

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Wednesday, 30th March 2022**

The House met at 2.30 p.m.

[The Speaker (Hon. Justin Muturi) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Ring the Quorum Bell.*(The Quorum Bell was rung)***Hon. Speaker:** Very well. The Leader of the Majority Party.*(Loud consultations)*

PAPERS LAID

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of the House:

The County Governments Budget Implementation Review Report for the first half of the FY 2021/2022 from the Office of the Controller of Budget.

The Fourteenth Edition of Bi-Annual Report on the Status of Alcohol and Drug Abuse Control in Kenya for the period from January to June 2021, from the National Authority for the Campaign Against Alcohol and Drug Abuse.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2021, and the certificates therein:

- (a) The State Department for development of the Arid and Semi-Arid Land (ASALs);
- (b) The State Department for Public Works;
- (c) The State Department for Culture and Heritage;
- (d) The State Department for Industrialisation; and,
- (e) The Mechanical and Transport Fund.

Report of the Auditor-General and Financial Statements in respect of the Kenyatta National Hospital for the year ended 30th June 2020, and the certificate therein.Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30th June 2020 and the certificates therein:

- (a) Starehe; and,

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(b) Embakasi West.

Report of the Auditor-General and Financial Statement of Siaya Institute of Technology for the year ended 30th June 2019 and the certificate therein.

Hon. Speaker: Next Order.

QUESTIONS AND STATEMENTS

ORDINARY QUESTIONS

The first segment is on Questions. The first Question is by the Member for Ndhiwa, Hon. Martin Owino.

Question No.090/2022

CONSTRUCTION OF RODI KOPANY-NDHIWA (C672) AND NDHIWA CENTRE-SORI ROADS

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Speaker. I rise to ask Question No.090/2022 to the Cabinet Secretary of Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) Could the Cabinet Secretary explain the progress of construction and the scope of works on the Rodi Kopany-Ndhiwa (C672) and Ndhiwa Centre-Sori roads?
- (ii) Could the Cabinet Secretary state the criteria used to split the project's implementation and scope of works into two contracts, explain how the two firms undertaking the works were awarded the contracts, and provide the identity of the said firms?
- (iii) Could the Cabinet Secretary further state the number of local residents currently benefiting from the said project, including those directly employed as skilled and non-skilled workers, and avail the terms of their engagement and remuneration?

Hon. Speaker, this is the second time I am asking this Question. Last time, I was given a written answer and I did not know where it came from. I have held consultations with the Chair, but, at least, I should be called to appear before the Committee to ask this Question and get clarity. I hope the Chair will expedite this and call me to appear before the Cabinet Secretary.

Hon. Speaker: Hon. Martin Owino, you are always in the chamber; but pay attention when the Leader of the Majority Party will be reading out Questions that will be responded to every coming week so as to ensure you appear before the Committee. It is not the business of the Committee to call Members, but they have a responsibility to themselves and their constituents to always be here in the chamber and make follow-ups. More importantly, to know when the Leader of the Majority Party is indicating a particular Question or when a cabinet secretary will be appearing before a particular committee to respond to whatever number of Questions and Statements.

Hon. Martin Owino (Ndhiwa, ODM): Hon. Speaker, I agree, but talking to the Chair, the meeting never took place.

Hon. Speaker: Now you have answered the Question. That is water under the bridge, and it must have been in the other session.

Hon. Martin Owino (Ndhiwa, ODM): I think so.

Hon. Speaker: That is finished, *hiyo ya ule wakati mwingine yaliisha, sasa tugange yajayo*. There is somebody who did not get *tugange yajayo*, and thought it is something different; *yaliyopita si ndwele*. The Member for Kangundo seems to enjoy that because he knows who the culprit was. The Question will be replied before the Departmental Committee on Transport, Public Works and Housing and the Chair is in the House.

The next Question is by the Member for Kuria East, Hon Marwa Maisori, who has written to me requesting that the Question be deferred so that it can be redrafted. His request has been acceded to. So the Question is deferred.

Question No.091/2022

UPGRADING OF MUHURU BAY-MIGORI-KEHANCHI-LOLGORIAN-
MARARIANTA-LEMEC-NGORE NGORE-NAROK ROAD

(Question deferred)

The last Question is by the Member for Likoni, Hon Mishi Mboko.

Question No.092/2022

IMPROVEMENT OF CONDITIONS OF MTONGWE FERRY CHANNEL

Hon. (Ms.) Mishi Mboko (Likoni, ODM): Thank you, Hon. Speaker. I rise to ask Question No.092/2022:

- (i) Could the Cabinet Secretary state when the Government intends to improve the condition of Mtongwe Ferry Channel in Mombasa County, including addressing previous safety concerns?
- (ii) When will the Channel be made fully operational for use by members of the public?

Hon Speaker: The Question will be replied to before the Departmental Committee on Transport, Public Works and Housing. The next segment is on Statements, but there are no requests. Hon Sankok what is your intervention about?

Hon David ole Sankok (Nominated, JP): Hon Speaker, I want to seek your guidance because yesterday we had the Supplementary Budget. As a House, we adopted the Report of the Parliamentary Committee on Broadcasting and Library on the Formulation of Parliamentary Broadcasting Channel last year, but I did not see it reflecting in the budget. We really need to implement this so that Parliament can tell its own story. The story of Parliament is being told by bloggers and the mainstream media, and they choose what to air and what not to air.

The work we do in our committees has never been told, yet there is a lot that we do during our committee meetings. We had passed that Report and adopted it, but it seems that Parliament is not ready to implement it. There is a social media platform that Parliament is doing called 'The Lawmaker' by Hiram Omondi and Macharia. I urge the Members of Parliament to contact them so that our stories can be told by us rather than waiting for them to tell our stories.

Hon. Speaker, I wanted your guidance on when this Report will be implemented and how we will have our broadcasting channel rather than depending on the Kenya Broadcasting Corporation (KBC), yet we do not even have an employee or staff of Parliament there.

Hon. Speaker, your story would have been told to an extent that we would not be referring to you as Hon. Speaker, but Your Excellency, the incoming President. We do not have a channel to tell what we do or how you sit on that Chair up to midnight. If there is a channel to tell the country what you do before you come to the chamber, it would create a different perception out there. So, I just wanted your guidance.

Hon. Speaker: First of all, do you sit in the Parliamentary Broadcasting and Library Committee?

Hon. David ole Sankok (Nominated, JP): No, I am just keen in following, but I do not sit in that Committee.

Hon. Speaker: That is very good and being very proactive. Indeed, it is true that the Report was adopted, and I must thank the Committee on Implementation, chaired by Hon. ole Kenta because they have also moved with speed to find out about the implementation status. I know they have written to the Secretary, Parliamentary Service Commission, on the issue of funding for purposes of implementing that Resolution. Hon. ole Kenta, is that correct?

Hon. Richard ole Kenta (Narok North, ODM): Thank you, Hon. Speaker. In fact, we have been pursuing that matter, and even insisted that some money be put in the budget for this particular purpose. I would like to assure the Member that it shall be done, definitely.

Hon. Speaker: Yeah. Indeed, I like the action taken by the Committee on Implementation in that regard. That should just tell you that I follow up on what is happening.

What is it again?

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, how do you have all this information on your fingertips? All of it! I am shocked!

Hon. Speaker: That is the job you gave me. I am happy that the Committee on Implementation is really following up on this matter. I am in receipt of the Report by this Committee, and the action taken by demanding the Secretary to the Parliamentary Service Commission to appear and explain why there is delay in the implementation of this Resolution of the House.

One of the legacies I hope this House will remember is that you agreed to create the Committee on Implementation, which ensures that the Resolutions of the House are implemented by whomsoever they may be directed to. This is a very good thing.

Member for Murang'a, you had indicated you have a Statement?

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Speaker.

Hon. Speaker: The Chair of the Departmental Committee on Health and not the Member for Murang'a.

STATEMENT

EFFICACY OF MEDICAL PRODUCTS/DEVICES BEING SOLD BY M/S CERAGEM (KENYA) LTD

Hon. (Ms.) Sabina Chege (Murang'a (CWR), JP): Hon. Speaker Sir, I rise pursuant to Standing Order 44(2)(c) to give a Statement to this House on a matter regarding a Statement sought by Hon. Moses Kuria, concerning medical products and devices being promoted and sold in the country by M/s Ceragem (Kenya) Limited.

In the Statement, Hon. Moses Kuria sought to know the following:

- (i) List of all medical products and devices being sold or promoted in the county by M/s Ceragem (Kenya) Limited.
- (ii) If the said products are approved by both the Pharmacy and Poisons Board (PPB), and the Kenya Bureau of Standards (KEBS).
- (iii) If there are any outlets of Ceragem in Kenya.
- (iv) If the Ministry of Health is aware of the ban issued on Ceragem products in the United States of America.
- (v) Any legal action to be taken if Ceragem is not licenced to market or sell their products.

Hon. Speaker, the Departmental Committee on Health took up the matter and engaged the Ministry of Health and the Pharmacy and Poisons Board. The Ministry of Health tasked the Pharmacy and Poisons Board to undertake an investigation on the matter. The Pharmacy and Poisons Board, which is the national drug regulatory authority in the Ministry of Health, gave us a few findings. Ceragem is a health science company with its origin in South Korea. It started in South Korea in 1998 as an alternative treatment method, and has spread to over 80 countries worldwide. Ceragem discovered that most health issues and lifestyle diseases have their origin in the spine (central nervous system), and came up with a solution to this through research and development of Ceragem thermal acupressure devices.

In Kenya, Total Ceragem Africa Limited was registered in February, 2018, and the Ceragem head office is located in Comet House, 1st Floor, Room 14b, on Monrovia Street. Their basic products range include automatic spinal thermal massager (Ceratonic master V3), internal waste and fats remover (slim belt), Ceratonic belt (ceramic B1), thermal therapeutic ceratonic mat (ceraball S1), and many other products. The alternative medicine principles applied by Ceragem are massage, thermal and sound therapy.

During the investigation, the Pharmacy and Poisons Board (PPB) visited all the 11 Ceragem Africa Limited branches in the country, which are:

1. Total Ceragem Africa Limited headquarters.
2. Woodley Centre.
3. Ruaka Centre.
4. Thika Centre.
5. Muranga Centre.
6. Nakuru Centre.
7. Eldoret Centre.
8. Mombasa Centre.
9. Eastleigh Centre.
10. Kasarani Centre.
11. Kiambu Centre.

During the investigation, the Pharmacy and Poisons Board (PPB) made the following findings:

1. The premise was registered as a private limited company and had five members of staff.
2. Their supplier was based at South Korea.
3. The standard operating procedures were not available.
4. There were 24 hours' security guards who manned the main entrance, and there were no alarms nor CCTV surveillance at the facility.

The PPB evaluated the following documents:

1. Lists of clients from all the centres who bought the mat and their contacts.
2. Details as well as the stock balances.

3. List of clients who engaged in Experience Ceragem at Home (ECHOM) and evidence of the signed contract.
4. List of the import documents for the last shipment.
5. Closure notices.
6. List of all suppliers.
7. List of all products stocked
8. Current price list.
9. Invoices and delivery notes.
10. Copies of delivery notes and invoices by suppliers.

Hon. Speaker, Ceragem Thermal Massagers are the major supplies that are imported. All products stocked had their labels and package inserts written in English. No signs of tampering were reported or witnessed. On reference materials, there were books.

After conducting the investigations, the PPB observed as follows:

1. Total Ceragem Africa limited was duly registered by the Registrar of Companies and is the head office of Ceragem products in Kenya.
2. The Ceragem products were not registered by the Pharmacy and Poisons Board.
3. The products were imported and cleared without an import permit from the Pharmacy and Poisons Board.
4. The latest shipment containing the Ceragem Thermal Therapeutic Mat was imported in May, 2019, and had a Certificate of Conformity (CoC) from KEBS.
5. There was no evidence of staff training on the use of thermal therapeutic devices.
6. The Ceragem healthcare consultation card was a tool used to capture new client information and client record for consequent visits.
7. The ECHOM (Experience Ceragem at Home) is a customer home trial agreement of ceragem product after which the product is retained or returned after the home experience period.
8. At the time of the investigation, only three pieces of Ceragem Thermal Mat were remaining in stock out of 30 units that were imported in May, 2019.
9. There were no SOPs or procedures for dealing with complaints and returned/recalled /expired products.

During the Committee's meeting with the Ministry of Health and the Pharmacy and Poisons Board held on Thursday, 21st October 2021, the Committee considered the Ministry's and the Board's investigative report regarding medical products and devices being promoted and sold in the country by Ceragem Kenya Ltd, and agreed to the following proposed recommendations.

1. Total Ceragem Africa Limited was to cease distribution and operations with immediate effect.
2. Any unsold items were to be quarantined on-site.
3. All the outlets of Total Ceragem Africa Limited to be closed until licensed by the Pharmacy and Poisons Board.
4. All the thermal therapeutic devices were to be registered at the Pharmacy and Poisons Board.
5. Ceragem was to develop standard operating procedures related to client complaints before reopening.
6. There was to be evidence of registration and training of personnel offering the services to the clients, and evidence that clients will receive training on the use of the devices before the company could resume operations.

I beg to table.

Hon. Speaker: Does the person who sought the Statement have the capacity to attend the sittings? Very well. Just table it for the benefit of the House.

(Hon. (Ms.) Sabina Chege laid the document on the Table)

Next Order.

(Hon. Richard Tong'i walked into the Chamber)

Is that the Member for Nyaribari Chache? I may not know that other Hon. Member.

CONSIDERATION OF REPORT AND THIRD READING

THE RADIOGRAPHERS BILL

Hon. Speaker: Hon. Members, debate on this Bill at the Committee of the whole House was concluded, but the Question could not be put for agreement. I, therefore, proceed to put the Question for agreement.

(Question put and agreed to)

Let us have the Mover.

Hon. Ms. Sabina Chege (Murang'a CWR, JP): Hon Speaker, I beg to move that the Radiographers Bill (National Assembly Bill No.47 of 2019), be now read a Third Time.

I also request Hon. Owino to second.

Hon. Speaker: Hon. Owino.

Hon. Martin Owino (Ndhiwa, ODM): Hon. Speaker, I second.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: Having confirmed that the House has Quorum, I will put the Question.

(Question put and agreed to)

*(The Bill was accordingly read the
Third Time and passed)*

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Hon. Justin Muturi) left the Chair]

IN THE COMMITTEE

*[The Temporary Deputy Chairlady
(Hon. (Ms.) Soipan Tuya) in the Chair]*

THE HEALTH LAWS (AMENDMENT) BILL

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Members! We are now in the Committee of the whole House to consider the Health Laws (Amendment) Bill (National Assembly Bill No.2 of 2021).

CLAUSE 2 - SCHEDULES

PROVISIONS RELATING TO THE PHARMACY AND POISONS ACT CAP 244

Section 3

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chair?

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

1. in the proposed amendments to the Pharmacy and Poisons Act, Cap. 244—
 - a. 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—

Establish
ment of
Pharmacy
and
Poisons
Board.

3. (1) There is established a Board which shall consist of—
 - (a) a non-executive chairperson appointed by the President and who shall—
 - (i) be a registered pharmacist of good standing with a degree in pharmacy; and
 - (ii) have at least ten years' experience in the pharmaceutical sector, five of which shall be at managerial level;
 - (b) the Principal Secretary in the ministry for the time being responsible for health, or a representative appointed in writing;
 - (c) the Attorney General or a representative appointed in writing;
 - (d) the Director General for health or a representative appointed in writing;
 - (e) five other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with knowledge and experience in management of whom—
 - (i) three shall be from the pharmacy profession nominated by the Pharmaceutical Society of Kenya and the Kenya Pharmaceutical Association, and two of whom shall be pharmacists with knowledge on regulatory affairs,

- quality assurance and pharmaceutical development with one being a pharmaceutical technologist;
- (ii) one pharmacist nominated by universities in Kenya which have the power to grant a qualification which is registerable under this Act;
 - (iii) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field;
- and
- (f) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(e) 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) The nominations under subsection (1)(e) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Board under subsection (1)(a) and (e) shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Board if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Board without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Board.

(5) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable in its corporate name, of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, charging and disposing of movable and immovable property;
- (c) borrowing money; entering into contracts; and
- (d) doing or performing all other things or acts necessary for the proper performance of its functions under this Act.

The amendment introduces the qualifications for one to be appointed as a chairperson of the board. It also seeks to ensure that the board shall be composed of persons with knowledge and

expertise in matters related to the pharmacy profession. It also seeks to include the Attorney-General in the membership of the board in line with the provisions of Section 6(1)(d) of the State Corporations Act, Cap 446.

The amendment further includes the Director-General for Health in the board as this inclusion is necessary for the purposes of provision of the sector-specific technical knowledge and expertise. It also introduces the provision providing for the corporate status of the board so as to enable it to perform its functions independently as a legal entity.

I move.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Section 3 as amended agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I have noticed that Hon. Didmus Barasa has an amendment on this one, but since the Chair's amendment has been carried, his amendments fall. So, we can proceed.

(Proposed amendment by Hon. Didmus Barasa dropped)

Section 4

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chair.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

1. in the proposed amendments to the Pharmacy and Poisons Act, Cap. 244—
 - c. by deleting the proposed amendments to Section 4.

The justification for the deletion is to retain the quorum of the board at five members so as to ensure the quorum shall be an odd number for voting purposes.

I move.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Can I go on to put the Question?

*(Question, that the words to be left out be left out,
put and agreed to)*

Hon. David ole Sankok (Nominated, JP): On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Yes, Hon. Sankok?

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Chairlady, we have been given today's Order Paper, but most of us are really lost and we would like to know where we are. Hon. Shamalla, who is a law maker and a very competent lawyer, is also lost.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Sankok, you are also a law maker, and you cannot also purport to speak for everybody.

Hon. David ole Sankok (Nominated JP): Yes, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): It is fair enough to say that you are lost. Speak for yourself.

(Loud consultations)

Go to Page 336 of your Order Paper. Hon. Sankok, are you okay? Page 336(b).

(Loud consultations)

Hon. Chair, we have a bit of regularisation to do to the Schedule before us here. So, you can finalise your consultations. Yes, Hon. Wandayi?

Hon. Opiyo Wandayi (Ugenya, ODM): Hon. Temporary Deputy Chairlady, I am just seeking your indulgence in view of the mix-up we are facing with the Schedule. Therefore, would it be right for us to take some time off as the regularisation continues, or if we cannot, we could take this chance to deliberate on other pertinent issues that concern the nation.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Do not worry, Hon. Wandayi. We are on course and just need to synchronise the Order Paper.

Hon. Opiyo Wandayi (Ugenya, ODM): This is especially on the lies being peddled by my friend, Hon. Sankok.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order, Hon. Wandayi! You are now out of order. Take the microphone away from him. We should give the Chair a few seconds to finalise her consultations, and then we move on.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I think we are fine and should move to Section 3B.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Yes, so we will just go back a little.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): It is on Page 336, and then we go to (c) and (d), as per the Order Paper.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Members, check Page 336 on the Order Paper.

Section 3B

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I call upon the Chairlady.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

1. in the proposed amendments to the Pharmacy and Poisons Act, Cap. 244—
 - b. by inserting the following new amendment immediately after the proposed amendment to Section 3—

s.3B Insert the following new subsection immediately after subsection (3) –
 “(4) The Board shall perform its functions under subsection (2) in consultation with the Board of Management of the National Quality Control Laboratory.”

The amendment seeks to ensure that the Pharmacy and Poisons Board shall perform its functions relating to the regulation of medicinal substance in consultation with the Board of Management of the National Quality Control Laboratory.

I beg to move.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Section 3 as amended agreed to)

Section 4

The Temporary Deputy Chairlady (Hon. (Ms.). Soipan Tuya): We are on the same page, Hon. Sankok. Look at (c), which is on Section 4.

Chair?

Hon. (Ms.) Sabina Chege (Murang’a CWR, JP): Thank you, Hon. Temporary Deputy Chairlady, I beg to that move:

THAT, the Schedule to the Bill be amended —

2. in the proposed amendments to the Pharmacy and Poisons Act, Cap. 244—
 - d. by deleting the proposed amendments to Section 4.

This is a deletion of the amendment which seeks to retain the quorum for the meeting of the board and ensure the quorum shall be an odd number for voting purposes.

I beg to move.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.). Soipan Tuya): Member for Nyando?

Hon. Jared Okelo (Nyando, ODM): Thank you very much, Hon. Temporary Deputy Chairlady. I am in support of this because we have seen situations where we have even numbers and during voting, there has been a gridlock. So, when it is odd numbers as it is being proposed by the Chairlady, it helps to settle any other impasses that may emanate from a voting pattern.

The Temporary Deputy Chairlady (Hon. (Ms.). Soipan Tuya): Hon. Sankok?

Hon. David ole Sankok (Nominated, JP): I am okay because an even number for voting purposes is not tenable. Again, as far as we have 11 members according to *Mwongozo*, and half of them, which is five members, is quorum, then I support.

*(Question, that the words to be left out be left out,
put and agreed to)*

(Section 4 as amended agreed to)

New Section 5

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): The new Section 5 is on page 7 of the Bill and we have no amendments to it.

(New Section 5 agreed to)

Section 35C

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Chair.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

1. in the proposed amendments to the Pharmacy and Poisons Act, Cap. 244—
 - d. by deleting the proposed amendment to section 35C;

It seeks to retain the National Quality Control Laboratory as an independent entity and a body corporate since it plays a very vital role in examination, testing and analysis of drugs. I move.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Section 35C as amended agreed to)

Section 35D

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Chair.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

1. in the proposed amendments to the Pharmacy and Poisons Act, Cap. 244—
 - e. by deleting the proposed amendment to section 35D;

This is consequential now that we have retained the National Quality Control Laboratory. I move.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Section 35D as amended agreed to)

Section 35E

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Chair.

Hon. (Ms.) Sabina Chege (Murang'a (CWR), JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

1. in the proposed amendments to the Pharmacy and Poisons Act, Cap. 244—
 - f. by deleting the proposed amendment to section 35E

This is consequential now that we are retaining the National Quality Control Laboratory.

I move.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Section 35E as amended agreed to)

Section 35F

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Chair.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

1. in the proposed amendments to the Pharmacy and Poisons Act, Cap. 244—
 - g. by deleting the proposed amendment to section 35F and inserting the following new amendment—
- s.35F Delete subsection (1) and insert the following new subsection—
- “(1) There shall be a Board of Management for the Laboratory, which shall consist of nine members, to be appointed by the Cabinet Secretary, as follows—
- (a) a non-executive chairperson who shall—
 - (i) be a registered pharmacist of good standing with a degree in pharmacy; and
 - (ii) have at least ten years' experience in the pharmaceutical sector;
 - (b) the Principal Secretary in the ministry for the time being responsible for matters relating to health, or a representative appointed in writing;
 - (c) the Principal Secretary in the ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;
 - (d) the Director General for health or a representative appointed in writing;
 - (e) the Attorney-General or a representative appointed in writing;
 - (f) one person having knowledge and experience in supply chain management, nominated by the Council of County Governors;
 - (g) one pharmacist, not being a public officer, with knowledge and experience in drug analysis, pharmaceutical manufacturing and regulatory affairs of health products and technologies;
 - (h) one person from the healthcare profession having knowledge and experience in quality management systems; and
 - (i) the Director who shall be the Chief Executive Officer and an *ex officio* member of the Board.

This amendment seeks to provide that the Members of the Board of National Quality Control Laboratory shall be appointed by the Cabinet Secretary (CS) from set criteria so as to avoid any ambiguity that may arise. I move.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): The way this Board is being proposed, I see Members like the Principal Secretary and Director-General for Health. Both the Principal Secretary and the Director General for Health come from the Government side. I think the need to have State corporations on such boards is to bring the corporate world into Government management. We should have more professionals than people within the Government quarters.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chair, do you want to clarify?

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Yes, Hon. Temporary Deputy Chairlady. This is a very sensitive Board and there have been struggles before. It has a history because it was first under the Pharmacy and Poisons Board and that is why we are making it an independent Board.

On (g), we have one pharmacist who is not a public officer with knowledge and experience in drug analysis, pharmaceutical manufacturing and regulatory affairs of health products and technology. We also have one person from the healthcare profession having knowledge and experience in quality management services. So, we already have outsiders voice within the Board and a non-executive chair. The concerns of Hon. Sankok are already well taken care of.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Ndindi Nyoro.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, Hon. Temporary Deputy Chairlady. As we talk about the executive chair, we need to debunk the issue of 10 years' experience because we are dealing with gadgets and devices in terms of diagnostics. Technology keeps changing. Experience may actually mean inexperience because every other year and every other time, you are dealing with new things because technology is very dynamic. I, therefore, oppose the proposal of a 10 years' experience. If we have presidents around the world who are even barely 30 years managing a country, what is a board to need 10 years' experience?

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chair, do you want to say something before we put the Question?

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Yes. This is just a point of information to my colleague and friend Hon. Ndindi. We are talking about the National Quality Control Laboratory, where the drugs that we consume in this country are approved and tested. This is not about gadgets. It is mainly about the medicines that we take and that is why we are talking about a non-executive chair who is a registered pharmacist of good standing with a degree in Pharmacy and at least has experience in the pharmaceutical sector which is a huge sector. On this one, we cannot take a chance. Experience is key.

Hon. Temporary Deputy Chairlady, I beg to move.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Martin Owino.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Chairlady. I just want to support our Chair on this because it has been a struggle between the Pharmacy and Poisons Board and the National Quality Control to an extent that these two sectors were not

functioning. The 10 years' experience is needed because of the sensitivity of these actions needed by the QFC.

Hon. Ndindi Nyoro, you will never beat experience even if you are so qualified with a Doctorate. I think that is totally in place.

Thank you, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): I think the need for these amendments came from request on the Floor of this House to harmonise all these regulatory bodies with those where the House had already passed similar rules and laws. If you look across, about all of them have a requirement of a 10 years' experience for the Chairman. It would be unfair to go to the Quality Control Board and tell them to provide for less years while the other chairmen are required to have a 10 years' experience. You will realise that all the amendments coming from the regulatory bodies and ones that were passed in the Health Laws Bill of 2019 were proposing 10 years. There is need for harmony within other institutions.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): We can now move on. Can I put the Question?

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Section 35F as amended agreed to)

Section 35G

Hon. (Ms.) Sabina Chege (Murang'a, JP): Hon. Temporary Deputy Chairlady, I beg to move:

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

This amendment seeks to retain the function of the National Quality Control Laboratory Board (NQCLB) as an independent entity and body corporate. The same is true of the subsequent amendments. We have retained the functions of the Board. I move.

(Question of the amendment proposed)

*(Question, that the words to be left
out be left out, put and agreed to)*

(Section 35G as amended agreed to)

Section 35H

The Temporary Deputy Chairlady (Hon. Soipan Tuya): Chairperson.

Hon. (Ms.) Sabina Chege (Murang'a, JP): Hon. Temporary Deputy Chairlady, I beg to move:

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

This is a consequential amendment on the NQCLB. I move

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Section 35H as amended agreed to)

Section 35I

The Temporary Deputy Chairlady (Hon. Soipan Tuya): Chairperson.

Hon. (Ms.) Sabina Chege (Murang'a, JP): Hon. Temporary Deputy Chairlady, I beg to move:

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

This is to harmonise powers relating to the Director of the NQCLB.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Section 35I as amended agreed to)

Section 35J

The Temporary Deputy Chairlady (Hon. Soipan Tuya): Chairperson.

Hon. (Ms.) Sabina Chege (Murang'a, JP): Hon. Temporary Deputy Chairlady, I beg to move:

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

This amendment seeks to retain the financial provisions relating to the NQCLB. I move.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Section 35J as amended agreed to)

Section 35K

The Temporary Deputy Chairlady (Hon. Soipan Tuya): Chairperson.

Hon. (Ms.) Sabina Chege (Murang'a, JP): Hon. Temporary Deputy Chairlady, I beg to move:

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

This is to retain the requirement of issuance of certificates of analyses by the NQCLB. I move.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Section 35K as amended agreed to)

(Provisions relating to the Pharmacy and Poisons Act, as amended, agreed to)

(Provisions relating to the Mental Health Act agreed to)

PROVISIONS RELATING TO THE MEDICAL PRACTITIONERS AND DENTISTS ACT

Section 3A

The Temporary Deputy Chairlady (Hon. Soipan Tuya): Chairperson.

Hon. (Ms.) Sabina Chege (Murang'a, JP): Hon. Temporary Deputy Chairlady, I beg to move:

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

Delete and substitute therefor the following new section—

Composition of the Council.

3A. (1) The Council shall consist of—

(a) a non-executive chairperson appointed by the President and who shall—

(i) be a specialist medical or dental practitioner of good standing; and

(ii) have at least ten years' experience, five of which shall be in a managerial position;

(b) the Principal Secretary in the ministry for the time being responsible for matters relating to health, or a representative appointed in writing;

(c) the Principal Secretary in the ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;

(d) the Director General for health or a representative appointed in writing;

(e) six other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and

regional balance, with knowledge and experience in management of whom—

- (i) one person 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;
 - (iv) one person who shall be a representative of oral health practitioners;
 - (v) one person who shall be a representative of the Consumer Federation of Kenya;
 - (vi) one person with knowledge and expertise in finance and audit, accounting, business management, economics, law or any other relevant field; and
- (f) the Registrar who shall be the Chief Executive Officer and an ex officio member of the Board.
- (2) The persons appointed under subsection (1)(e) 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) The nominations under subsection (1)(e) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.
- (4) A person appointed as a member of the Council under subsection (1)(a) and (e) shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Council if—
- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
 - (b) has been absent from three consecutive meetings of the Council without permission of the chairperson;
 - (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
 - (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

(5) The quorum for the conduct of business at a meeting of the Council shall be five members.

(6) The chairperson shall preside at all meetings of the Council but in the absence of the chairperson the members present shall appoint one of their number to preside at the meeting.

(7) The Council shall meet at least once in every three months.

(8) The Council may appoint suitable persons to assist in carrying out particular decisions of the Council or particular duties or investigations for the Council.

(9) The powers of the Council shall not be affected by any vacancy in the membership thereof.

(10) Subject to the provisions of this Act, the Council may regulate its own procedure.

The amendment introduces qualifications for one to be appointed as a Chairperson of the Board and to ensure that the Council shall comprise persons with knowledge and expertise to matters related to the medical and dental profession. The amendment also seeks to include the Principal Secretaries for Health and Finance in the membership of the Council in compliance with provisions of section 6(1) of the State Corporations Act. The amendment further provides, with certainty, the institutions which shall nominate representatives to the Council. This is an improvement of the Bill, which only provides that the Cabinet Secretary shall appoint persons who are not public officers.

I move, Hon. Temporary Deputy Chairlady.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Section 3A as amended agreed to)

(New Section 4D agreed to)

New Section 4 E

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Chair.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

2. in the proposed amendments to the Medical Practitioners and Dentists Act, [Cap. 253—

b. in the proposed new Section 4E, by deleting the words “relevant Government agencies” and substituting therefor the words “Salaries and Remuneration

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Commission”.

This amendment seeks to make express reference to the Salaries and Remuneration Commission (SRC) as the body which is constitutionally mandated to review and determine the salaries of public officers.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(New Section 4E as amended agreed to)

(Section 15(10)(A) agreed to)

*(Provisions relating to the Medical Practitioners and Dentists Act,
Cap. 253 as amended agreed to)*

PROVISIONS RELATING TO THE NURSES ACT, CAP. 257

Section 4

Hon. (Ms.) Sabina Chege (Murang’a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

3. in the proposed amendments to the Nurses Act, Cap. 257—

a. by deleting the proposed amendments to Section 4 and inserting the following

new amendment—

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

Membership
of the Council.

4. (1) The Council shall consist of—

(a) a non-executive Chairperson appointed by the President

and who shall—

(i) be a registered nurse of good standing; and

(ii) have at least ten years' experience, five of which shall be in a managerial

position;

(b) the Principal Secretary in the Ministry for the time being responsible for health, or a representative appointed in writing;

(c) the Principal Secretary in the ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;

(d) the Director of Nursing Services;

(e) four other persons, not being public officers, appointed by the Cabinet

Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—

- (i) one shall be a nurse nominated by the National Nurses Association of Kenya;
 - (ii) one shall be a nurse nominated by the Kenya Progressive Nurses Association;
 - (iii) one shall be a registered nurse educator actively involved in the training of nurses nominated by recognised universities in Kenya;
 - (iv) one shall be a person with a professional background in human resource management; and
 - (f) the Registrar who shall be the Chief Executive Officer and an ex officio member of the Board.
- (2) The persons appointed under subsection (1)(e) 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) The nominations under subsection (1)(e) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.
- (4) A person appointed as a member of the Council under subsection (1)(a) and (e) shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Council

if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Council without permission of the Chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

This amendment introduces the qualifications for one to be appointed as the Chairperson of the Council. It also seeks to ensure that the Council shall comprise of persons who have knowledge and expertise in nursing profession. It also seeks to include the Principal Secretary for Health in the membership to be in charge of finances in compliance with the provision of Section 6(1) of the State Corporations.

The amendment further provides with certainty the institution which shall nominate representatives in the Council. This is an improvement of the Bill which only provided that the Cabinet Secretary shall appoint the persons who are not public officers.

(Question of the amendment proposed)

*Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Section 4 as amended agreed to)

(Sections 5(6) and 26J agreed to)

(Hon. (Ms.) Sabina Chege consulted a Member)

New Section 9A

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Chair, you should not disappear. You need to seek leave to consult.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Sorry, Hon. Temporary Deputy Chairlady. I will do that.

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

3. in the proposed amendments to the Nurses Act, Cap. 257—

b. by inserting the following new amendment immediately after the proposed amendment to Section 6—

New. Insert the following new section immediately after Section 9—

Corporation
Secretary.

9A. (1) The Council shall competitively recruit a person qualified, in terms of the law governing the practice of public secretaries in Kenya, to serve as the Corporation Secretary.

(2) The Corporation Secretary shall—

(a) in consultation with the Chairperson of the Council, issue notices for meetings of the Council;

(b) keep, in custody, the records of the deliberations, decisions and resolutions of the Council;

(c) transmit decisions and resolutions of the Council to the Chief Executive Officer for execution, implementation and other relevant action;

(d) provide guidance to the Council on their duties and responsibilities on matters relating to governance; and

(e) perform such other duties as the Council may direct.

This amendment seeks to introduce the appointment of the Corporation Secretary by the Council who shall be responsible for the custody of the resolutions of the Council.

(Question of the amendment proposed)

*(Question, that the words to be inserted be inserted,
put and agreed to)*

(New Section 9A as amended agreed to)

(Provisions relating to the Nurses Act, Cap. 257 as amended agreed to)

PROVISIONS RELATING TO THE KENYA MEDICAL TRAINING COLLEGE ACT, CAP. 261

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Chair.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move....

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Chair, wait a minute.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Did you put the global Question for what you have finished?

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Yes, we did. We have now moved to the next section.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

4. by deleting the proposed amendments to the Kenya Medical Training College Act, Cap. 261—

The deletion of the proposed amendment seeks to ensure that the Director-General for Health is retained in the membership of the Board of Directors of the Kenya Medical Training College. This is necessary for the provision of technical knowledge and expertise.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Provisions relating to the Kenya Medical Training College Act,
Cap. 261 agreed to)*

(Hon. Temporary Deputy Chairlady consulted the Clerk-at-the-Table)

PROVISIONS RELATING TO THE NATIONAL HOSPITAL INSURANCE FUND ACT, NO. 9 OF 1998

First Schedule and Second Schedule

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Temporary Deputy Chair. I beg to move:

THAT, the Schedule to the Bill be amended —

by deleting the proposed amendments to the National Hospital Insurance Fund Act, No. 9 of 1998—

The deletion of the proposed amendments in totality to the National Hospital Insurance Fund Act No. 8 of 1998 is necessary since the matters proposed to be amended were already contained in the National Hospital Insurance Fund (Amendment) Bill, 2021 which was passed by this House on 21st December, 2021 and therefore, they were overtaken by events. So, the entire proposed amendments collapses.

(Question of the amendment proposed)

(Question, that the words to be left out be left out,

put and agreed to)

(Proposed amendments relating to the National Hospital Insurance Fund Act, No. 9 of 1998 deleted)

PROVISIONS RELATING TO THE MEDICAL LABORATORY TECHNICIANS AND TECHNOLOGIES ACT NO 10 OF 1999

Section 2

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chair, I beg to move:

THAT, the Schedule to the Bill be amended —

in the proposed amendments to the Kenya Medical Laboratory Technicians and Technologists Act, No. 10 of 1999—

by deleting the proposed amendment to section 2;

This is a deletion. The Amendment in the Bill seeks to ensure that the Association of the Kenya Medical Laboratory Scientific Officers is retained as defined in the Act since there shall be a representative of the association to be included in the composition of the board. I beg to move.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Section 2 as amended agreed to)

Section 6

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chair, I beg to move:

THAT, the Schedule to the Bill be amended —

b. in the proposed amendments to the Kenya Medical Laboratory Technicians and Technologists Act, No. 10 of 1999— by deleting the proposed amendment to section 6 and inserting the following new amendment—

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

Membership of the Board. 6the Registrar who shall be the Chief Executive. (1) The Board shall consist of—

(a) a non-executive chairperson appointed by the President and who shall—

(i) be a registered medical laboratory technician of good standing; and

(ii) have at least ten years' experience, five of which shall be in a managerial position;

(b) the Principal Secretary for the time being responsible for matters relating to health or a representative appointed in writing;

- (c) the Principal Secretary for the time being responsible for matters relating to finance or a representative appointed in writing;
- (d) the Director General for health or a representative appointed in writing;
- (e) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—
 - (i) two shall be from the medical laboratory profession nominated by the Association of Kenya Medical Laboratory Scientific Officers of whom one shall be a laboratory technologist and one shall be a laboratory technician;
 - (ii) one shall be a registered laboratory technologist nominated by a university recognized in Kenya offering medical laboratory sciences;
 - (iii) one shall be a registered laboratory technician nominated by a university recognized in Kenya offering medical laboratory sciences; and

Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(e) 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) The nominations under subsection (1)(e) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Council under subsection (1)(a) and (e) shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Council if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Board without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Board.

- c. in the proposed amendment to section 26(1)(a), by deleting the proposed new paragraph (a) and inserting the following new paragraph—
“(a) a chairperson elected from amongst the members of the Board appointed under paragraph (e) of section 6(1).”
- d. in the proposed amendment to the Schedule—
- i. by deleting the proposed amendment to paragraph 1 and inserting the following new amendment—
“Delete the words “or re-election, as the case may be” and substitute therefor the words “for one further term of three years.”
- ii. by deleting the proposed amendment to paragraph 3(4) and inserting the following new amendment—
“Delete the word “eleven” and substitute therefor the word “five”.

This is deleting and substituting therefor with a New Section. This amendment introduces the qualification for one to be appointed as a Chairperson and also seeks to ensure that the board shall be compromised on persons with knowledge and expertise on matters related to medical laboratory profession. The amendment also seeks to include the Principal Secretary in charge of Health and Finance in the membership in compliance with provisions of Section 6(1) in the State Corporation Act and also seeks to include the Director General for Health in the board for purposes of technical knowledge and expertise. I beg to move.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Hon. Ndindi.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, Hon. Temporary Deputy Chair. Going through the composition of the board, you notice that other than the Government officers, the other four remaining are actually drawn from one sector. The services that are being offered especially this being a Government entity should also include the real clients who are the normal citizens of Kenya. Now this looks like a club because every other person in the board is from strictly one field. Therefore, this would have been opened up even for normal people because those are the actual clients of the medical sector.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Hon. Temporary Deputy Chair, do you want to say something? Hon. Ndindi, there are no normal and abnormal people. Maybe you should have made specific recommendation. Hon. Chair, you could say something about that?

Hon. (Ms.) Sabina Chege (Murang’a CWR, JP): Exactly. All people are normal. Secondly, this is a laboratory board which requires high tech skills, so you may want to invite other people but they may not add a lot of value to this board. I hear Hon. Ndindi and his concern, but at this point for the medical laboratory, for this board to function, we really need high expertise on this board. So, thank you, Hon. Temporary Deputy Chair.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): I just want to add that these are regulatory boards. If there is a management board, that would be a different scenario to include others who are consumers or partakers in other ways.

(Question, that the words to be left out be left out,

put and agreed to)

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Section 6 as amended agreed to)

(New Section 10 A, Section 23 (2), Section 24 (4), Section 25 (2) and Section 25 (3) agreed to)

Section 26(1)(a)

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

6. in the proposed amendments to the Kenya Medical Laboratory Technicians and Technologists Act, No. 10 of 1999-

c. in the proposed amendment to Section 26(1)(a), by deleting the proposed new paragraph (a) and inserting the following new paragraph—

“(a) a chairperson elected from amongst the members of the Board appointed under paragraph (e) of section 6(1).”

The amendment seeks to ensure that the chairperson of the disciplinary committee shall be one of the persons who is not a public officer appointed by the Cabinet Secretary to ensure the autonomy of disciplinary committees as proposed.

*(Question, that the words to be left
out be left out, put and agreed to)*

*(Question, that the words to inserted in place
thereof be inserted, put and agreed to)*

(Section 26(1) (a) as amended agreed to)

(Sections 26(1)(a), 35(3), 37, 39 and 40 agreed to)

Paragraph 1 of the Schedule

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Speaker, I beg to move:

THAT, the Schedule to the Bill be amended —

6. in the proposed amendments to the Kenya Medical Laboratory Technicians and Technologists Act, No. 10 of 1999-

d. in the proposed amendment to the Schedule—

i. by deleting the proposed amendment to paragraph 1 and inserting the following new amendment—

“Delete the words “or re-election, as the case may be” and substitute therefor the words “for one further term of three years.”

This amendment seeks to provide with certainty that the re-appointment of the board members shall be only be for a period of one further term of three years. The amendment also seeks to ensure that the quorum for the conduct of the meetings of the board shall be five members since the board will comprise of nine members.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to inserted in place
thereof be inserted, put and agreed to)*

(Paragraph 1 of the Schedule as amended agreed to)

(Paragraph 2 of the Schedule agreed to)

Paragraph 3(4) of the Schedule

Hon. (Ms.) Sabina Chege (Murang’a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

6. in the proposed amendments to the Kenya Medical Laboratory Technicians and Technologists Act, No. 10 of 1999-

d. in the proposed amendment to the Schedule—

ii. by deleting the proposed amendment to paragraph 3(4) and inserting the following new amendment—

“Delete the word “eleven” and substitute therefor the word “five”.

I had included this one in my earlier explanation. That is why I got confused. It is the quorum for five members. We move from eleven to nine so the quorum becomes five because the members are going to be nine.

(Question of the amendment proposed)

*(Question, that the words to be left
out be left out, put and agreed to)*

*(Question, that the words to inserted in
place thereof be inserted, put and agreed to)*

(Paragraph 3(4) of the Schedule as amended agreed to)

*(Provisions relating to the Medical Laboratory, Technicians and
Technologists Act, Act No.10 of 1999 as amended agreed to)*

PROVISIONS RELATING TO THE TOBACCO CONTROL ACT NO.4 OF 2007

Section 5

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

7. in the proposed amendments to the Tobacco Control Act, No.4 of 2007:

a. by deleting the proposed amendment to section 5 and inserting the following new amendment—

s. 5 Delete and substitute therefor the following new section—

Membership
of the
Board.

5. (1) There is established a Board to be known as the Tobacco Control Board which shall consist of—

(a) a non-executive chairperson appointed by the President and who shall—

(i) have a degree in public health; and

(ii) have at least ten years' experience, five of which shall be in a managerial position;

(b) the Principal Secretary for the time being responsible for matters relating to health or a representative appointed in writing;

(c) the Principal Secretary for the time being responsible for matters relating to finance, or a representative appointed in writing;

(d) the Principal Secretary for the time being responsible for matters relating to interior and coordination of National Government or a representative appointed in writing;

(e) the Attorney-General or a representative appointed in writing;

(f) the Director General for health or a representative appointed in writing;

(g) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—

(i) one shall be a representative of the business community in Kenya, nominated by the Kenya National Chamber of Commerce and Industry;

(ii) one representative of Consumer Federation of Kenya;

(iii) one representative from the Non-Governmental Organisations Coordination Board;

(iv) one representative from the National Environment Management Authority; and

(h) the Chief Executive Officer who shall be an ex officio member and secretary to the Board.

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

(3) The nominations under subsection (1) (g) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) No member of the Board shall directly or indirectly be affiliated to the tobacco industry or its subsidiaries.

(5) A member who fails to disclose his or her affiliation to the tobacco industry or its subsidiary commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings or imprisonment for a period not exceeding five years or both.

(6) A person appointed as a member of the Board under subsection (1)(a) and (g), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Board if—

(a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;

(b) has been absent from three consecutive meetings of the Board without permission of the chairperson;

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

(d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Board.

(7) The chairperson shall preside at all meetings of the Board and, in the absence for any reason of the chairperson, the other members of the Board who are present at that meeting shall choose one among their number to act as the chairperson at the meeting.

(8) Five members of the Board shall constitute a quorum at any meeting.

(9) The Board shall meet at least once in every three months.

(10) The powers of the Board shall not be affected by any vacancy in the membership thereof.

(11) The expenses of the Board shall be defrayed out of the monies appropriated by the National Assembly for that purpose.

(12) Subject to the provisions of this Act, the Board may regulate its own procedure.

This amendment introduces the qualification for one to be appointed as a chairperson and also seeks to ensure that the Board and to be specific, the Tobacco Control Board shall comprise persons having relevant expertise as well as representatives of relevant stakeholders.

The amendment further specifies the respective institutions that will nominate representatives to the Board. This amendment also seeks to include the Principal Secretaries for Health and Finance in the membership of the Board in compliance with Section 6 (1) of the State Corporations Act.

(Question of the amendment proposed)

*(Question, that the words to left
out be left out, put and agreed to)*

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Section 5 as amended agreed to)

(New Section 5A agreed to)

(Provisions relating to the Tobacco Control Act, Act No.4 of 2007 as amended agreed to)

PROVISIONS RELATING TO NUTRITIONISTS AND DIETICIANS ACT NO.18 OF 2007

(Section 2 agreed to)

Section 5

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended —

8. in the proposed amendments to the Nutritionists and Dieticians Act, No.18 of 2007-

a. by deleting the proposed amendment to section 5 and inserting the following new amendment—

s. 5 Delete and substitute therefor the following new section—

The Council of the Institute.

5. (1) There is established the Council of the Institute which shall consist of—

(a) a non-executive chairperson appointed by the President and who shall—

(i) be a holder of a bachelors' degree in nutrition or dietetics; and

(ii) have at least ten years' experience, five of which shall be at managerial level;

(b) the Principal Secretary in the ministry for the time being responsible for health or a representative appointed in writing;

(c) the Principal Secretary in the ministry for the time being responsible for matters relating to finance or a representative appointed in writing;

(d) the Director General for health or a representative appointed in writing;

(e) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—

(i) one shall be from the nutrition and dietetics profession of good standing nominated by the Nutrition Association of Kenya;

(ii) one shall be a registered nutrition and dietetics educator actively involved in the training of nutrition and dietetics professionals nominated by recognised universities or colleges in Kenya;

(iii) one shall be a representative of the Consumers Federation of Kenya, who shall be a holder of at least a diploma in nutrition studies;

(iv) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, human resource, law or any other relevant field; and

(f) the Chief Executive Officer who shall be an *ex-officio* member of the Board.

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

(3) The nominations under subsection (1)(e) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Council under subsection (1)(a) and (e), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Council if—

(a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;

(b) has been absent from three consecutive meetings of the Council without permission of the chairperson;

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

(d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

(5) The Council may establish committees consisting of members of the Council to deal with such matters as the Council may specify.

(6) Subject to the First Schedule, the Council shall regulate its own procedures.

This is on Nutritionists and Dietician Board. This amendment introduces qualification for one to be appointed as a chairperson and also seeks to ensure that the Council shall comprise of persons having relevant expertise and knowledge in matters relating to nutrition and dietetics. The amendment also seeks to include the Principal Secretary for Finance and Health in the Council in compliance with Section 6(1) of the State Corporations Act. It also seeks to include the Director General of Health for the purposes of technical expertise and also seeks to provide the grounds upon which a person may cease to become a member of the Council.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): I do not know whether we will do further amendment. They seem to be only eight members. It could be odd. An odd number would be better. Right? Did I count right? They seem to be only eight.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Three plus four is seven. Then, see who is an *ex officio*. I think they are seven because we have the three plus four. The CEO is *ex officio* and the chair is non-executive. So, seven is an odd number. They are nine if we add the CEO and the non-executive chair, who will not be voting. So, we are okay. We are fine.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Section 5 as amended agreed to)

Section 9

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): I beg to move:

THAT, the Schedule to the Bill be amended—

8. in the proposed amendments to the Nutritionists and Dieticians Act, No.18 of 2007-

b. in the proposed amendment to Section 9, by deleting the words “relevant Government agencies” appearing in the proposed new section 9 and substituting therefor the words “Salaries and Remuneration Commission”;

This amendment seeks to make reference to the Salaries and Remuneration Commission (SRC) as the body that is constitutionally mandated to review and determine salaries and remunerations of public officers.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to inserted in place thereof be inserted, put and agreed to)

(Section 9 as amended agreed to)

First Schedule

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): I beg to move:

THAT, the Schedule to the Bill be amended—

8. in the proposed amendments to the Nutritionists and Dieticians Act, No.18 of 2007-

c. in the proposed amendment to the First Schedule, by deleting the words “two-thirds” and substituting therefor the word “five”.

The word will be “five”, not “seven” because the quorum will be nine—the whole Council will be nine. So, I further amend from “seven” to “five”. We will delete the words “two-thirds” and substitute thereof the word “five”, not “seven”.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(First Schedule as amended agreed to)

(Provisions relating to the Nutritionists and Dieticians Act, No. 18 of 2007 as amended agreed to)

PROVISIONS RELATING TO THE CANCER PREVENTION AND CONTROL ACT NO. 15 OF 2012

Section 6(2)

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): I beg to move:

THAT, the Schedule to the Bill be amended—

9. in the proposed amendments to the Cancer Prevention and Control Act, No.15 of 2012-

a. by deleting the proposed amendment to Section 6(2) and inserting the following new amendment—

s. 6(2) Delete and substitute therefor the following new section—

“(2) The Board shall consist of—

(a) a non-executive chairperson appointed by the President and who shall—

(i) be a registered medical practitioner of good standing; and

(ii) have at least ten years' experience, five of which shall be at managerial level;

(b) the Principal Secretary for the time being responsible for matters relating to health or a representative appointed in writing;

(c) the Principal Secretary for the time being responsible for matter relating to finance, or a representative appointed in writing;

(d) the Attorney-General or a representative appointed in writing;

(e) the Director General for health or a representative appointed in writing;

(f) the Secretary of the National Council for Science and Technology;

(g) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, with managerial experience of whom—

(i) one shall be a person nominated by the Kenya Medical Association;

(ii) one shall be a person, not being a Governor, nominated by the Council of County Governors;

(iii) one shall be a person nominated by the registered cancer associations in such manner as may be prescribed;

(iv) one shall be a person nominated by the Consumers Federation of Kenya; and

(h) the Chief Executive Officer who shall be an *ex officio* member of the Board.

New subsections. Insert the following new subsections immediately after subsection (2)—
 (2A) The persons appointed under subsection (2)(g) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(2B) The nominations under subsection (2)(g) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

This amendment introduces the qualifications for one to be appointed as a chairperson of the Cancer Prevention and Control Board. It also seeks to ensure that the board shall be comprised of members having the necessary knowledge and expertise relevant to the field to fulfil the objects and functions of the Board. It also seeks to include the PS in charge of health and the one in charge finance, in compliance with the provisions of Section 6(1) of the State Corporation Act. It also includes the Director General for health in the Board for purposes of technical expertise and provides for the manner of nomination of representatives from the various institutions.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Section 6(2) as amended agreed to)

(Section 6(3) and New Section 10A agreed to)

(Provisions relating to the Cancer Prevention and Control Act No. 15 of 2012 as amended agreed to)

PROVISIONS RELATING TO THE PUBLIC HEALTH OFFICERS (TRAINING,
REGISTRATION AND LICENSING) ACT NO. 12 OF 2013

Section 3(3)

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): I beg to move:

THAT, the Schedule to the Bill be amended—

10. in the proposed amendments to the Public Health Officers (Training, Registration and Licensing) Act, No.12 of 2013 -

a. by deleting the proposed amendment to section 3(3) and inserting the following new amendment -

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

- “(3) The Council shall consist of—
- (a) a non-executive chairperson appointed by the President and who shall—
 - (i) be a registered public health officer of good standing; and
 - (ii) have at least ten years’ experience, five of which shall be at managerial level;
 - (b) the Principal Secretary for the time being responsible for matters relating to health or a representative appointed in writing;
 - (c) the Principal Secretary for the time being responsible for matters relating to finance or a representative appointed in writing;
 - (d) the Director General for health or a representative appointed in writing;
 - (e) one person, not being a Governor, nominated by the Council of County Governors;
 - (f) three other persons, being practitioners of public health, and not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, public health, business management, accounting, economics, law or any other relevant field; and
 - (g) the Registrar who shall be the Chief Executive Officer and an *ex-officio* member of the Council.

New
subsections.

Insert the following new subsections immediately after subsection (3)—

(3A) The persons appointed under subsection (3)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3B) The nominations under subsection (3)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

This amendment introduces the qualifications for one to be appointed the chairperson of the Public Health Officers Board and also seeks to reconstitute the Board to ensure that the Council shall be comprised of members having the necessary knowledge and expertise in public health. That is relevant for fulfilling the objects and functions of the board. It also seeks to introduce the two PSs in charge of health and the one in charge of finance. It also includes in the Council the Director General for Health, and the manner of nomination of representatives from the various institutions.

(Question of the amendment proposed)
(Question, that the words to be left
out be left out, put and agreed to)

(Question, that the words to be inserted
be inserted, put and agreed to)

(Section 3(3) as amended agreed to)

(Section 3(4) and New Section 3A agreed to)

Section 6

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended—

10. in the proposed amendments to the Public Health Officers (Training, Registration and Licensing) Act, No.12 of 2013 -

b. in the proposed amendment to section 6 -

i. by deleting the expression “(e)” appearing in the proposed new subsection (1) and substituting therefor the expression “(f)”;

ii. by deleting the expression “(d)” appearing in the proposed new subsection (2) and substituting therefor the expression “(f)”;

iii. by deleting the expression “(d)” appearing in the proposed new subsection (5) and substituting therefor the expression “(f)”;

This amendment is necessary for the purposes of correct referencing so as to correctly refer to the manner of appointments, term of the office and removal from office in relation to the members of the Council.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Chair, you need to mobilise voices for the sake of your own.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Sections 6 as amended agreed to)

(Sections 7 and 23 agreed to)

Paragraph 1 of the Schedule

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended—

10. in the proposed amendments to the Public Health Officers (Training, Registration and Licensing) Act, No.12 of 2013 -

c. in the proposed amendment to the Schedule, by deleting the words “two-thirds” and substituting therefor the word “nine”;

I propose a further amendment to it. Instead of the word “nine” it should be the word “seven”

This seeks to ensure the quorum for the conduct of the meeting is two-thirds which is seven.

(Hon. (Ms.) Sabina Chege consulted Hon. Amos Kimunya)

Hon. Temporary Deputy Chairlady, upon further consultation, I beg to move:

THAT, the Schedule be further amended by deleting the words “two-thirds” and substituting therefor the word “five”;

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Paragraph 1 of the Schedule as amended agreed to)

(Provisions relating to the Public Health Officers (Training, Registration and Licensing) Act, No. 12 of 2013 as amended agreed to)

PROVISIONS RELATING TO THE KENYA MEDICAL SUPPLIES AUTHORITY ACT, NO. 20 OF 2013

New Subsection 3

Hon. (Ms.) Sabina Chege (Murang’a CWR, JP): Thank you Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended—

11. in the proposed amendments to the Kenya Medical Supplies Authority Act, No. 20 of 2013-

a. by inserting the following amendment immediately before the proposed amendment to section 5-

s.4 Insert the following new subsections immediately after 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 subject to—

(a) the drug being duly registered by the Board; and

(b) the drugs and medical supplies meet the standards of quality and efficacy as authorised by the Board.

This amendment seeks to ensure that all national and county public health facilities shall procure drugs and medical supplies from the Kenya Medical Supplies Authority so as to ensure

quality of such drugs and medical supplies of the highest standard and that they are not compromised for the safety of Kenyans.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(New Subsection 3 as amended agreed to)

New Subsection 4

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended—

11. in the proposed amendments to the Kenya Medical Supplies Authority Act, No. 20 of 2013-

(4) A person responsible for the procurement and distribution of drugs and medical supplies in a national or county public health facility and who contravenes provisions of this section, commits an offence and is liable on conviction to a fine not exceeding two million shillings or to imprisonment for a term not exceeding five years, or to both.”

This amendment seeks to ensure that all national and county public health facilities shall procure drugs and medical supplies from the Kenya Medical Supplies Authority so as to ensure quality of such drugs and medical supplies of the highest standard and that they are not compromised for the safety of Kenyans.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(New Subsection 4 as amended agreed to)

Section 5(5)

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended—

11. in the proposed amendments to the Kenya Medical Supplies Authority Act, No. 20 of 2013-

s.5 Delete and substitute therefor the following new section—

Composition of the Board. 5. (1) The Board shall consist of—

(a) a non-executive chairperson appointed by the President and who shall—

(i) be a registered medical practitioner of good standing; and

- (ii) have at least ten years' experience, five of which shall be in a managerial position;
 - (b) the Principal Secretary in the ministry for the time being responsible for matters relating to health, or a representative appointed in writing;
 - (c) the Principal Secretary in the ministry for the time being responsible for matters relating to finance or a representative appointed in writing;
 - (d) the Attorney General or a representative appointed in writing;
 - (e) the Director General for health or a representative appointed in writing;
 - (f) five other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, with knowledge and experience in management of whom—
 - (i) one shall be a person, not being a Governor, nominated by the Council of County Governors;
 - (ii) two shall be pharmacists having experience in drug and medical supplies, nominated by the Pharmaceutical Society of Kenya.
 - (iii) one shall be a pharmaceutical technologist having experience in drug and medical supplies, nominated by the Kenya Pharmaceutical Association;
 - (iv) one shall be a person with knowledge and experience in matters relating to finance or audit, supply management, business management, economics, law or any other relevant field; and
 - (g) the Chief Executive Officer who shall be an *ex-officio* member of the Board.
- (2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.
- (3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.
- (4) A person appointed as a member of the Board under subsection (1)(a) and (f), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years.
- (5) Subject to the Schedule, the Council shall regulate its own procedures.

This amendment introduces the qualification of one to be appointed as the Chairperson of KEMSA. It also seeks to ensure that the Board is comprised of members having the relevant knowledge and expertise in medical supplies. It also seeks to include Director General for Health

in the Board for the purpose of technical expertise and specify with certainty the institutions which will nominate representatives into the membership of the Board.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Section 5(5) as amended agreed to)

(Provisions relating to the Kenya Medical Supplies Authority Act, No. 20 of 2013 as amended agreed to)

PROVISIONS RELATING TO COUNSELLORS AND PSYCHOLOGISTS ACT, NO. 14 OF 2014

(Section 2 agreed to)

Section 4(4)

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended—

12. in the proposed amendments to the Counsellors and Psychologists Act, No.14 of 2014 –

a. by deleting the proposed amendments to Section 4 and inserting the following new amendment—

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

Composition of the Board. 4. (1) The Board shall consist of—

(a) a non-executive chairperson appointed by the President and who shall—

(i) be a registered counselor or psychologist of good standing; and

(ii) have at least ten years' experience, five of which shall be at managerial level;

(b) the Principal Secretary in the Ministry for the time being responsible for health or a representative appointed in writing;

(c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance or a representative appointed in writing;

(d) the Attorney-General or a representative appointed in writing;

(e) the Director General for health or a representative appointed in writing;

- (f) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, of whom—
 - (i) one shall be a representative of universities in Kenya which have the power to grant a qualification which is registerable under this Act;
 - (ii) two shall be from the counselling and psychology profession of good standing nominated from their respective association or society, of whom one shall be a counsellor and one shall be a psychologist;
 - (iii) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field;
- (g) the Chief Executive Officer of the Kenya Medical Training College or a representative appointed in writing; and
- (h) Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

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

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Board under subsection (1)(a) and (f), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years.

This amendment introduces the qualification for one to be appointed the Chairperson of the Counsellors and Psychologists Board.

It also seeks that the Board comprise of members having the relevant knowledge and expertise in counselling and psychology. It also seeks to include the Director General for Health in the Board and also, specifies categories of members who shall not be public officers; and who shall be nominated by various institutions.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted)

be inserted, put and agreed to)

(Section 4(4) as amended agreed to)

*(Provisions relating to Counsellors and Psychologists Act,
No. 14 of 2014 as amended agreed to)*

PROVISIONS RELATING TO PHYSIOTHERAPISTS ACT, NO. 20 OF 2014

Section 6(6)

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended—

13. in the proposed amendments to the Physiotherapists Act, No. 20 of 2014 –

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

Composition 6. (1) The Council shall consist of–

of the Council.

(a) a non-executive chairperson appointed by the President and who shall–

(i) be a registered physiotherapist of good standing; and

(ii) have at least ten years' experience, five of which shall be at managerial level;

(b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health, or a representative appointed in writing;

(c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;

(d) the Attorney-General or a representative appointed in writing;

(e) the Director General for health or a representative appointed in writing;

(f) five other persons, not being public officers of whom two shall be from the physiotherapy profession appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, with managerial experience of whom–

(i) one shall be a physiotherapist 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 shall be a person with disability nominated by the National Council of Persons with Disability;

(iii) two shall be from the physiotherapy profession of good standing nominated from their respective association or society;

- (iv) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field; and
 - (g) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.
- (2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.
- (3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.
- (4) A person appointed as a member of the Board under subsection (1)(a) and (f), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years.

This amendment introduces the qualification for one to be appointed the Chairperson of the Board. This is Physiotherapists Board. It also seeks to ensure that the Board is comprised of Members who are having the relevant knowledge and expertise in physiotherapy. It also includes the Director General for Health in the Council and specifies the institutions which shall nominate the five representatives who shall not be public officers.

(Question of the amendment proposed)

Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted inserted, put and agreed to)

(Section 6(6) as amended agreed to)

(Section (6(10)(3)(a) and New Section 10A agreed to)

(Provisions relating to Physiotherapists Act, No. 20 of 2014 as amended agreed to)

PROVISIONS RELATING TO HEALTH RECORDS AND INFORMATION MANAGERS ACT, NO.15 OF 2016.

Section 2

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

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THAT, the Schedule to the Bill be amended—

14. in the proposed amendments to the Health Records and Information Managers Act, No.15 of 2016 –

a. by deleting the proposed amendment to section 2;

The justification is to retain the Association of Medical Records Officers of Kenya as defined in the Act since the association nominates a member to the Board.

(Question of the amendment proposed)

*Question, that the words to be left out
be left out, put and agreed to)*

(Section 2 as amended agreed to)

Section 7

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended—

14. in the proposed amendments to the Health Records and Information Managers Act, No.15 of 2016 –

b. by deleting the proposed amendment to section 7 and inserting the following new amendment—

Delete and substitute therefor the following new section—

- | | | |
|------|---------------------------------|------------------------------------|
| s. 7 | Composition
of the
Board. | 7. (1) The Board shall consist of— |
|------|---------------------------------|------------------------------------|
- (a) a non-executive chairperson appointed by the President and who shall—
 - (i) have a minimum of a bachelors' degree in health records or information management from a university recognised in Kenya; and
 - (ii) have at least ten years' experience, five of which shall be at managerial level;
 - (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health, or a representative appointed in writing;
 - (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;
 - (d) the Attorney-General or a representative; appointed in writing;
 - (e) the Director General for health or a representative appointed in writing;
 - (f) five other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, with knowledge and expertise in management of whom—

- (i) two shall be representatives nominated by universities and colleges offering training in health records and information technology, health informatics and digital health;
 - (ii) two shall be from the health records and information management profession of good standing nominated from the Association for Medical Records Officers;
 - (iii) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field; and
- (g) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

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

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Board under subsection (1) (a) and (f), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years.

This amendment introduces qualifications for one to be appointed to be the Chairperson of the Board. It also seeks to ensure that the Board is comprised of members having relevant knowledge and expertise in health records and information management. It also seeks to include Director General in the Board. It also specifies the various institutions that will nominate their representatives to the Board.

(Question of the amendment proposed)

*Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Section 7 as amended agreed to)

(Section 10, New Section 14A and Section 28(1) agreed to)

(Provisions relating to Health Records and Information Managers)

Act, No. 15 of 2016 as amended agreed to)

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

Section 2

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chairlady.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Temporary Deputy Chairlady. I beg to move:

THAT, the Schedule to the Bill be amended—

15. in the proposed amendment to the Clinical Officers (Training, Registration and Licensing Act, No.20 of 2017—

(a) by deleting the proposed amendment to section 2.

This amendment seeks to retain the Kenya Clinical Officers Association as defined in the Act since the Association nominates a member to the Council. I move.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Section 2 as amended agreed to)

Section 4

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chairlady.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Temporary Deputy Chairlady. I beg to move:

THAT, the Schedule to the Bill be amended—

b. by deleting the proposed amendment to section 4 and inserting the following new amendment—

S.4 Delete and substitute therefore the following new section—

Composition of the Council. 4. (1) The Council shall consist of—

(a) a non-executive chairperson appointed by the President and who shall—

(i) be a registered clinical officer of good standing; and,

(ii) have, at least, ten years' experience, five of which shall be at managerial level;

(b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health, or a representative appointed in writing;

(c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;

- (d) the Attorney-General or his/her representative appointed in writing;
- (e) the Director-General for Health or a representative appointed in writing;
- (f) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—
 - (i) two shall be clinical officers nominated by the Kenya Clinical Officers Association;
 - (ii) one shall be a clinical medicine educator actively involved in the training of clinical officers nominated by recognised universities in Kenya which have the power to grant a qualification which is registerable;
 - (iii) one shall be a person with a professional background in with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field;
- (g) the Chief Executive Officer of the Kenya Medical Training College or a representative appointed in writing; and,
- (h) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

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

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Council under subsections (1)(a) and (f) of this section, shall serve for a term of three years and shall be eligible for re-appointment for a further and final term of three years.

(5) A person appointed as a member of the Council under subsection (1)(a) and (f) may cease to be a member of the Council if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Council without permission of the chairperson;

- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine; or,
 (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

This amendment introduces qualification for one to be appointed as a Chairperson of the Board. It also seeks to ensure that the Board is composed of people who have relevant knowledge and expertise in clinical medicine. It also introduces the application of the PFM Act. The amendment also specifies institutions that shall nominate representatives to the Council. I beg to move.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Section 4 as amended agreed to)

(New sections 8A and 24(2) agreed to)

First Schedule

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chairlady.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Temporary Deputy Chairlady. I beg to move:

THAT, the Schedule to the Bill be amended in the proposed amendment to the First Schedule, by deleting the words "two-thirds" and substituting therefor the word "five".

This amendment seeks to set the quorum for conduct of meetings of the Council at five members since it will comprise of nine members. I move.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(First Schedule as amended agreed to)

(Provisions relating to the Clinical Officers (Training, Registration and Licensing Act as amended agreed to)

PROVISIONS RELATING TO THE HEALTH ACT

Section 30(1)(e)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Hon. Chairlady.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended—

16. in the proposed amendment to the Health Act, No.21 of 2017—

a. by deleting the proposed amendment to section 30(1)(e).

The deletion of the proposed amendment will retain the Director-General for Health in the membership of the Kenya Health and Human Resources Advisory Council since the Director-General is the technical adviser to the Government in all matters relating to health. I beg to move.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Section 30(1)(e) as amended agreed to)

(Section 30(1)(i) agreed to)

Section 33(2)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Hon. Chairlady.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended—

b. in the proposed amendment to section 33(2) by deleting the word “Authority” and substituting therefor the word “Council”.

This is to replace the word ‘Authority’ with the word ‘Council’. I beg to move.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Section 33(2) as amended agreed to)

(New section 33A agreed to)

Section 46(1)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Hon. Chairlady.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended—

c. in the proposed amendments to section 46(1)—

(i) by deleting the proposed new paragraph (a) and substituting therefor the following new paragraph—

“(a) a chairperson appointed by the Cabinet Secretary who shall be a health professional with ten years’ experience and who meets the requirements of Chapter Six of the Constitution and has knowledge and experience in matters related to human resource management;”

(ii) by deleting paragraph (d) of the proposed new section 46(1) and inserting the following new paragraph—

“(d) one representative nominated by the Council of County Governors;”

(iii) by deleting the proposed new subsection (1A) and inserting the following new subsections—

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

(1B) The nominations under subsection (1)(e), (f) and (g) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

This amendment seeks to retain the qualification of the Chairperson of the Kenya Health Professionals Oversight Authority as originally contained in the Health and further enhances it by providing for 10 years’ experience. The amendment also seeks to remove the Attorney-General from the membership of the Authority and instead retains a representative of a person nominated by the Council of County Governors. This is necessary owing to the fact that health is a concurrent function of the national and county governments. It also seeks to provide for the manner of nomination of representatives to the Authority by various institutions. I beg to move.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Section 46(1) as amended agreed to)

First Schedule

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chairlady.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended—

d. by deleting the proposed amendments to the First Schedule.

This amendment seeks to ensure that persons in charge of various levels of health facilities shall be only those in the medical profession so as to ensure efficient management and administration of public health services. I beg to move.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Proposed amendments to the First Schedule deleted)

(First Schedule agreed to)

(Provisions relating to the Health Act, No. 21 of 2017 as amended agreed to)

New Clause

(Hon. Temporary Deputy Chairlady consulted with the Clerk-at-the-Table)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I now call upon the Mover to move the new clause.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, I beg to move:

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 re-constituted 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 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 Boards.

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The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Do you want to give an explanation?

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Hon. Temporary Deputy Chairlady, this new clause introduces the transition provisions. This will ensure that there will be seamless transition from the former Boards and Councils to the new ones as they will be re-constituted as proposed in the Bill.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I now call upon the Mover to report to the House. Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Health Laws (Amendment) Bill (National Assembly Bill No. 2 of 2021), and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Deputy Speaker (Hon. Christopher Omulele) in the Chair]

REPORT

THE HEALTH LAWS (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Chair.

Hon. (Ms.) Soipan Tuya (Narok CWR, JP): Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Health Laws (Amendment) Bill (National Assembly Bill No. 2 of 2021), and approved the same with amendments.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. The Mover!

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the House agrees with the Committee in the said Report. I request the Chair of the Departmental Committee on Health, Hon. Sabina Chege, to second.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sabina Chege.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I second. I want to really thank the Members who are here who have helped us to move this Bill. I also want to thank the Temporary Deputy Chairlady and her team. We had many clauses. However, they took us through well. I thank my Vice-Chair, the Members of my Committee who are here and the Members of this House who, despite the busy schedule, got time to come and move these amendments that are very important in the medical field and health sector.

Thank you, Hon. Temporary Deputy Speaker. I second.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I could not have put it better than that.

(Question proposed)

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Put the Question.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Angwenyi, I would have really loved to do that. However, for a good reason, I will defer it until that business is set down on the Order Paper again. I direct that we move on to the next business on the Order Paper.

(Putting of the Question deferred)

BILL

Second Reading

THE ELECTIONS (AMENDMENT BILL)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to that the Elections (Amendment) Bill, (National Assembly Bill No. 3 of 2022), be now read a Second Time.

The principal objective of this Bill is to amend the Elections Act, No. 24 of 2011 to meet a number of ends. It seeks to align the provisions of the Elections Act of 2011 with the Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021), which was passed recently in this House. It brought a couple of changes in the way the political parties relate with one another, the way members relate with the political parties and the reporting of political parties to the Registrar. It also defined the role of the Registrar of Political Parties vis-à-vis the Independent Electoral and Boundaries Commission (IEBC). This means that we need to bring some amendments. The Political Parties Act also introduced a coalition political party for the first time. Having introduced what is now a coalition political party, the existing electoral laws in the Election

Act do not recognise that. So, we need to change the definition in the election law now to also include this new creation - the coalition political parties, and also to provide for how that coalition political party will submit its nomination rules. The current requirements for nomination rules apply to the generic party and not to the coalition political parties.

The Bill also seeks an amendment to bar what would be called clientism and gerrymandering voter transfers. I know the Committee has a different view on that but one of the amendments in this Bill is to require that for you to transfer to a new constituency, or to register in a different area from one you are in, you need to show you have a stake in that area so that we end this situation where, close to elections, I will go to my neighbouring constituency and pick all the people from my clan and transport them to my constituency so that they can vote for me. Immediately after that, they move back to their constituency. They will be going there asking for bursaries and all that from somebody they never voted for. They have no interest in Kipipiri, but they will come specifically to vote for me but, eventually, go back to Nakuru and other places where I transported them from. This denies the rightful people of Kipipiri their representation because their representative was actually voted for by outsiders.

About two weeks ago, this House pronounced itself in terms of the other amendments. For a nominee to be nominated into the county assemblies, you must show you have an interest in that county assembly. Going by the same logic, I would hope that the House will also look at stopping this issue of voter mass movement around the voter transfers. I know the Committee has something to do with Article 38 and they will tell us on that.

It also seeks to align the electoral law like I said, Elections Act No. 24, with the judgment of the Supreme Court in the Presidential Election Petition No. 1 of 2017 and also in the High Court decision in the *Katiba Institute and Others versus the Attorney General of 2018*. The court made some certain pronouncements that challenged the validity of some of the provisions within the Act and declared some of them constitutionally invalid. So, they exist in books on electoral law and yet, they have been invalidated by the courts and this Bill intends to remove them so that anyone downloading the Act from the Kenya Law Reports Website does not refer to those Acts that have been invalidated. It is unfair keeping those things in the Act and yet, they have been nullified already by the courts. So, this is basically a clean-up exercise.

Most importantly, this Bill also requires the electoral commission to establish a complementary mechanism for transmission of election results whose details will be provided in the regulations. If I go into each of this and more systematically, there are various amendments that seek to align with the provisions of the Political Parties Act. They include Clauses 2, 5, 7, 8, 9, 10, 11, 12, 13, 14, 18 and 19, which are basically about alignment of the responsibilities of the Registrar of Political Parties *vis-à-vis* the IEBC because of the distinction in their various roles. One sorts out the political parties to the time they get their candidates. The candidates then get to IEBC, and IEBC takes over. So, even some nomenclature is changing between what a nomination is, who does a nomination and who does registration of candidates. So, a number of that is purely to clean up the Act so that we make the right references to it.

Clause 2 proposes to amend Section 2, again, to provide for the updated definition. I said earlier that a political party should include a coalition political party. Clauses 7, 8 and 9 make amendments with the provision of elections that refer to the nomination of candidates to the positions of the president, member of parliament, governor and member of county assemblies to align with the Political Parties Act that refers to registration of candidates by the Commission. So, the nomination will be by the political parties which will be within the preserve of the Registrar of Political Parties and then the Commission will register the candidates to contest elections. There

will be no nomination by the IEBC for people to vie and register as candidates. That distinction is important so that when you are talking nominations, you are talking of party primaries, and when you are now talking of registration of candidates, you are talking of eligibility to vie in the election having been passed on by the political parties to IEBC.

I mentioned the issue of voter movement and I do not want to go through that again. I know it is a point having read the Committee Report. I know there are issues about Article 38 and giving a person the right to vie and a voter the right to choose a person of their choice. However, I think we also need to look at the bigger public interest - why people are being elected in to Parliament to represent the rights of people within those defined constituencies. Like I said, my worry which I think is the worry of IEBC and other stakeholders is: If half of the voters were to migrate just before the election into a constituency for purposes of voting a specific person and then go back to their constituency, it denies the rightful ordinary residents of that constituency their fair representation. I am sure the lawyers in the House will guide us. The fact that we will have rights should not interfere with the rights of others. So, it is important, much as you look at the individual rights of a person to elect a person of their choice, let this House also look at how we can protect the rights of the ordinary residents in a constituency from being interfered with by people who have just come in for purposes of voting a person and then they move out.

For the next five years, it will be the residents to suffer the problems associated with the wrong choice, and not the people who came in to vote. It is something that we need to look into. It cuts both ways and it is something we need to carefully look through.

I remember this provision used to be there in law. How it got out, I am not quite sure. In the past, when you wanted to register youth, you would be required to show proof that you actually had an interest in the area where you wanted to register. So, the Bill is saying that a voter must demonstrate that they are ordinary residents; that they are carrying on a business or they are employed or possess other properties in the electoral units. It basically means that they have an interest to protect by getting there to vote, and to get a representative vote for those interests. We represent the interests of the people. The senators represent the interests of the counties. So, if half of the people who come to vote for the Senator of Nyandarua County have no interest in Nyandarua County, when a person is brought to Senate, whose interest will they be representing? It will not be for the people of Nyandarua, but of the people who voted them in. So, it is something that I urge this House to address and look into with an open mind.

In terms of the alignment with court judgments, again, this Bill intends to delete provisions especially in Section 39 of the Act. The ones for deletion are 1(d), 1(e), 1(f) and 1(g). They were declared unconstitutional hence they have no business staying in the statute books. That is for clean-up purposes only.

If you look at the current Section 39(1)(c) which, perhaps, was also the subject of the...

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Leader of the Majority Party, just hold on for a second. The Hon. Member for Suba North, what is out of order?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you Hon. Temporary Deputy Speaker for giving me the opportunity. (*Technical hitch*) The electronic system is seeking to frustrate me.

Hon. Temporary Deputy Speaker, if you actually read the title of the Bill, it is Elections (Amendment) Bill (National Assembly Bill No.3 of 2022). We realise that we are going to go

through elections. This is a very critical Bill. We cannot discuss when we are less than 20 Members in the House. There is no quorum in the House.

Thank you.

(Hon. (Ms.) Odhiambo-Mabona spoke off record)

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Hon. Odhiambo, just relax. You are on record and clear and the rules are there. This Temporary Deputy Speaker is scrupulous as far as the rules are concerned.

Having drawn the Temporary Deputy Speaker's "eye" to the question of quorum, it is incumbent upon me now to direct that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Order, Members. It is clear that the Bell for whom it tolls do not seem to hear it. So, we are in this situation. It is a constitutional situation. We have no choice.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, because of lack of quorum and the time being 5.23 p.m., this House stands adjourned until Thursday, 31st March 2022 at 2.30 p.m.

The House rose at 5.23 p.m.