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REPUBLIC OF KENYA

PARLIAMENT

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SENATE BILLS

*(Bill No. 38 of 2018)*

THE KENYA MEDICAL SUPPLIES  
AUTHORITY (AMENDMENT) BILL,  
2018

(A Bill published in the Kenya Gazette Supplement No. 147 of 26<sup>th</sup> November, 2018  
and passed by the Senate, with amendments, on 30<sup>th</sup> June, 2020.)



**THE KENYA MEDICAL SUPPLIES AUTHORITY  
(AMENDMENT) BILL, 2018**

**A Bill for**

**AN ACT of Parliament to amend the Kenya Medical Supplies Authority Act, to provide for collaboration between the Kenya Medical Supplies Authority and County Governments; and for connected purposes**

**ENACTED** by the Parliament of Kenya, as follows—

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| 1. This Act may be cited as the Kenya Medical Supplies Authority (Amendment) Act, 2018.  | Short title.                                   |
| 2. The long title of the Kenya Medical Supplies Authority Act, hereinafter referred to as the “principal Act”, is amended by inserting the words “as an authority serving both the national government and the county governments” immediately after the words “Kenya Medical Supplies Authority”. | Amendment of the long title of No. 20 of 2013. |
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| 3. Section 2 of the principal Act is amended—  | Amendment of section 2 of No. 20 of 2013.      |
| (a) by inserting the following new definition immediately after the definition of the word Cabinet Secretary —   |  |
| “Council” means the Council of County Governors established under section 19 of the Intergovernmental Relations Act;   | No. 2 of 2012.                                 |
| (b) in the definition of the word “medical supplies” by inserting the words “therapeutic feeds, nutritional formulations,” immediately after the words “hospital consumables”.   |  |
| 4. Section 4 of the Principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection—  | Amendment of section 4 of No. 20 of 2013.      |
| (2) The Cabinet Secretary may assist the Authority to determine the requirement of drugs and medical supplies in National Referral   |  |
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hospitals.

(3) The County Government may assist the Authority to determine the requirement of drugs and medical supplies in the respective county health facilities.

5. Section 5 of the principal Act is amended in —

Amendment of  
section 5 of No.  
20 of 2013.

(a) subsection (1) by deleting paragraph (e) and substituting therefor the following new paragraphs —

(e) two persons competitively recruited and appointed by the Cabinet Secretary; and

(ea) two persons, of the opposite gender, competitively recruited by the Council and appointed by the Cabinet Secretary;

(b) subsection (3) by deleting the introductory clause and substituting therefor the following new clause —

(3) The persons referred to under subsection (1)(e) and (ea) shall be competitively recruited and appointed from amongst persons who —

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(c) in subsection (5) by inserting the words “and (ea)” appearing immediately after the words “subsection (1)(e)”.

6. The principal Act is amended by inserting the following new section immediately after section 6—

Insertion of  
section 6A in No.  
20 of 2013.

Headquarters. **6A.** The headquarters of the Authority shall be in the capital city, but the Authority may establish such branches as it may consider necessary.

7. Section 8 of the principal Act is amended—

Amendment of  
section 8 of No.  
20 of 2013.

(a) in subsection (2) by deleting the words “or medicine” appearing at the end of paragraph (a) and substituting therefor the words “medicine, business management,

finance, supply chain management, or any other related field from a recognized university”;

(b) in subsection (3) by deleting paragraph (b);

(c) in subsection (4) by inserting the words “upon satisfactory performance” immediately after the words “four years and”.

8. The principal Act is amended by inserting the following new section immediately after section 9—

Insertion of section  
9A in No. 20 of  
2013.

Corporation  
Secretary

**9A.** (1) There shall be a corporation secretary of the Authority who shall be competitively recruited and appointed by the Board.

(2) The terms and conditions of service of the corporation secretary shall be determined in the instrument of appointment by the Board upon the advice of the Salaries and Remuneration Commission.

(3) A person is qualified for appointment under subsection (1) if the person—

(a) holds a degree from a recognised university;

(b) is registered as a Certified Public Secretary under the Certified Public Secretaries of Kenya Act;

(c) is a member of good standing of the Institute of Certified Public Secretaries of Kenya;

(d) has at least seven years’

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experience in senior  
management  
administration; and

(e) satisfies the requirements  
of chapter six of the  
Constitution.

(4) The Corporation Secretary shall  
be the secretary to the Board and shall

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(a) provide guidance to the  
Board on their duties  
and responsibilities and  
on matters of  
governance;

(b) be the custodian of the  
seal of the organisation  
and account to the  
Board for its use;

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(c) ensure timely  
preparation and  
circulation of Board and  
Committee papers and  
minutes;

(d) maintain and update the  
register of conflicts of  
interest;

(e) facilitate effective  
communication between  
the organisation and the  
shareholders; and

(f) ensure that the annual  
returns and statutory  
documents required to

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be filed under any other law are promptly filed with the relevant authorities.

9. Section 13 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection—
- Amendment of section 13 of No. 20 of 2013

(2) The affixing of the common seal of the Authority shall be authenticated by the signature of the Chairperson and the chief executive officer and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of both the chief executive officer and the corporation secretary.

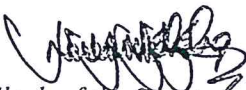
10. Section 19 of the principal Act is amended by inserting the following new subsection immediately after subsection (1) —
- Amendment of section 19 of No. 20 of 2013.

(1A) Where procurement is carried out pursuant to an agreement with a county government under section 4 (1) (e), the Authority shall ensure that there is consultation and proper identification of the needs of the county government prior to such procurement.

11. Section 21 of the principal Act is amended—
- Amendment of section 21 of No. 20 of 2013.
- (a) by deleting subsection (1) and substituting therefor the following new subsection —

- (1) The Cabinet Secretary may, on the recommendation of the Authority and upon consultation with the Council, make Regulations for the better carrying out of the objects of the Act.
- (b) in subsection (2) by inserting the words “and payment for” immediately after the words “requisition of” appearing in paragraph (c).

I certify that this printed impression is a true copy of the Bill as passed by the Senate on Tuesday, 30<sup>th</sup> June, 2020.

  
*Clerk of the Senate*

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 156 of the Senate Standing Orders.

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*Speaker of the Senate*

PRINTED BY THE CLERK OF THE SENATE

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