23(b),as amended agreed to

Proposed amendments to the Section 28(1)- **agreed to.**

**New Sections**

New Section 4(1) proposed –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 2–

- s. 4(1) Delete and substitute therefor the following new subsection–
- (1) The Board shall be composed of–
    - (a) a chairperson appointed by the Cabinet Secretary who shall have–
      - (i) a minimum of a bachelors’ degree in a relevant field; and
      - (ii) at least fifteen years’ experience in counselling or psychology;
    - (b) the Director General of Health or their designated representative;
    - (c) the Principal Secretary in the ministry for the time being responsible for matters relating to finance;
    - (d) two persons, who shall be counsellors or psychologists, representing training institutions appointed by the Cabinet Secretary, of whom–
      - (i) one shall represent middle level colleges; and
      - (ii) one shall represent institutions of higher learning;
    - (e) two persons, one representing counsellors and the other representing psychologists, nominated by registered counsellors and psychologists;
    - (f) one person from minorities and marginalized groups who shall be a counsellor or a psychologist and shall be nominated by the Cabinet Secretary; and
    - (g) the Registrar, who shall be an ex-officio member and the secretary to the Board.

*(Chairperson, Committee on Health)*

Motion made and Question proposed –

THAT, the New Section 4(1) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Section 4(1) be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section 4(1)-Agreed to

New Section 4(7)& (8) proposed –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 4(6)–

New subsections

Insert the following new subsections immediately after subsection (6)–

“(7) Pursuant to nominations in paragraphs (d) and (e) of subsection (1), each organization shall present two nominations one of whom shall be appointed by the Cabinet Secretary.

(8) The members of the Board appointed under paragraphs (d), (e) and (f) of subsection (1) shall hold office for a term of three years and shall be eligible for reappointment in accordance with the procedure set out for one further term.”

*(Chairperson, Committee on Health)*

Motion made and Question proposed –

THAT, the New Sections4(7) & (8) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Sections 4(7) & (8) be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Sections4(7) & (7)-Agreed to

New Section 9(3)proposed –

Further amendment proposed;



THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 6—

s. 9(3) Delete and substitute therefor the following new subsection—

- (3) The Registrar shall serve—
  - (a) according to terms and conditions determined by the Board; and
  - (b) for a term of four years renewable once subject to satisfactory performance.

*(Chairperson, Committee on Health)*

Motion made and Question proposed –

THAT, the New Sections 9(3) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Section 9(3) be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section 9(3) - **Agreed to**

**Schedules**

Proposed amendments to the First Schedule- **agreed to.**

Proposed amendment to Second Schedule –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to the Second Schedule and substituting therefor the following new amendment—

Second  
Schedule

Delete and substitute therefor the following new Schedule—

1. The Board shall establish the following committees for the effective discharge of its functions—
  - (a) Examination and Registration Committee;
  - (b) Continuing Education Committee;
  - (c) Disciplinary Committee; and
  - (d) Finance and Administration Committee.

2. Despite paragraph 1, the Board may establish such other ad

hoc committees as may be necessary for the effective carrying out of the functions of the Board.

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section Schedule,as amended agreed to

Proposed amendments to the Third Schedule - **agreed to.**

### **New Schedules**

New Fourth Schedule proposed –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to the Third Schedule–

Fourth Schedule Delete.

*(Chairperson, Committee on Health)*

Proposed New Fourth Schedule withdrawn by the mover.

### **(6) PROVISIONS RELATING TO THE PHYSIOTHERAPISTS ACT, NO. 20 OF 2014–**

Proposed amendment to Section 2-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 2, by inserting the words “also referred to as physical therapy” immediately after the word “physiotherapy” in the definition of the term “physiotherapy”.

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 2,as amended agreed to

Proposed amendments to the Section 4(2)(e)- agreed to.

Proposed amendments to Section 6(1)da)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed new paragraphs (da) in section 6(1).

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 6(1)(da), **deleted**

Proposed amendments to Section 6(1)(db)-

Further amendment proposed;

THAT, the Schedule to the Bill be amendedby deleting the proposed new paragraphs (db) in section 6(1).

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 6(1)(db), **deleted**

Proposed amendments to Section 13(1)-

Further amendment proposed;

THAT, the Schedule to the Bill be amendedby deleting the proposed amendment to section 13(1).

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 13(1),as amended agreed to

Proposed amendments to Section 19(1)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to section 19(1)-

(i) by deleting the proposed new paragraph (d) appearing in the proposed new subsection (1A);

(ii) by inserting the following new proviso immediately after paragraph (c)-

“unless such institution is established under the Kenya Medical Training College Act, established or accredited under the Universities Act, 2012 or the Technical and Vocational Education and Training Act, 2013, and is approved and recognized by the Council for that purpose in accordance with this Act.”

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 19(1), as amended agreed to

**New Sections**

New Section 6(1)(d) proposed –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 6(1)(b)-

s.6(1)(d) Delete and substitute therefor the following new paragraph-

“(d) one person with disability nominated by the National Council for Persons With Disabilities;”

*(Chairperson, Committee on Health)*

Motion made and Question proposed –

THAT, the New Sections 6(1)(d) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Section 6(1)(d) be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section 6(1)(d)- **Agreed to**

New Section 6(3)& (4) proposed –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately before the proposed amendment to section 13(1)–

New subsections      Insert the following new subsections immediately after subsection 6(2)–

“(3) Pursuant to section 6 (1) (e), the Kenya Society of Physiotherapists shall present two nominees from each of the categories given in (i), (ii), (iii) and (iv), one of whom will be appointed by the Cabinet Secretary taking into account diversity, gender and skills mix and regional balance.

(4) The members of the Council appointed under subsections(1) (a) and (e) shall hold office for a term of three years and shall be eligible for reappointment for one further term.”

*(Chairperson, Committee on Health)*

Motion made and Question proposed –

THAT, the New Sections 6(3) & (4) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Section 6(3) & (4) be part of the Bill

Debate arising;

Question of the amendment put and agreed to;

Proposed New Sections 6(3) & (4) - **Agreed to**

New Section 10(2)proposed –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately before the proposed amendment to section 13(1)-

- s. 10(2) Delete and substitute therefor the following new subsection-
- (2) A person shall not be appointed under this section unless such person-
    - (a) holds a degree in physiotherapy from a university recognized in Kenya and is a Kenyan citizen;
    - (b) is registered as a physiotherapist under this Act; and
    - (c) at least ten years' post qualification working experience.

*(Chairperson, Committee on Health)*

Motion made and Question proposed -

THAT, the New Section 10(2) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed -

THAT, the New Section 10(2) be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section 10(2) - **Agreed to**

New Section 22(3) proposed -

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 19(1)-

- s. 22(3)(a) Insert the words “and in the official Council website” immediately after the words “publish in the Gazette”

*(Chairperson, Committee on Health)*

Motion made and Question proposed -

THAT, the New Section 22(3) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Section 22(3) be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section 22(3) - Agreed to

(7) **PROVISIONS RELATING TO THE HEALTH RECORDS AND INFORMATION MANAGERS ACT, NO. 15 OF 2016–**

Proposed amendment to Section 2-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to section 2–

(i) by deleting the proposed definition of the term “Manager” and substituting therefor the following new proposed definition–

“Manager” means an officer trained in health records and information and charged with the responsibility of managing health records and information for health services which includes–

- (i) consulting in clinical coding;
- (ii) coding for insurance firms;
- (iii) capacity building in disease classifications and health information management;
- (iv) appraisal of medical documentations and audits;
- (v) medical data analytics and research;
- (vi) use of e-health applications;
- (vii) development of strategic documents and policies in health records and information management services;
- (viii) advice on medical legal issues;
- (ix) advice on retrieval and disposal of medical records;
- (x) management of bed bureaus; or
- (xi) consultancy in administrative statistics and big data analytics.

(ii) by deleting the proposed amendment to the definition of the term “Committee”;

*(Chairperson, Committee on Health*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 2, as amended agreed to

Proposed amendment to Section 7(1)(a)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 7(1)(a) and substituting therefor the following new amendment-

- s. Delete and substitute therefor the following new paragraph-
- 7(1)(a) (a) a chairperson appointed by the Cabinet Secretary from among persons nominated from the public sector with knowledge and expertise in health and who shall-
  - (i) have a minimum of a bachelors' degree in a relevant field; and
  - (ii) ten years' relevant experience;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 7(1)(a),as amended agreed to

Amendments to the Section 7(1)(b),agreed to

Section 7(1)(c) - amendment proposed -

Proposed amendment to Section 7(1)(c)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 7(1)(c) and substituting therefor the following new amendment-

- s. Delete and substitute therefor the following new paragraph-
- 7(1)(c) (d) two representatives, one from middle level training colleges and one from universities offering training in health records and information technology;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 7(1)(c),as amended agreed to

Amendments to the Section 7(1)(d),& (e) agreed to



Proposed amendment to Section 7(1)(f)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 7(1)(f).

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 7(1)(f), **deleted**

Amendments to the Section 7(1)(g), agreed to

Proposed amendment to Section 7(1)(h)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 7(1)(h).

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 7(1)(h), **deleted**

Proposed amendment to Section 7(3)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 7(3), by inserting the words “but may establish such other ad hoc committees as may be necessary for the carrying out of the functions of the Board” immediately after the word “functions”;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 7(3), **agreed to**

Amendments to the Section 15(1)(a),agreed to

Proposed amendment to Section 19(1)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 19(1), by inserting the words “or the Technical and Vocational Education and Training Act” immediately after the words “Universities Act” appearing in the proviso;

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 19(1), **agreed to**

Proposed amendment to Section 21(3)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 21(3).

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 21(3), **deleted**

Proposed amendment to Section 24(6)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 24(6).

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 24(6), **deleted**

**New Sections**

New Section 6(1) proposed –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendments immediately after the proposed amendment to section 6(1)(a)–

s.6(1) Delete paragraph (d) and substitute therefor the following new paragraph–

(d) in consultation with institutions offering training on health records and information technology, prescribe syllabuses of instruction;

Delete paragraph (e) and substitute therefor the following new paragraph–

(e) recommend to the Cabinet Secretary the institutions to train in health records and information technology;

Delete paragraph (f) and substitute therefor the following new paragraph–

(f) with the approval of the Cabinet Secretary, make provision for proficiency examination for persons seeking registration or enrolment under this Act.

*(Chairperson, Committee on Health)*

Motion made and Question proposed –

THAT, the New Section 6(1) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Section 6 (1) be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section 6(1) - **Agreed to**

New Section 7(2)proposed -

Further amendment proposed;

THAT, the Schedule to the Bill be amendedby inserting the following new amendment immediately before the proposed amendment to section 7(3)-

- s. 7(2) Delete and substitute therefor the following new subsection-
  - (3) The Registrar shall be the Chief Executive Officer and the Secretary to the Board.

*(Chairperson, Committee on Health)*

Motion made and Question proposed -

THAT, the New Section 7(2) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed -

THAT, the New Section 7(2) be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section 7(2) - **Agreed to**

New Section 7(5) proposed -

Further amendment proposed;

THAT, the Schedule to the Bill be amendedby inserting the following new amendment immediately after the proposed new subsection 7(4)-

New subsection Insert the following new subsection immediately after subsection (4)-

- (5) Pursuant to subsections (1) (c), (d) and (e),the organizations shall present two nominations from each of the categories, one of whom shall be appointed by the Cabinet Secretary taking into account gender balance, regional balance and skills mix.

*(Chairperson, Committee on Health)*

Motion made and Question proposed -

THAT, the New Section 7(5) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Section 7(5) be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section 7(5) - Agreed to

New Section 9 proposed -

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendments immediately before the proposed amendment to section 15(1)(a)–

s.9 Delete subsection (1).

*(Chairperson, Committee on Health)*

Motion made and Question proposed –

THAT, the New Section 9 be read a Second Time

Debate arising;

Question put and agreed to.

Question proposed –

THAT, the New Section 9 be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section 9 - Agreed to

**(8) PROVISIONS RELATING TO THE CLINICAL OFFICERS (TRAINING, REGISTRATION AND LICENSING) ACT, NO. 20 OF 2017-**

Amendments to the Section 2,agreed to

Proposed amendment to Section 4(1)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to section 4(1) and substituting therefor the following new amendment–

- s. 4(1) Delete and substitute therefor the following new subsection-
- (1) The Council shall consist of the following persons-
- (a) a chairperson appointed by the President and who shall have-
    - (i) a relevant bachelors' degree from a recognised university; and
    - (ii) at least ten years' relevant experience;
  - (b) the Director General for health or his or her designated representative;
  - (c) the Chief Clinical Officer;
  - (d) one clinical officer elected by members of faculty of Clinical Medicine from Kenya Medical Training College;
  - (e) one clinical officer representing the Kenya Clinical Officers Association who shall be nominated by the Association and appointed by the Cabinet Secretary;
  - (f) two clinical officers representing universities training clinical officers elected amongst the teaching staff;
  - (g) the Registrar who shall be an ex-officio member and secretary to the Council;
  - (h) two clinical officer's, one in public practice and the other in private practice from each gender nominated by the Cabinet Secretary;
  - (i) one person with knowledge and expertise in finance or audit appointed by the Cabinet Secretary; and
  - (j) one person representing the public nominated by consumer organisations and appointed by the Cabinet Secretary.

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 4(1),as amended agreed to

Proposed amendment to Section 4(5)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed new subsection (5) in section 4.

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 4(5),as amended agreed to

Proposed amendment to Section 15(1)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 15(1), by deleting the proposed new subsection (1A) and substituting therefor the following new subsection—

(1A) A person shall be qualified for appointment as Registrar if that person—

- (a) holds a bachelors’ degree from a university recognized in Kenya;
- (b) has at least fifteen years’ experience; and
- (c) is registered as a clinical officer under this Act.

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 15(1),as amended agreed to

Proposed amendment to Section 15(6)-

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 15(6) and substituting therefor the following new amendment—

- s. 15(6)(a) Insert the words “and in the official Council website” immediately after the word “Gazette”

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Section 15(6),as amended agreed to

Proposed amendment Part IV

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to the title to Part IV, by deleting the word “PRIVATE”.

*(Chairperson, Committee on Health*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Amendments to the Part IV,as amended agreed to

Proposed amendment to Section 20-

Further amendment proposed;

THAT, the Schedule to the Bill be amendedin the proposed amendment to section 20-

- (i) by deleting the word “private” appearing in the proposed new subsection (8) and substituting therefor the word “any”;
- (ii) by deleting the word “invasive” appearing in subsection (9)(e);
- (iii) by deleting the words “and specialty” appearing in the closing sentence in the proposed new subsection (9);

*(Chairperson, Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to

Further amendment proposed -

THAT, the Schedule to the Bill be amendedin the proposed amendment to section 20-

- (a) by deleting the word “invasive” appearing in the proposed new subsection (9)(e); and
- (b) by deleting the words “and specialty” appearing in the closing sentence in the proposed new subsection (9).

*(Hon. Robert Pukose)*

Proposed further amendment to the further amendment withdrawn by the mover.

Amendments to the Section 34,agreed to

**New Section**

Proposed New Section 23(A) -

Further amendment proposed;

THAT, the Schedule to the Bill be amendedby inserting the following new amendment immediately after the proposed amendment to section 20-



New section            Insert the following new section immediately after section 23-

Professional  
indemnity

23A. Every clinical officer shall in each year take a professional indemnity cover and every health institution shall in each year insure the health institution against professional liability of its staff.

*(Chairperson, Committee on Health)*

Motion made and Question proposed –

THAT, the New Section 23 (A) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Section 23(A) be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section 23(A) - **Agreed to**

**New Clauses**

Proposed New Clause 3 –

Further amendment proposed;

THAT, the Bill be amended by inserting the following new clause immediately after clause 2-

Transition.            3. (1) In this section, “Board” includes any Council proposed to be reconstituted under this Act.

(2) At the commencement of this Act, any person who, immediately before the commencement of this Act was a member or staff of any of the Boards proposed to be reconstituted under this Act shall be deemed to be a member or staff of the reconstituted Board for the unexpired period of his or her term of service.

(3) At the commencement of this Act, all the funds, assets and other property, both movable and immovable, which immediately

before such date were vested in any of the Boards shall by virtue of this sub-section, vest in the new Board under this Act.

(4) At the commencement of this Act, all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such date were before such date were vested in, imposed on or enforceable against any Board shall, by virtue of this sub-section, be deemed to be vested in, imposed on or enforceable against the respective new Board.

(5) Any reference in any written law or in any document or instrument to any of the Boards shall on and after the appointed day, be construed to be a reference to the respective new Board.

*(The Leader of the Majority Party)*

Motion made and Question proposed –

THAT, the New Section Clause 3 be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Clause 3 be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section Clause 3- **Agreed to**

Clause 1 - amendment proposed –

THAT, clause 1 of the Bill be amended by inserting the words “and shall come into force upon publication” immediately after the words “Health Laws (Amendment) Act, 2018”.

*(The Leader of the Majority Party)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 1 - as amended agreed to

Title - agreed to

Bill to be reported with amendments.

8. **HOUSE RESUMED** - the Fourth Chairperson in the Chair

**The Health Laws (Amendment) Bill (National Assembly Bill No.14 of 2018)**

Motion made and Question proposed –

THAT, the House do agree with the Committee of the whole House on its consideration of the Health Laws (Amendment) Bill (National Assembly Bill No. 14 of 2018,

*(The Leader of the Majority Party)*

Debate arising;

Amendment proposed;

Motion made and Question proposed –

THAT, the Motion for agreement with the Report of the Committee of the whole House be amended by inserting the words “subject to re-committal of the Bill, with regard to the provisions relating to the Pharmacy and Poisons Act (Cap 244), in respect of section 2, and New section 3B; and provisions relating to the Medical Practitioners and Dentists Act, Cap. 253 in respect of sections 2, 3, New 3A, and 4; and provisions relating to the Nurses Act, Cap 257, in respect of Section 11(5).

*(Chairperson, Departmental Committee on Health)*

Question put and agreed to.

9. **COMMITTEE OF THE WHOLE HOUSE**

**The Health Laws (Amendment) Bill (National Assembly Bill No.14 of 2018)**

(i) **Re-committal of the Bill, with regard to the provisions relating to the Pharmacy and Poisons Act (Cap 244)**

Proposed further amendment to Section 2-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in section 2, by further amending the proposed amendments by inserting the following new definitions in their proper alphabetical sequence-

“health product” includes human and veterinary medicines, medical products, medicinal substances, vaccines, diagnostics, medical devices, blood products, traditional & alternative medicine, therapeutic feeds & nutritional formulations, cosmetics and related products”

“health technology” means the application of organized knowledge and skills in the form of devices, medicine, vaccines, procedures and systems developed to solve a health problem and improve the quality of life.

*(Chairperson, Departmental Committee on Health)*

Question of the further amendment to the further amendment proposed;

Debate arising;

Question of the further amendment to the further amendment put and agreed to

Amendments to the Section 2,as amended agreed to

Proposed further amendment to new section 3B-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new section 3B, by further amending the proposed amendments-

- (i) by deleting the proposed amendment to subsection (1);
- (ii) by deleting the proposed amendment to subsection (2);

*(Chairperson, Departmental Committee on Health)*

Question of the further amendment to the further amendment proposed;

Debate arising;

Question of the further amendment to the further amendment put and agreed to

Amendments to new section 3B,as amended agreed to

**(ii) Re-committal of the Bill, with regard to provisions relating to the Medical Practitioners and Dentists Act, Cap. 253**

Proposed further amendment to Section 2-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in section 2by further amending the proposed amendment by deleting the definition of the term “Council” and substituting therefor the following new definition-

“Council” means the Kenya Medical Practitioners and Dentists Council established under section 3.

*(Chairperson, Departmental Committee on Health)*

Question of the further amendment to the further amendment proposed;

Debate arising;

Question of the further amendment to the further amendment put and agreed to

Amendments to the Section 2,as amended agreed to

Proposed further amendment to Section 3-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in section 3 by deleting the proposed new subsection (1) and substituting therefor the following new subsection-

“(1) There is established a Council to be known as the Kenya Medical Practitioners and Dentists Council.”

*(Chairperson, Departmental Committee on Health)*

Question of the further amendment to the further amendment proposed;

Debate arising;

Question of the further amendment to the further amendment put and agreed to

Amendments to the Section 3, as amended agreed to

Proposed further amendment to New Section 3A-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in subsection (1) of the proposed new section 3A, by further amending the proposed amendment by deleting the words “with a degree in medicine” appearing in paragraph (i).

*(Chairperson, Departmental Committee on Health)*

Question of the further amendment to the further amendment proposed;

Debate arising;

Question of the further amendment to the further amendment put and agreed to

Amendments to the New Section 3A, as amended agreed to

Proposed further amendment to Section 4-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new section 4 by-

(i) deleting paragraph (m) and substituting therefor the following new paragraph-

“(m) regulate health institutions and take disciplinary action for any form of misconduct by a health institution;”  
(ii) deleting paragraph (o) and substituting therefor the following new paragraph—  
“(o) issue certificate of status to medical and dental practitioners and health institutions;”

*(Hon. Anthony Oluoch)*

Question of the further amendment to the further amendment proposed;

Debate arising;

Question of the further amendment to the further amendment put and agreed to

Amendments to the Section 4,as amended agreed to

**(iii) Re-committal of the Bill, with regard to provisions relating to the Nurses Act, Cap. 257**

Proposed further amendment to Section 4-

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new subsection (1) of section 4, by further amending the proposed amendment by inserting the words “or college” immediately after the word “university” appearing in paragraph (i).

*(Chairperson, Departmental Committee on Health)*

Question of the further amendment to the further amendment proposed;

Debate arising;

Question of the further amendment to the further amendment put and agreed to

Amendments to the Section 4,as amended agreed to

**New Section**

Proposed New Section 11(6) –

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 11(5)–

s. 11- New Insert the following new subsection immediately after subsection subsection (5)–

“(6) The Chief Executive Officer shall serve for a term of

four years and shall be eligible for reappointment for one further term of four years, subject to satisfactory performance.”

*(Chairperson, Committee on Health)*

Motion made and Question proposed –

THAT, the New Section 11(6) be read a Second Time

Debate arising;

Question put and agreed to.

Question of the further amendment proposed –

THAT, the New Section 11(6) be part of the Bill

Debate arising;

Question of the further amendment put and agreed to;

Proposed New Section 11(6) - Agreed to

Bill to be reported with amendments.

10. **HOUSE RESUMED** - the Fourth Chairperson in the Chair

**The Health Laws (Amendment) Bill (National Assembly Bill No.14 of 2018)**

Motion made and Question proposed –

THAT, the House do agree with the Committee of the whole House on its consideration of the Health Laws (Amendment) Bill (National Assembly Bill No. 14 of 2018,

*(The Leader of the Majority Party)*

Debate arising;

Question of the Motion deferred.

11. **HOUSE ROSE** - at twenty minutes past Nine O'clock

And the time being twenty minutes past Nine O'clock, the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

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**MEMORANDUM**

The Speaker will take the Chair on  
Tuesday, November 6, 2018 at 2.30 p.m.