



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – THIRD SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, NOVEMBER 06, 2024 AT 9.30 A.M.**

1. The House assembled at Thirty Minutes past Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **Presiding** – the Hon. Deputy Speaker.

4. **QUORUM AT COMMENCEMENT OF THE HOUSE**

There being no quorum present to commence business, the Deputy Speaker ordered that the Quorum Bell be rung for ten minutes;

And Quorum having been attained within the ten minutes, business commenced.

5. **COMMUNICATION FROM THE CHAIR**

The Fifth Chairperson of Committees issued the following Recognition –

**Recognition of students from Starehe Boys' Centre and Regis School, Runda**

**“Honourable Members,** I wish to recognize 19 students from Starehe Boys' Centre and from Regis Academy, Runda who are seated in the Speaker's Gallery.

The students from Starehe Boys' Centre are in the National Assembly on a voluntary service scheme that gives them an opportunity to give back to the community by serving in different organisations during the school holidays. The students from Regis School are here as part of their job-shadowing programme which the school undertakes in various institutions during the school holidays.

**Honourable Members,** on my own behalf and that of the National Assembly, I welcome them to Parliament and wish them a positive experience in their service to the National Assembly and to the nation. I thank you!”

6. **PAPERS**

The following Papers were laid on the Table of the House –

- (a) Sessional Paper No. 5 of 2024 on the National Green Fiscal Incentives Policy Framework from the Office of the Attorney-General;
- (b) End of term report for FY 2018/2019 – 20223/2024 and 2024 Third National Wage Bill Conference report from the Salaries and Remuneration Commission;
- (c) Annual County Governments Budget Implementation Review Report for FY 2023/2024 from the Office of the Controller of Budget; and
- (d) Reports of the Auditor-General and Financial Statements for the year ended 30<sup>th</sup> June 2024 and the certificates therein in respect of—
  - (i) Kenya Electricity Generating Company PLC; and
  - (ii) Kenya Power and Lighting Company.

*(Hon. Naomi Waqo, MP, Deputy Majority Whip)*

**7. RESPONSE TO STATEMENTS PURSUANT TO STANDING ORDER 44(2)(C)**

Pursuant to the provisions of Standing Order 44(2)(c) the Vice-Chairperson of the Departmental Committee on Administration and Internal Security responded to a Statement requested by the Member for Garissa Township (Hon. Barrow Dekow) on abduction of four persons in Garissa.

**8. MOTION: 006/2024 – COMPREHENSIVE REFORM OF EDUCATION BURSARY SCHEMES TO ENSURE FREE BASIC EDUCATION IN KENYA**

Motion made and Question proposed—

**THAT**, aware that Article 43(1) as read together with the Article 53(1)(b) of the Constitution provides that every person has the right to education and enshrines the right of every child to free and compulsory basic education; further aware that Kenya Vision 2030 identifies education as a crucial component for transforming the country into a globally competitive nation; appreciating that bursaries play a vital role in supplementing funding for enhancing access to education, particularly for students from disadvantaged backgrounds and contributes to the realization of universal basic education; noting that various education bursaries exist in the country including ward-based level bursary, County Government's bursary, National Government Constituencies Development Fund (NG-CDF), the National Government Affirmative Action Fund (NGAAF) and the Presidential Secondary School bursary (PSSB); further noting that the evolution of bursary schemes from centralized to community-based administration aimed to enhance education access, equity and responsiveness to local needs; concerned that despite these efforts, the current bursary system faces numerous challenges including lack of standardized and transparent selection criteria, delay in disbursement of funds and insufficient coverage of education costs leading to gaps in support; further concerned that these challenges have resulted in persistent disparities in education access, increased dropout rates particularly in secondary schools due to financial constraints and strain on household incomes as families struggle to meet educational expenses not covered by bursaries; acknowledging that the implementation of community-based bursary scheme has not fully achieved its intended objective hence the need to re-evaluate the current bursary systems with a view to ensure equitable and free access to quality education for all students; cognizant that the duty of the government to provide free basic education can best be achieved by consolidating education funds and directly remitting to public schools; now therefore, this House urges that the government, through the Ministry of Education, in collaboration with the relevant stakeholders, undertakes a comprehensive overhaul of the education bursary system with a view to collapsing all bursary schemes and allocating the funds to the State Department of Basic Education for provision of free basic education through capitation to be directly remitted to schools.

*(Hon. Esther Passaris, M.P. – 25.09.2024)*

Debate interrupted on Wednesday, September 25, 2024 Morning Sitting resumed;

*(Change of Chair from the Hon. Deputy Speaker to the Fifth Chairperson of Committees  
(Hon. Peter Kaluma)*

Debate concluded;

Mover to reply.

**9. MOTION: 028/2023 – ESTABLISHMENT OF A SCIENCE MUSEUM**

Motion made and Question proposed—

**THAT**, aware that Article 11(2)(b) of the Constitution provides that the government shall recognize the role of science and indigenous technologies in the development of the nation; further aware that the vision 2030 provides for the integration of information, communication and technology in the country's transformative agenda; concerned that, there exists no science museum for consolidating indigenous scientific and technological innovations, training and research purposes in the East Africa Region; appreciating that, integration of science and technology would greatly enhance Kenya's economic and societal success; noting that there is potential for growth in the technology sector by establishing a science museum, further noting that, the informal science education plays a key role in the progression of Science, Technology, Engineering and Mathematics (STEM); acknowledging that science museums operate as the nexus between science practitioners, policy-makers and the public; cognizant of the fact that, a science museum in the country would greatly impact on the economy of the country in the quest to become an industrialized nation; now therefore, this House **resolves** that, the national Government through the relevant Ministries establishes and operationalizes a science museum in the country.

*(The Hon. John Kiarie, M.P. – 02.10.2024)*

Debate interrupted on Wednesday, October 2, 2024 Morning Sitting resumed;

Mover replied;

Question deferred.

**10. COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The Third Chairperson in the Chair

**The Kenya Drugs Authority Bill (National Assembly Bill No. 54 of 2022)**

Resumed from Clause 55

Clause 55 - amendment proposed;

**THAT**, Clause 55 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The Registrar shall keep in the prescribed form a register of all medical devices approved by the Authority.”

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

No Debate arising;

Question put and agreed to

Clause 55 - as amended agreed to.

Clause 56 - amendment proposed;

**THAT**, Clause 56 of the Bill be amended by deleting sub-clause (1) and substituted therefor the following new sub-clause—

“(1) A person shall not sell any medical device that is—

- (a) not registered by the Authority;
- (b) adulterated;
- (c) substandard, falsified, falsely labelled or counterfeited; or
- (d) which fails to comply in any way with specifications of this Act or any other law.”

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

No Debate arising;

Question put and agreed to

Clause 56 - as amended agreed to.

Clause 57 - amendment proposed;

**THAT**, Clause 57 of the Bill be amended by inserting the phrase “and shall, on conviction be liable to a fine not exceeding two million shillings, or imprisonment for a term not exceeding three years, or to both” immediately after the words “commits an offence”.

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

No Debate arising;

Question put and agreed to

Clause 57 - as amended agreed to.

Clause 58 - amendment proposed;

**THAT**, Clause 58 of the Bill be amended—

(a) in sub-clause (2) by inserting the phrase “in accordance with the most recent World Health Organization’s prescribed guidelines on good manufacturing practice” immediately after the word “Authority”;

(b) by inserting the following new sub-clauses immediately after sub-clause (2)—

“(3) The Authority shall receive from the Kenya Nuclear Regulatory Authority established under the Nuclear Regulatory Act, 2019 documented evidence of radiation required to enable a medical device perform its therapeutic and diagnostic functions and the intended purpose of the device, for issuance of a registration certificate for a medical device.

(4) An importer, distributor or dealer shall establish and implement documented procedures for the maintenance of importation or distribution records and shall maintain an importation or distribution record of each medical device to be submitted to the Authority.”

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

No Debate arising;

Question put and agreed to

Clause 58 - as amended agreed to.

Clause 59 - amendment proposed;

**THAT**, Clause 59 of the Bill be amended—

(a) in sub-clause (1) by inserting the words “unregistered establishments for medical devices and” immediately after the word “under”; and

(b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) A person who sells or supplies unapproved medical devices commits an offence and shall, on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or to both.”

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 59 - as amended agreed to.

Part XI - amendment proposed;

**THAT**, the Bill be amended in the title of Part XI by deleting the expression “PART XI” and substituting therefor the expression “PART IX”.

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

No Debate arising;

Question put and agreed to

Part XI - as amended agreed to.

Clause 60 - amendment proposed;

**THAT**, the Bill be amended by deleting Clause 60 and substituting therefor the following new clause 60—

|   |  |
|---|--|
| Establishment of the National Quality Control Laboratory. | <p><b>60.</b> (1) There is established the National Quality Control Laboratory of the Authority which shall be used as a facility for—</p> <ul style="list-style-type: none"><li>(a) the examination and testing of health products and technologies including vaccines and biopharmaceuticals and any material or substance from or with which and the manner in which drugs may be manufactured, processed or treated and ensuring the quality control of drugs and medicinal substances;</li><li>(b) performing chemical, biological, bio-chemical, physiological and pharmacological analysis and other pharmaceutical evaluation;</li><li>(c) testing, on behalf of the Government, of locally manufactured and imported health products and technologies in the Kenyan market prior to marketing authorization, redistribution and post-distribution;</li><li>(d) providing technical support to local manufacturers and building their capacity in matters pertaining to quality control of regulated products through on site and off site training and laboratory assessments;</li><li>(e) conducting investigations into the quality and safety status of regulated products developing and administering a data bank on quality assurance of all health products and technologies and generating scientific evidence and reports on the quality and safety status of the registered products;</li><li>(f) conducting research and training and providing high quality analytics and expert knowledge in the areas of health products and technologies and active pharmaceutical ingredients; and</li><li>(g) developing and administering a data bank on quality assurance on behalf of the Authority.</li></ul> <p>(2) The National Quality Control Laboratory shall be the quality control laboratory of health products and technologies for the Authority.</p> <p>(3) The Board shall appoint a Director of the National Quality Control Laboratory who shall be responsible to the Authority for the day to day management of the National Quality Control Laboratory.</p> <p>(4) The Director of the National Quality Control Laboratory shall hold office on such terms and conditions of service as may be specified in the instrument of appointment by the Board.</p> |
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(5) The Director of the National Quality Control Laboratory shall be a registered pharmacist and shall possess a Master's degree in a science related field from a recognized university.

(6) The Director of the National Quality Control Laboratory shall—

- (a) oversee and coordinate all operations and administration of the National Quality Control Laboratory and provide technical guidance on quality control;
- (b) ensure timely quality control testing of all samples in conformity with national and international standards;
- (c) co-ordinate and supervise the activities of the National Quality Control Laboratory including staff;
- (d) collaborate with other laboratories, regulatory and law enforcement agencies to ensure quality in health products and technologies;
- (e) handle appeals on test results;
- (f) where the laboratory lacks capacity, subcontract laboratory testing services;
- (g) advice the Authority on matters of testing and quality control over health products and technologies; and
- (h) perform any other duties assigned by the Authority from time to time.

(7) The funds to be used for the management of the National Quality Control Laboratory shall consist of all moneys received or recovered under this Part and a portion of the moneys appropriated by the National Assembly to the Authority.

(8) Subject to subsection (7), the monies generated by the National Quality Control Laboratory in the course of the performance of its functions under this section shall be solely expended on the Laboratory.

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Further amendment proposed –

**THAT**, Clause 60 of the Bill be amended in sub-clause (1) (c) by inserting the words “medicinal herbs” immediately after the words “medicinal substances” wherever it appears.

*(Hon. Mille Odhiambo-Mabona)*

Further amendment withdrawn;

Clause 60 - as amended agreed to.

Clause 61 - amendment proposed;

**THAT**, Clause 61 of the Bill be amended in sub-clause (1) by deleting the words “Director-General” and substituting therefor the words “Director of the National Quality Control Laboratory”.

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

No Debate arising;

Question put and agreed to

Clause 61 - as amended agreed to.

PART XII - amendment proposed;

**THAT**, the Bill be amended in the title of Part XII by deleting the expression “PART XII” and substituting therefor the expression “PART X”.

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

No Debate arising;

Question put and agreed to

PART XII - as amended agreed to.

Clause 62 - agreed to.

Clause 63 - amendment proposed;

**THAT**, Clause 63 of the Bill be amended—

(a) in sub-clause (1) by deleting the phrase “medicine, drug, appliance or article” wherever it appears and substituting therefor the words “health product or technology”; and

(b) in sub-clause (2) by inserting the words “or enrolled pharmaceutical technologists” immediately after the word “pharmacists” appearing in paragraph (d).

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

**THAT**, Clause 63 of the Bill be amended by deleting sub-clause (3).

*(Hon. Anthony Oluoch)*

Question of the further amendment proposed;

No debate arising;

Question put and agreed to;

Further amendment proposed –



**THAT**, Clause 63 of the Bill be amended in sub-clause (1) by inserting the words “medicinal herbs” immediately after the word “medicine” wherever it appears.

*(Hon. Mille Odhiambo-Mabona)*

Further amendment withdrawn;

Clause 63 - as amended agreed to.

Clause 64 - amendment proposed;

**THAT**, Clause 64 of the Bill be amended by—

- (a) deleting the phrase “a medicine, drug, appliance or article” and substituting therefor the phrase “health product or technology”; and
- (b) deleting the phrase “drug, appliance or article” and substituting therefor the phrase “health product or technology”.

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

No Debate arising;

Question put and agreed to

Clause 64 - as amended agreed to.

Clause 65 - amendment proposed;

**THAT**, Clause 65 of the Bill be amended—

- (a) in paragraph (a) by—
  - (i) deleting the words “ or similar article”; and
  - (ii) deleting the word “extravagant,”.

(b) in paragraph (b) by deleting the word “ an article” and substituting therefor the words “a health product or technology”.

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

No Debate arising;

Question put and agreed to

Clause 65 - as amended agreed to.

Clause 66 - amendment proposed;

**THAT**, Clause 66 of the Bill be amended—

- (a) in sub-clause (1) by—

- (i) deleting the phrase “drug, appliance or article” wherever they appear in paragraph (a) and substituting therefor the phrase “health product or technology”; and
- (ii) deleting the phrase “medicine, drug, appliance or article” appearing in paragraph (b) and substituting therefor the phrase “health product or technology”;

(c) in sub-clause (3) by—

- (i) renumbering the provision as sub-clause (2); and
- (ii) by inserting the phrase “, enrolled pharmaceutical technologists” immediately after the word “pharmacists” appearing in paragraph (ii).

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 66 - as amended agreed to.

Clause 67 - amendment proposed;

**THAT**, Clause 67 of the Bill be amended—

- (a) by deleting the word “articles” appearing in the marginal note and substituting therefor the words “health products and technologies”;
- (b) by deleting sub-clause (1) and substituting the following new sub-clauses—

“(1) Subject to this Act, a person shall not sell by retail a health product or technology consisting of or comprising a substance recommended as a medicine unless there is written so as to be clearly legible on the health product or technology or on a label affixed thereto, or if the health product or technology is sold or supplied in more than one container, on the inner container or on a label affixed thereto—

(a) the appropriate designation of the substance so recommended or of each of the active constituents, or of each of the ingredients from which it has been compounded; and

(b) in a case where the appropriate designation of each of the active constituents or ingredients is written, the appropriate quantitative particulars of the constituents or ingredients:

(1A) Subsection (1) shall not apply to a health product or technology made up and supplied for the use of a particular person, being an article prescribed by reference to the needs of that person.”

- (c) in sub-clause (2) by deleting the word “article” wherever it appears in the definition of “appropriate quantitative particulars” and substituting therefor the words “health product or technology”;

(e) in sub-clause (3) by—

- (i) deleting the word “an article” appearing in the opening statement and substituting therefor the words “a health product or technology”;
- (ii) deleting the words “two hundred thousand” appearing in paragraph (a) and substituting therefor the words “one million”;
- (iii) deleting the words “three hundred thousand” appearing in paragraph (b) and substituting therefor the words “two million”.

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

No Debate arising;

Question put and agreed to

Clause 67 - as amended agreed to.

Clause 68 - amendment proposed;

**THAT**, the Bill be amended by deleting Clause 68.

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Further amendment proposed –

**THAT**, Clause 68 of the Bill be amended in sub-clause (1) by inserting the words “or herbal medicine” immediately after the word “medicine”.

*(Hon. Mille Odhiambo-Mabona)*

Further amendment withdrawn;

Clause 68 - deleted

Clause 69 - amendment proposed;

**THAT**, Clause 69 of the Bill be amended by—

- (a) deleting the word “article” and substituting therefor the words “health product or technology”; and
- (b) deleting the word “articles” and substituting therefor the words “health products and technologies”.

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

No Debate arising;

Question put and agreed to

Clause 69 - as amended agreed to

Clause 70 - agreed to.

PART XIII - amendment proposed;

**THAT**, the Bill be amended in the title to Part XIII by deleting the expression “PART XIII” and substituting therefor the expression “PART XI”.

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

No Debate arising;

Question put and agreed to

PART XIII - as amended agreed to

Clause 71 - amendment proposed;

**THAT**, Clause 71 of the Bill be amended—

- (a) in the marginal note by deleting the phrase “medicines or medical devices” and substituting therefor the phrase “health products and technologies”; and
- (b) in sub-clause (1) by deleting the phrase “or homoeopathic medicine, preparation or medical device” and substituting therefor the phrase “health products and technologies”.

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

No Debate arising;

Question put and agreed to

Further amendment proposed –

**THAT**, Clause 71 of the Bill be amended in sub-clause (1) by inserting the words “or herbal medicine” immediately after the word “medicine”.

*(Hon. Mille Odhiambo-Mabona)*

Further amendment withdrawn;

Clause 71 - as amended agreed to

Clause 72 - amendment proposed;

**THAT**, Clause 72 of the Bill be amended—

- (a) in the marginal note by deleting the words “medicine or medical devices” and substituting therefor the words “health products and technologies”;
- (b) in sub-clause (1) by—
  - (i) deleting the words “a person” and substituting therefor the words “a registered pharmacist”; and
  - (ii) inserting the phrase “including a health product and technology for emergency use” immediately after the word “technology”; and

- (c) in sub-clause (3) by deleting the words “medicine or medical device product” and substituting therefor the words “health product or technology”.

*Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Further amendment proposed –

**THAT**, Clause 72 of the Bill be amended in sub-clause (3) by inserting the words “herbal medicine” immediately after the word “medicine”.

*(Hon. Mille Odhiambo-Mabona)*

Further amendment withdrawn;

Clause 72 - as amended agreed to.

Clause 73 - amendment proposed;

**THAT**, Clause 73 of the Bill be amended—

- (a) in the marginal note by deleting the word “goods” and substituting therefor the words “health products and technologies”.
- (b) in sub-clause (1) by deleting the words “drug, article” wherever they appear and substituting therefor the words “health product or technology”;
- (c) in sub-clause (2) by deleting the words “drug or article” wherever they appear and substituting therefor the words “health product or technology”;
- (d) in sub-clause (3) by deleting the words “drug or article” and substituting therefor the words “health product or technology”; and
- (e) in sub-clause (4) by deleting the words “drug or article” and substituting therefor the words “health product or technology”.

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

No Debate arising;

Question put and agreed to

Clause 73 - as amended agreed to.

Clauses 74, 75, 76, 77 & 78 - agreed to.

Clause 79 - amendment proposed;

**THAT**, the Bill be amended by deleting Clause 79 and substituting therefor the following new clause 79—

Inspection and verification of health products and technologies at the ports of entry.

**79.** (1) A person who imports a health product or technology shall notify the inspectors of the Authority at the ports of entry to conduct pre-clearance inspection and verification.

(2) A person who imports a health product or technology and causes it to be released to the market without inspection and verification under subsection (1) commits an offence.

(3) A person who commits an offence under this section shall on conviction, be liable to a fine not exceeding three million shillings, or to imprisonment for a term not exceeding two years, or to both.

*(Chairperson Departmental Committee on Health)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 79 - as amended agreed to.

Progress on the Bill to be reported with amendments

**HOUSE RESUMED** - the Hon. Deputy Speaker in the Chair

**The Kenya Drugs Authority Bill (National Assembly Bill No. 54 of 2022)**

Progress on the Bill reported with amendments;

Motion made and Question proposed –

**THAT**, the House do agree with the Committee in the said report.

*(Chairperson, Departmental Committee on Health)*

Question deferred.

And the time being One O'clock, the Honourable Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

**11. HOUSE ROSE** - at four minutes past One O'clock

**M E M O R A N D U M**

The Speaker will take the Chair on,  
Wednesday, 6<sup>th</sup> November 2024 at 2.30 p.m.