



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 24, 2018

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

The Speaker issued the following Communication -

CONSIDERATION OF THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2018)

“Honourable Members,

Before the House proceeds to Order No. 10, being the *Committee of the Whole House on the Health Laws (Amendment) Bill, 2018*, I wish to give the following communication regarding the consideration of the Bill.

Honourable Members, firstly, I have received a letter from the Leader of the Majority Party who is the sponsor of the said Bill, conveying his wish to withdraw amendments relating to four (4) statutes proposed for amendment by way of the Bill. Specifically, the Leader of the Majority Party has sought my consent to withdraw, at this stage, of ALL amendments as published in the Bill relating to-

- (i) *the Radiation Protection Act (Cap 243),*
- (ii) *the Food and Drugs and Chemical Substances Act (CAP 254),*
- (iii) *the Narcotic Drugs and Psychotropic Substances Act No. 4 of 1994; and,*
- (iv) *SOME ASPECTS of the Pharmacy and Poisons Act (CAP 244).*

Honourable Members, with regard to the first three legislations, that is, the Radiation Protection Act (Cap 243), the Food and Drugs and Chemical Substances Act (CAP 254), and the Narcotic Drugs and Psychotropic Substances Act No. 4 of 1994, the sponsor of the Bill notes that the reason for withdrawing the amendments is that they will be included in respective separate Bills which are to be introduced and considered at a later date. As for the fourth statute, that is the Pharmacy and Poisons Act (CAP 244), the Leader of the Majority Party wishes to withdraw amendments relating to granting marketing authorization (Section 25A) and the establishment of National Quality Control Laboratory as a body corporate.

These relate to the proposed amendments to sections 35A, 35D, 35E, 35F, 35G, 35H, 35I, 35J, 35K of the principal Act. The justification for withdrawal is that they are now to await the finalization of the Kenya Food and Drug Authority legislation, but the House may proceed to consider other aspects of the proposed amendments to the said statute as published in the Bill.

Honourable Members, having considered the request from the Leader of the Majority Party, I have consented to the total withdrawal of the amendments to the first three (3) statutes, that is, the Radiation Protection Act (Cap 243), the Food and Drugs and Chemical Substances Act (CAP 254), and the Narcotic Drugs and Psychotropic Substances Act No. 4 of 1994. I therefore direct that, when the House resolves to Committee of the Whole, the Committee will proceed as though the amendments proposed to the three (3) statutes were not part of the Bill. As for the request relating to the Pharmacy and Poisons Act (CAP 244), I am constrained by our parliamentary practice, which requires that withdrawal of proposed amendments to a specific statute in an omnibus Bill ought to affect the entire statute as contained in the Bill, as opposed to part of it. In this regard, I am therefore not able to allow the part withdrawal of the proposed amendment to the Pharmacy and Poisons Act (CAP 244), as requested. Indeed, doing so would be unconventional and would convolute the procedure in the Committee of the Whole House.

Honourable Members, in mitigation, my advice with regard to the amendments on the Pharmacy and Poisons Act CAP 244, is that the sponsor of the Bill or the relevant Committee may move that the Committee of the Whole House deletes the specific provisions of the Bill at the Committee stage. As a matter of fact, I do recall approving proposed amendments in the name of the Committee chairperson whose passage by the Committee of the Whole House would have the same effect. Alternatively, the sponsor of the Bill or indeed any other Member may move that the Committee of the Whole House do negative the specific clauses, should the Chairperson of the Departmental Committee fail to move the amendments.

Secondly, Honourable Members, from the Order Paper, you may note that there are six (6) other Members proposing to make amendments to the Health Laws (Amendment) Bill, 2018. I wish to notify the House that I have declined to approve amendments proposed by Nominated Member, the Hon. Godfrey Osotsi. The amendments proposed by the Honourable Member were seeking the House to amend the Health Act, 2017 to, *inter alia* – *establish a Health Disputes Tribunal, provide for remuneration of the Tribunal as well as defining the jurisdiction of the Tribunal.*

Honourable Members, you will agree with me that the proposed amendments sound quite noble and would go a long way in improving service delivery in the health sector while providing a mechanism for the resolution of disputes. However, as your Speaker, I must stay true to our Standing Orders, and specifically, Standing Order 133(5). For clarity, the Standing Order states, as follows and I quote –

(5) No amendment shall be permitted to be moved if the amendment deals with a different subject or proposes to unreasonably or unduly expand the subject of the Bill, or is not appropriate or is not in logical sequence to the subject matter of the Bill.

Honourable Members, you will notice that the Bill, as published is proposing to amend thirteen (13) pieces of statutes. The Health Act, 2017, which the nominated Member wishes to amend is not one of these statutes. This will directly offend the above provisions of the Standing Orders by expanding the scope of the Bill. Invariably also, by creating a body

corporate with attendant remuneration for the office bearers, the proposal falls within the matters defined as 'Money Bill, which requires me to invoke the provisions of Article 114 of the Constitution. The said Article provides that the House may proceed only as recommended by the relevant Committee having consulted the Cabinet Secretary for finance. It is for this reason that I have declined to approve the amendments by the Hon. Osotsi. The Honourable Member should therefore not get disheartened but should indeed proceed to introduce a legislative proposal as envisaged under Standing Order 114.

The House and the Committee of the Whole House are accordingly guided. Thank you”

5. **PETITION**

The Member for Kibwezi West (Hon. Patrick Musimba) presented a Petition on behalf of residents of Kibwezi West regarding human-wildlife conflict in Kibwezi West Constituency;

Petition referred to the Departmental Committee on Environment and Natural Resources pursuant to Standing Order 227.

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) 2018 Budget Review and Outlook Paper for the FY 2019/2020 - FY 2021/2022, (Medium-Term Paper) from the National Treasury and Planning.
- (ii) Annual Report of the National Land Commission for the Financial Year 2016/2017.
- (iii) The Report of the Auditor-General and Financial Statements of the Ethics and Anti-Corruption Commission for the year ended 30th June, 2018 and the certificate therein.
- (iv) The Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June, 2018 and the certificates therein: -
 - a) National Biosafety Authority;
 - b) Strategic Grain Reserve Fund;
 - c) National Construction Authority; and
 - d) National Housing Corporation.
- (v) The Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30th June, 2017 and the certificates therein: -
 - a) Runyenjes;
 - b) Maara;
 - c) South Imenti;
 - d) Mbeere North;
 - e) Lagdera;
 - f) Isiolo North;
 - g) Lurambi;
 - h) Banisa;
 - i) Mandera North; and
 - j) Matayos.

7. **NOTICES OF MOTION**

The following Notices were given –

- a) By the Chairperson, Special Funds Accounts Committee on Audited Financial Statements, the Hon. KathuriMurungi, MP on the First Report of the Special Funds Accounts Committee on Audited Financial Statements for Political Parties for the year ended June, 2017, laid on the table of the House on Wednesday, August 29, 2018; and
- b) By the Member for Maragwa, the Hon. Mary Njorogeregarding establishment of data base centres in all Civil Registration Centres in the country.

8. **QUESTIONS**

The following Questions were asked –

- (i) Question No.054/2018 by the Member for Mwea (Hon. KabingaWachira) concerning delays in delivery of subsidized fertilizer to Mwea Irrigation Scheme; Question referred to the Departmental Committee on Agriculture and Livestock.
- (ii) Question No.090/2018 by the Member for Mwea (Hon. KabingaWachira) concerning invasion by Quelea birds in Mwea Irrigation Scheme. Question referred to the Departmental Committee on Agriculture and Livestock.
- (iii) Question No.057/2018 by the Member for Kwale County (Hon. Zuleikha Hassan) regarding land issues in Kwale County; Question deferred.
- (iv) Question No.096/2018 by the Member for Kiminini (Hon. Chris Wamalwa) regarding approval for development of Seefar apartments in Nairobi City County; Question dropped in the absence of the Member.

The following Question was dropped–

Question No.097/2018 by the Member for Kiminini (Hon. Chris Wamalwa) regarding ownership of the land occupied by Seefar apartments; Question dropped in the absence of the Member.

8. **THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILL NO.10 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Warehouse Receipt System Bill (National Assembly Bill No.10 of 2017) be now read a Second Time

(The Leader of the Majority Party – 23.10.2018)

Debate on the Second Reading having been concluded on Tuesday, October 23, 2018;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

9. **MOTION - REPORT ON THE PUBLIC FINANCE MANAGEMENT (SPORTS, ARTS AND SOCIAL DEVELOPMENT FUND) REGULATIONS, 2018**

Motion made and Question proposed –

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Sports, Arts and Social Development Fund) Regulations, 2018 (Legal Notice No. 174 of 2018), laid on the Table of the House on Wednesday, October 17, 2018, and pursuant to the provisions of Section 15(1) of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b) **annuls in entirety** the said Regulations.

(Chairperson, Committee on Delegated Legislation – 23.10,2018)

Debate on the Motion having been concluded on Tuesday, October 23, 2018;

Question put and agreed to.

10. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson in the Chair

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

Clause 2 : - agreed to.

SCHEDULE

(1) PROVISIONS RELATING TO THE PHARMACY AND POISONS ACT, CAP. 244—

Proposed amendment to Section 2

THAT, the Schedule to the Bill be amended by –

(a) by deleting the proposed amendments to section 2 and substituting therefor the following new amendments–

s. 2 Delete the definition of the term “drug” and substitute therefor the following new definition–

“drug” means any medicine or other substance which has a physiological effect when ingested or otherwise introduced into the body;

Delete the definition of the term “pharmaceutical inspector”;

Delete the definition of the term “Inspector of Drugs” and substitute therefor the following new definition–

“Inspector of Drugs” means a person who is competitively recruited by the Board as a pharmaceutical inspector and who holds a minimum of a diploma in pharmacy;

Insert the following definitions in proper alphabetical sequence–

“Good Manufacturing Practice” also known as “GMP” means a system for ensuring that products are consistently produced and controlled according to quality standards, and is designed

2017. to minimise risks involved in any pharmaceutical production that cannot be eliminated through testing the final product;
- “health facility” has the meaning assigned to it in the Health Act;
- “pharmaceutical device” includes human and veterinary medicines, medical products, medicinal substances, vaccines, diagnostics, blood products, therapeutic feeds, nutritional formulations, beauty products and related products;
- “pharmaceutical equipment” means equipment used in the manufacture and quality control of pharmaceutical products;
- “pharmaceutical practitioner” means a person lawfully carrying on the practice of pharmacy;
- “pharmaceutical product” means any material or product intended for human or veterinary use presented in its finished dosage or form, that is subject to control by or under this Act;
- “pharmaceutical technologist” means a holder of a diploma in pharmacy from a training institution recognised by the Board;
- “pharmacist” means a holder of a degree in pharmacy from a training institution recognised by the Board;
- “pharmacovigilance” means the practice of monitoring the effects of medical drugs after they have been licensed for use, especially in order to identify and evaluate previously unreported adverse reactions, and includes the science and activities relating to the detection, assessment, understanding and prevention of adverse effects or any other possible drug related problem;
- “post market surveillance” means the practice of monitoring the safety and quality of a pharmaceutical drug or medical device after it has been released on the market and is an important part of the science of pharmacovigilance;
- “practicing license” means a license issued under section 9A.

(Chair, Departmental Committee on Health)

Question of the amendment proposed,

Debate arising;

Question put and agreed to;

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to section 2, by inserting the following new definition in its proper alphabetical sequence—

“specialist pharmacist” means a registered pharmacist who has completed an approved postgraduate training programme in a particular field of pharmaceutical sciences, and who has gained sufficient experience and demonstrated to the Board’s satisfaction, adequate knowledge and skill in his chosen field”.

(Hon. Robert Pukose)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to;

Section 2 as amended agreed to

Proposed amendment to Section 3

Further amendment proposed:

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to section 3 and substituting therefor the following new amendments—

- s. 3 Delete and substitute therefor the following new section—

Establishment
of the
Pharmacy and
Poisons Board.

3.(1) There is established a Board which shall consist of—

- (a) a Chairperson who shall be appointed by the President and who shall—
 - (i) be a pharmacist of good standing with a degree in pharmacy; and
 - (ii) have at least fifteen years’ experience in the pharmaceutical sector;
- (b) the Director of pharmaceutical services;
- (c) the Principal Secretary in the ministry for the time being responsible for finance or his representative;
- (d) one pharmaceutical technologist with expertise in community pharmacy, nominated by the Council of Governors and appointed by the Cabinet

Secretary;

- (e) two pharmaceutical practitioners representing the pharmacy training institutions, of which one shall be a pharmacist and one shall be a pharmaceutical technologist;
- (f) three pharmaceutical practitioners appointed by the Cabinet Secretary, of whom—
 - (i) one shall be a pharmaceutical technologist nominated by the Kenya Pharmaceutical Association; and
 - (ii) two shall be pharmacists nominated by the Pharmaceutical Society of Kenya, and one of whom shall have expertise in industrial pharmacy;
- (g) one person with knowledge and skill in finance or audit appointed by the Cabinet Secretary;
- (h) the Chief Executive Officer, who shall be an ex officio member; and
- (i) one medical practitioner nominated by the Kenya Medical Association and appointed by the Cabinet Secretary.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) A person shall not qualify for appointment as a member of the Board under subsection (1)(e) and (f) unless such person is the holder of a minimum of a diploma in the relevant field from an institution recognized in Kenya and has at least five years managerial experience.

(Chair, Departmental 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 3(1)(a) by inserting the words “and who shall have at least fifteen years’ experience in the pharmaceutical sector” immediately after the word “President”.

(Hon. Robert Pukose)

Further amendment withdrawn.

Section 3 as amended agreed to

Proposed amendment to Section 3A

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new section 3A, by deleting the word “may” appearing in the opening sentence and substituting therefor the word “shall”;

(Hon. Robert Pukose)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to;

Section 3A - as amended **agreed to**.

Section 3A as amended agreed to

Proposed amendment to Section 3B

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new section 3B-

- (i) by deleting the words “health products” appearing in the proposed new subsection (1) and substituting therefor the words “pharmaceutical products”;
- (ii) by deleting the words “health products” appearing in the proposed new subsection (2) and substituting therefor the words “pharmaceutical products”;
- (iii) by deleting the words “government and government agencies” appearing in the proposed new subsection (2)(a) and substituting therefor the words “national and county governments”;
- (iv) by deleting the proposed new subsection (3)(f) and substituting therefor the following new subsection-

“(f) establish or prescribe the different categories of pharmacy business and the scope of practice of persons registered or enrolled in terms of this Act, or the services or acts which shall for purposes of this Act be deemed to be services or acts specially pertaining to pharmacists or pharmaceutical

technologists, and the conditions under which those services may be provided or the acts which may be performed;”

(v) by deleting the word “private” appearing in the proposed new subsection (3)(h);

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to;

Section3B - as amended **agreed to.**

Section 3A as amended agreed to

Proposed amendment to Section 4(5)

Further amendment proposed;

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

- s. 4(5) Delete the word “registrar” and substitute therefor the words “Chief Executive Officer”.

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to;

Section4(5) - as amended **agreed to.**

Section 4(5) as amended agreed to

Proposed amendment to Section 5

Further amendment proposed;

THAT, theSchedule to the Bill be amended in the proposed amendments to section 5–

- (i) by deleting the word “ten” appearing in the proposed new subsection (4)(d) and substituting therefor the word “fifteen”;
- (ii) by inserting the word “once” immediately after the word “reappointment” appearing in the proposed new subsection (5);

(Chair, Departmental 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 paragraph (b) in the proposed new section 5(4) and substituting therefor the following new paragraph-

“(b) holds a masters’ degree in any field of pharmacy and is registered to practice pharmacy in Kenya;”

(Hon. Patrick Makau)

Question of the further amendment dropped,

Section 5 - as amended **agreed to.**

Proposed amendment to Section 6(1)

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 6(1) and substituting therefor the following new proposed amendment-

s. 6 Delete and substitute therefor the following new section-

Register of pharmaceutical practitioners. 6. The Registrar shall keep a register of pharmaceutical practitioners in the prescribed form.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to;

Section 6(1) - as amended **agreed to.**

Proposed amendment to Section 20

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 20, by deleting the words “pharmacist or enrolled pharmaceutical technologist” appearing in the

proposed new subsection (1B) and substituting therefor the words “pharmaceutical practitioner”;

(Chair, Departmental Committee on Health)

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Section 20 - as amended **agreed to.**

Proposed amendment to Section 23

Further amendment proposed:

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to section 23 and substituting therefor the following new proposed amendments—

- s. 23 Delete the word “pharmacist” appearing in subsection (1) and substitute therefor the words “pharmaceutical practitioner.

Insert the following new subsection immediately after subsection (1)–(1B) The following conditions shall apply to a premise license issued under this Act—

- (a) where operations are conducted at more than one location, each branch shall be licensed separately by the Board;
- (b) each pharmacy shall have a pharmacist or pharmaceutical technologist-in-charge as appropriate;
- (c) the license shall be issued subject to a satisfactory inspection of the premise by the Board;
- (d) a community pharmacy license shall only be issued in the name of a pharmacist or pharmaceutical technologist;
- (e) no person shall be licensed for more than one category of premise license;
- (f) no premise shall be licensed for more than one category of premise license; and
- (g) a clinic or hospital pharmacy shall be under the control of a pharmacist or a pharmaceutical technologist of such experience as may be prescribed.

Delete the words “thirty thousand shillings” appearing in subsection (6) and substitute therefor the words “one million shillings”.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to;

Section 23 - as amended **agreed to.**

Proposed amendment to Section 23A

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new section 23A, by deleting the words “seize all the stock held and” appearing in subsection (3);

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to;

Section 23A - as amended **agreed to.**

Proposed amendment to Section 25A

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed new section 25A;

(Chair, Departmental Committee on Health)

Question of the amendment proposed,

Debate arising;

Question put and agreed to;

New Section 25A - **deleted**

Proposed amendment to Section 25B

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed new section 25B and substituting therefor the following new subsection-

Clinical trials. 25B. (1) A pharmaceutical product shall not be used for clinical trial unless an approval is granted by the Board with the approval of the relevant ethics body.

(2) Any person who intends to commence a clinical trial on a pharmaceutical product shall make an application to the Board in

the prescribed form and the application shall be accompanied by the study protocol in the prescribed format and the prescribed fee.

(3) The study protocol submitted under subsection (2) shall include a post-trial access program to ensure access of investigational medicinal substances by participants in a trial before grant of marketing authorization by the Board.

(4) The Board shall prescribe guidelines for evaluation of applications made under subsection (2) to be implemented for accelerated evaluations during emergency situations, epidemics and outbreaks.

(5) A person granted an approval under section 25B (1), shall put up a robust quality assurance system to ensure that the clinical trial is carried out so as to ensure the integrity of data generated, the safety and well-being of study participants.

(6) The Board shall carry out inspections of the clinical trials so as to ensure compliance of the clinical trials with the prescribed requirements.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to;

New Section 25B - as amended **agreed to.**

Proposed amendment to Section 27

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 27, by inserting the following new proposed amendment-

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

27(4) (4) No license shall be issued or renewed under this section unless the person applying for or holding such license is or has a registered pharmaceutical practitioner in control of the distribution of the poisons and the registered pharmaceutical practitioner is resident in Kenya.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to;

Section 27 - as amended **agreed to.**

Proposed amendment to Section 35A(5)

Further amendment proposed;

THAT, theSchedule to the Bill be amended by deleting all the proposed amendments to section 35A(5).

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to;

Section 35A(5) - **deleted**

Proposed amendment to Section 35D

Further amendment proposed;

THAT, theSchedule to the Bill be amended by deleting the proposed amendment to section 35D.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Section 35(D) - **deleted**

Proposed amendment to Section 35E

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 35E.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Section 35(E) - **deleted.**

Proposed amendment to Section 35F

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 35F.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Section 35(F) - **deleted.**

Proposed amendment to Section 35G

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 35G

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Section 35(G) - **deleted**

Proposed amendment to Section 35H

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 35H.

(Chair, Departmental Committee on Health)

Question of the amendment proposed,

Debate arising;

Question put and agreed to

Section 35(H) - **deleted**

Proposed amendment to Section 35I

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 35I.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

New Section 35(I) - **deleted**

Proposed amendment to Section 35J

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 35J

(Chair, Departmental Committee on Health)

Question of the amendment proposed,

Debate arising;

Question put and agreed to

Section 35(J) - **deleted**

Proposed amendment to Section 35K

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 35K

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Section 35(K)- **deleted**

Proposed amendment to Section 44

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 44 and substituting therefor the following new amendment-

- s.44(1) Insert the following new paragraphs immediately after paragraph (mm)-
 - (mma) the standards and practice of pharmacy;
 - (mmb) pharmacy education and training;
 - (mmc) continuing professional development for all practicing pharmacists and pharmaceutical technologists;
 - (mmd) criteria for issuance of pharmaceutical representatives permits;
 - (mme) pharmacovigilance, post market surveillance and Good Manufacturing Practice;

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Section 44(1)- as amended **agreed to.**

Proposed amendment to Section 46 – agreed to

Proposed amendment to Section 50A – agreed to

NEW SECTIONS

Proposed Section 8(2)

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)—

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

8(2) subsection-
“(2) Any person who satisfies the Board that he holds a diploma in pharmacy from any college recognised by the Board in Kenya shall, subject to this Act, be entitled to have his or her name entered in the register.

(Chairperson, Committee on Health)

Motion made and Question proposed –

THAT, Section 8(2) be read a Second Time

Debate arising;

Question put and agreed to.

Question proposed –

THAT, the Section 8(2) be part of the Bill

Debate arising;

Question put and agreed to;

Section 8(2) - **Agreed to**

Proposed New Sections 9A,B, C, D, E and F

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed new amendment to section 8(2)–

New section Insert the following new sections immediately after section 9–

Practising license. 9A. (1) The Registrar shall issue, in accordance with rules made under this Act, a practising license authorizing registered pharmaceutical practitioners to practice as pharmacists or pharmaceutical technologists.

(2) Every practicing license shall expire at the end of the practising year in which it was issued.

(3) The practicing year shall be from 1st January to 31st December.

(4) Any pharmaceutical practitioner who practices without a valid practicing license in line with subsection (1) commits an act of professional misconduct.

Application for practising license. 9B. A person wishing to be issued with a practising license under section 9A shall make an application to the Registrar in the prescribed form and such application shall be accompanied by the prescribed fee.

Issue of 9C. (1) Where an application for a practising license is

practising
license.

made by a person in accordance with section 9B, the Registrar shall issue a practicing license if satisfied that the person—

- (a) is registered under section 6 of this Act;
- (b) has undertaken continuous professional development in the preceding year as prescribed by the Board; and
- (c) meets such other requirements as may be prescribed.

(2) For the purposes of this Act, a person shall be deemed to engage in the practice of pharmacy if the person—

- (a) engages in, conducts or carries on the dispensing, manufacture, compounding of any drugs or medicines, or offers any form of pharmaceutical care or pharmaceutical services within Kenya; or
- (b) advertises or represents himself or herself by a title, sign, display, declaration, or other item to be a pharmacist or pharmaceutical technologist.

(2) For purposes of this Act, it shall be a requirement for every practising pharmacist and pharmaceutical technologist, practicing in their private capacity, government, faith based institutions, non-governmental organizations, training institutions, research organizations or any other institution, to have a valid practising license.

Refusal to
issue or
renew a
license.

9D. The Board may deny or refuse to issue or renew a license under this Act if it determines after due process, that the applicant has failed to comply with the requirements of this Act or its rules.

Renewal,
cancellation
and
suspension
of license.

9E. (1) A pharmacist or pharmaceutical technologist issued with a license under this Act may apply for renewal of the license in the prescribed form at least thirty days before the date of expiry thereof.

(2) A pharmacist or pharmaceutical technologist who fails to renew a license within the prescribed period shall, when applying for a renewal, be required to pay such late application fee as shall be prescribed.

Continuous
professional
development.

9F. For purposes of maintaining a level of competence in his or her ongoing practice, every pharmacist and pharmaceutical technologist shall undertake appropriate Continuous Professional Development as prescribed by the Board.

(Chairperson, Committee on Health)

Motion made and Question proposed –

THAT, New Sections 9A, B, C, D, E & F be read a Second Time

Debate arising;

Question put and agreed to.

Question proposed –

THAT, the New Sections 9A, B, C, D, E & F be part of the Bill

Debate arising;

Question put and agreed to;

New Section 9A, B, C, D, E & F- **Agreed to**

Proposed New Section 12A

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed new section 9F–

New section

Insert the following new section immediately after section 12–

Enquiries and Disciplinary Committee.

12A. (1) The Board shall establish an Enquiries and Disciplinary Committee which shall enquire into any matter arising under section 12 of this Act.

(2) Where on the recommendations of the Enquiries and Disciplinary Committee the Board is satisfied that a pharmacist or pharmaceutical technologist is in breach of any of the terms or conditions of practice prescribed by the Board, the Board may–

- (a) issue the pharmacist or pharmaceutical technologist with a letter of admonishment;
- (b) impose a fine as may be prescribed in regulations;
- (c) suspend the registration or enrolment of the pharmacist or pharmaceutical technologist for a specified period not exceeding five years; or
- (d) remove the name of the pharmacist or pharmaceutical technologist from the Register as may be appropriate.

(3) The Board may order a pharmacist or pharmaceutical technologist to reimburse costs and expenses incurred in connection with a disciplinary hearing and such costs shall be a civil debt recoverable summarily by the Board.

(Chairperson, Committee on Health)

THAT, New Section 12A be read a Second Time

Debate arising;

Question put and agreed to.

Question proposed –

THAT, the New Section 12A be part of the Bill

Debate arising;

Question put and agreed to;

New Section 12A - **Agreed to**

Proposed Section 24

Further amendment proposed;

THAT, the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed new section 23A –

S. 24 Delete the words “a pharmacist” and substitute therefor the words “pharmaceutical practice”.

(Chairperson, Committee on Health)

THAT, Section 24 be read a Second Time

Debate arising;

Question put and agreed to.

Question proposed –

THAT, the Section 24 be part of the Bill

Debate arising;

Question put and agreed to;

Section 24 - **Agreed to**

Proposed Section 40(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 44(1) –

S. 40(4) Delete subsection (4).

(Chairperson, Committee on Health)

THAT, Section 40(4)be read a Second Time

Debate arising;

Question put and agreed to.

Question proposed –

THAT, the Section 40(4)be part of the Bill

Debate arising;

Question put and agreed to;

Section 40(4)- **Agreed to**

(2) PROVISIONS RELATING TO THE MEDICAL PRACTITIONERS AND DENTISTS ACT, CAP. 253-

Proposed amendment to Section 2

Further amendment proposed;

THAT,the Schedule to the Bill be amended by deleting the proposed amendments to section 2 and substituting therefor the following new proposed amendments–

s. 2 Delete the definition of “Board” and substitute therefor with the following new definition–

“Council” means the Kenya Medical and Dental Council constituted under section 3;

Delete the definition of “register” and substitute therefor with the following new definition -

“register” means the register of medical practitioners, dental practitioners and health institutions for public and private practice which the Council is required by section 5 to keep;

Insert the following new definitions in proper alphabetical sequence -

“assessment” means the determination of the suitability for registration under the Act by means of oral or written examination or both”;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to health;

“community oral health” means the provision of curative, preventive and promotive oral health care”;

“community oral health officer”, means a person who has undergone the prescribed course of training in an approved institution, and holds a diploma, higher diploma or degree in community oral health;

“general practice” means the practice of general medicine or dentistry other than specialist practice as defined in the Act;

“health facility” has the meaning assigned to it in the Health Act;

“health institution” means a facility that is operated or designed to provide in-patient or out-patient treatment, diagnostic or therapeutic interventions, nursing, rehabilitative, palliative, convalescent, preventative or other health service for public and private use by medical and dental practitioners;

“intern” means a person holding a medical or dental degree or its equivalent recognized by the Council or a person who has passed the internship qualifying examination, who is undergoing a prescribed period of internship in a recognized institution;

“internship” means a prescribed period of employment during which a medical or dental graduate works under supervision to fulfil registration requirements;

“internship qualifying examination” means a written or oral examination or both which determines the suitability of foreign trained graduates who holds a degree recognized by the Board to undergo internship”;

“licence” means an annual practicing licence issued under section 12 of this Act;

“pre-registration examination” means a written or oral examination or both which determines the suitability for registration under section 6(3) of the Act”

“professional misconduct” means a serious digression from established or recognized standards or rules of the profession, that includes a breach of such codes of ethics or conduct as may be prescribed for the profession from time to time;

“specialist” means a medical practitioner or dentist who has completed an approved post graduate training programme in a particular field of medicine or dentistry, and who has thereafter gained sufficient experience and demonstrated to the Council’s satisfaction adequate knowledge and skill, in his chosen field;

“specialist practice” means the practice of medicine or dentistry in a specialized field;

(Chair, Departmental Committee on Health)

Proposed amendments to Section 2, as further amended **agreed to.**

Proposed amendment to Section 3 – **agreed to**

Proposed amendment to Section 3A

Further amendment proposed;

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

3A.(1) The Council shall consist of–

- (a) a chairperson who shall be appointed by the President and who shall–
 - (i) be a specialist medical or dental practitioner of good standing with a degree in medicine; and
 - (ii) have at least ten years’ experience, five of which shall be in a managerial position;
 - (b) the Director General for Health or a designated representative;
 - (c) four persons appointed by the Cabinet Secretary, nominated as follows–
 - (i) one person who shall be a representative of universities in Kenya which have the power to grant a qualification which is registerable under this Act;
 - (ii) one person who shall be a representative of the Kenya Medical Association;
 - (iii) one person who shall be a representative of Kenya Dental Association; and
 - (iv) one person who shall be a representative of oral health practitioners;
 - (d) three persons appointed by the Cabinet Secretary, as follows–
 - (i) one person who shall be nominated by Kenya National Commission on Human Rights;
 - (ii) one person who shall be a representative of the private sector in health; and
 - (iii) one person with knowledge and expertise in finance or audit.
 - (e) the Chief Executive Officer who shall be the Registrar and an ex officio member and also the secretary to the Council.
- (i) by inserting the following new subsection immediately after the proposed new subsection (9)–
- (10) Pursuant to nominations in paragraphs (1) (c) and (d), each organization shall present two nominees one of whom shall be appointed by the Cabinet Secretary taking into account ethnic diversity, gender, disability, skills mix and regional balance.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Proposed amendments to Section 3A, as further amended **agreed to.**

Proposed amendment to Section 4 - **agreed to**

Proposed amendment to Section 4A

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new section 4A, by deleting the proposed subsection (1) and substituting therefor the following new subsection—

(1) The Council shall constitute the following committees—

- (a) training, assessment, registration and human resources committee;
- (b) disciplinary and ethics committee whose mandate shall include—
 - (i) conducting inquiries into complaints submitted to it;
 - (ii) regulating professional conduct;
 - (iii) ensuring fitness to practice and operate;
 - (iv) promoting mediation and arbitration between parties; and
 - (v) at its own liberty, recording and adopting mediation agreements or compromise between parties, on the terms agreed;
- (c) inspections, licensing, finance and general purposes committee; and
- (d) audit and risk committee.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 4A, as further amended **agreed to.**

Proposed Amendment to Section 4(B) - **agreed to.**

Proposed amendment to Section 4C

Further amendment proposed;

THAT the Schedule to the Bill be amended in the proposed new section 4C, by inserting the following new subsection immediately after subsection (1)–

(1A) A person shall be qualified to be appointed as the Chief Executive Officer if the person-

- (a) possesses a masters degree or its equivalent from a university recognised in Kenya;
- (b) has at least ten years professional and administrative experience in matters related to health; and
- (c) meets the requirements of Chapter Six of the Constitution.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 4C, as further amended **agreed to.**

Proposed amendment to Section 5 - **agreed to.**

Proposed amendment to Section 6

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 6-

- (i) by inserting the following new paragraph immediately after subsection (5)(e)-
“(f) has passed an examination prescribed by the Council;”
- (ii) in subsection (5), by inserting the words “as is prescribed in regulations” immediately after the words “under this Act” appearing in the proviso;

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 6, as further amended **agreed to.**

Proposed amendment to Section 7 - **agreed to.**

Proposed amendment to Section 9(1)

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed deletion of section 9(1);
(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further put and agreed to

Section 9(1) - **deleted**

Proposed amendment to Section 9(2)

Further amendment proposed;

Section 9(2) - amendment proposed -

THAT, the Schedule to the Bill be amended by inserting the following new amendment in the proposed amendment to section 9(2)-

s. 9(2) Delete the word “Board” and substitute therefor the word “Council”.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 9(2), as further amended - **agreed to.**

Proposed amendment to Section 11 - **agreed to.**

Proposed amendment to Section 11(A)

Further amendment proposed;

THAT, the Schedule to the Bill be amended-

(a) by deleting the proposed new section 11A and substituting therefor the following new section-

New section Insert the following new section immediately after section 11A-

Recognition of specialist practice. **11B.** (1) The Council may recognize a medical or dental practitioner as a specialist in any of the fields under the Act or the rules thereunder.

(2) A medical or dental practitioner shall be recognized as a specialist if the medical or dental practitioner—

- (a) is a holder of a post graduate qualification equivalent to masters of medicine or dental surgery awarded after a period of training recognized by the Council; and
- (b) has at least two years' experience after obtaining the post graduate qualification under the supervision of a recognized specialist.

(3) The Council may recognize a medical or dental practitioner as a sub-specialist in any of the fields under the Act or the rules thereunder.

(4) A medical or dental practitioner shall be recognized as a sub-specialist if the medical or dental practitioner—

- (a) possesses a basic specialist qualification in his or her discipline;
- (b) has at least six months training;
- (c) has at least one year experience under the supervision of a recognized sub-specialist.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

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

Proposed amendment to Section 12

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 12, by deleting the words “of the end” appearing immediately after the words “the end” in the proposed new subsection (6);

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

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

Proposed Amendment to Sections 13, 14, 15 & 15A - **agreed to.**

Proposed amendment to Section 16

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 16.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 16, **deleted.**

Proposed Amendment to Sections 19 & 20 - **agreed to.**

Proposed amendment to Section 22

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 22-

- (i) in the proposed new subsection (1), by deleting the words “shall be” appearing immediately after the words “or in writing”;
- (ii) in the proposed new subsection (3), by inserting the word “shillings” immediately after the words “five million”;
- (iii) in the proposed new subsection (4), by deleting the word “and” appearing immediately after the word “commits” and substituting therefor the word “an”;
- (iv) in the proposed new subsection (5), by inserting the words “which premises is not licensed as a health institution” immediately after the words “health institution”;

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 22, as further amended **agreed to.**

Proposed amendment to Section 23

Further amendment proposed;

THAT, theSchedule to the Bill be amended by deleting the proposed amendment to section 23 and substituting therefor the following new proposed amendments-

s. 23 Delete the opening sentence and substitute therefor the following new opening sentence-

“The Cabinet Secretary may, after consultation with the Council, make rules generally for the better carrying out of the provisions of this Act, and any such rules may, without prejudice to the generality of the foregoing-”

Insert the following new paragraphs immediately after paragraph (d)-

- (e) provide for indemnity for clients against loss or damage arising from claims in respect of any liability incurred by a practitioner or a health institution or the employee of a practitioner or health institution;
- (f) provide for the training, registration, licensing and regulation of community oral health officers; and
- (g) provide for the process and criteria for registration and licensing of foreign doctors.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 23, as further amended **agreed to.**

Proposed Amendment to Section 24 - **agreed to.**

Proposed Amendment to New Section 26 - **agreed to.**

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

Proposed amendment to Section 2

Further amendment proposed;

THAT, theSchedule to the Bill be amended in the proposed amendments to section 2-

- (i) by deleting the words “or midwife” appearing in the proposed definition of the term “nurse”;
- (ii) in the definition of the term “specialist” by inserting the following new paragraph immediately after paragraph (l)-
 - (la) nephrology nursing;

(Chair, Departmental 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 4

Further amendment proposed;

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

s. 4 Delete and substitute therefor the following new section-

Membership
of the
Council.

4. (1) The Council shall consist of the following persons appointed by the Cabinet Secretary-

- (a) a chairperson who shall-
 - (i) be a holder of a diploma or Bachelor's degree in nursing from a university recognized in Kenya; and
 - (ii) have at least ten years' experience in leadership and management;
- (b) the Director of Nursing Services or a representative appointed in writing by the Director of Nursing Services;
- (c) one person nominated by the National Nurses Association of Kenya;
- (d) one person nominated by other professional associations of Kenya representing nurses and midwives;
- (e) one representative of midwives involved in clinical practice;
- (f) one representative of accredited mid-level institutions involved in the training of nurses and midwives in Kenya;
- (g) one representative of accredited universities involved in training of nurses and midwives in Kenya;
- (h) two persons nominated by the Cabinet Secretary to represent the public;
- (i) the Chief Executive Officer who shall be the Registrar and shall be appointed in accordance to section 11 of this Act and shall be an ex officio member of the Council.

(2) Appointments under subsection (1)(h) shall take into consideration gender and regional balance, and the mix of skills and competencies required for the achievement of the organization's long-term goals and notified in the Kenya gazette.

(3) A member appointed under paragraph(1)(b) shall be an *ex officio* member of the Council.

(4) A member of the Council including the chairperson shall be a Kenyan citizen of good professional standing and meet the requirements of chapter six of the Constitution.

(5) A member of the Council appointed under this Act must be a holder of a relevant diploma or degree obtained from a university or institution recognized by the Council.

(6) A member of the Council except the *ex officio* members shall hold office for a term of three years and may be eligible for reappointment for one further term.

(7) There shall be a Corporation Secretary who shall be appointed by the Council through a competitive process.

(8) Pursuant to nominations in paragraphs (c),(d), (e), (f) and (g) of subsection (1), each organization shall present two nominees one of whom shall be appointed by the Cabinet Secretary taking into account ethnic diversity, gender disability, skills mix and regional balance.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 4, as further amended **agreed to**.

Proposed amendment to Section 4A

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed new section 4A, by deleting the words "and shall be the secretary to the Board" appearing at the end of the sentence.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 4A, as further amended **agreed to.**

Proposed amendment to Section 5(1)

Further amendment proposed;

THAT, theSchedule to the Bill be amended in the proposed amendment to section 5(1), by inserting the words “Chapter 6 of” immediately after the words “provisions of” in the proposed new paragraph (c).

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 5(1), as further amended **agreed to.**

Proposed Amendments to Sections 5(3), 6 & 7(1) - **agreed to.**

Proposed amendment to Section 7(2)

Further amendment proposed;

THAT, theSchedule to the Bill be amended by deleting the proposed amendment to section 7(2) and substituting therefor the following new amendment-

s. 7(2) Delete and substitute therefor the following new subsection-

“(2) The chairperson may at any time convene a special meeting of the Council and shall do so within fifteen days of a written requisition of the meeting signed by at least five members.”

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 7(2), as further amended **agreed to.**

Proposed Amendments to Sections 8(1)& (2) - **agreed to.**

Proposed amendment to Section 9(1)

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendment to section 9(1), by deleting the proposed amendment to delete the words “nursing commodities” in paragraph (i).

(Chair, Departmental 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 Amendments to Sections 10(1) - **agreed to.**

Proposed amendment to Section 10(2)

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendment to section 10(2).

(Chair, Departmental 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) **deleted**

Proposed Amendments to Sections 10(6) & (7) - **agreed to.**

Proposed amendment to Section 11(1)

Further amendment proposed;

THAT,the Schedule to the Bill be amended in the proposed amendment to section 11(1), by inserting the words “or midwife” immediately after the word “nurse” in the proposed new paragraph (a).

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 11(1), as further amended **agreed to.**

Proposed Amendments to Sections 11(2) - **agreed to.**

Proposed amendment to Section 11(4)

Further amendment proposed;

THAT,the Schedule to the Bill be amended by deleting the proposed amendment to section 11(4) and substituting therefor the following new amendment—
s.11(4) Delete the word “may” appearing in subsection (4) and substitute therefor the word “shall”.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 11(4), as further amended **agreed to.**

Proposed amendment to Section 11(5)

Further amendment proposed;

THAT,the Schedule to the Bill be amended by deleting the proposed amendment to section 11(5) and substituting therefor the following new amendment—
s. 11(5) Delete subsection (5) and substitute therefor the following new subsection—

“(5) The officers appointed under this section shall be paid such remuneration and allowances as the Council may from time to time determine.”

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 11(5), as further amended **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 and substitute therefor the following new section-

Registers to be kept. **12.** (1) The Registrar shall compile and keep a register of nurses and midwives in the prescribed form.

(2) Every person eligible to be registered as a nurse or midwife may apply in the prescribed form to the Registrar for registration and every such application shall be accompanied by the prescribed fee.

(3) Subject to payment of a retention fee, there shall be entered and maintained in the appropriate register the name and address of every person entitled to be registered under this Act together with his or her professional qualifications and such other particulars as may be prescribed by the Council.

(4) Every person registered under this Act who has obtained a higher degree or qualification other than the qualification in respect of which he has been registered, shall be entitled to have that higher degree or additional qualification inserted in the register in substitution for or in addition to the qualification previously registered, upon paying the prescribed fee.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

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

Proposed Amendments to Sections 14(1) & 16(1) - **agreed to.**

Proposed amendment to Section 17

Further amendment proposed;

THAT, the Schedule to the Bill be amended by deleting the proposed amendments to section 17 and substituting therefor the following new proposed amendments-

s. 17 Delete and substitute therefor the following new section-

Private
practice.

17. (1) A person may engage in private practice as a nurse or a midwife if that person is-

- (a) a citizen of Kenya or a foreign national;
- (b) registered and licensed to practice in Kenya;
- (c) a holder of a valid practicing license issued under this Act;
- (d) of professional good standing, as may be prescribed by the Council;
- (e) has paid the fee as prescribed by the Council;
- (f) meets such other requirements as may be prescribed by the Council; and
- (g) a holder of such other nursing or midwifery qualification as may be prescribed.

(2) A person is not qualified to operate a clinic in community nursing or midwifery services as a private practitioner unless such person has at least three years post qualification experience in community nursing or midwifery and is in active practice in Kenya.

(3) Despite the provisions of sub sections (1) and (2), a person is not qualified to operate a nursing home, maternity home or a nursing and maternity home as a private practitioner unless such person has been in active practice for at least five years in Kenya.

(4) If a license is due for renewal and the licensee has not made an application within the thirty days from the date of expiry, the licensee shall not engage in private practice until a renewal license is issued.

(5) An application to engage in private practice or renewal shall be made to the Council in the prescribed form, accompanied with the prescribed fee.

(6) A person who has made an application to engage in private practice shall be issued with such license by the Council upon satisfying such requirements for issuance with a licence under this Act.

(7) A practising certificate shall be valid from the date on which it is issued and shall expire on the thirtieth day of December of every year unless its holder ceases to be a registered person under this Act.

(8) A person who contravenes the provisions of this section commits an offence and is liable upon conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year, or both.

(Chair, Departmental Committee on Health)

Question of the further amendment proposed,

Debate arising;

Question of the further amendment put and agreed to

Amendment to Section 17, as further amended **agreed to.**

Proposed Amendments to Sections 19(2), 26 & 27 - **agreed to.**

Proposed Amendments to New Sections 27A & 27B - **agreed to.**

PROGRESS REPORT

Motion made and question proposed –

THAT, the Committee has considered the Health Laws (Amendment) Bill (National Assembly Bill No.14 of 2018 up to the provisions relating to the Nurses Act, Cap.257 and seeks leave to sit again.

(The Leader of Majority Party)

Question put and agreed to.

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

PROGRESS REPORTED

Motion made and Question proposed –

THAT, the Committee has considered the Health Laws (Amendment) Bill (National Assembly Bill No.14 of 2018 up to the provisions relating to Nurses Act, Cap.257 and seeks leave to sit again.

(The Leader of the Majority Party)

Question put and agreed to.

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

9. HOUSE ROSE - at eight minutes past Seven O'clock

MEMORANDUM

The Speaker will take the Chair on
Thursday, October 25, 2018 at 2.30 p.m.