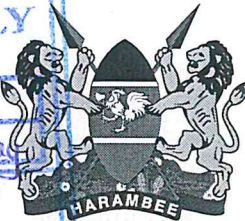
 <b>THE NATIONAL ASSEMBLY</b> <b>PAPERS LAID</b>	
<b>DATE:</b> 30 JUL 2025	<b>DAY:</b> Wednesday
<b>TABLED BY:</b>	Chairperson, Departmental Committee on Health (Hon. Dr.) James Njirai
<b>CLERK THE-T:</b>	Irene Nduku



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

*Approved.*  
 SNA  
 30/7/25

THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON HEALTH

REPORT ON THE PRESIDENTIAL MEMORANDUM OF REFERRAL ON THE  
 CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL, 2022  
 (NATIONAL ASSEMBLY BILL NO. 45 OF 2022).



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## CHAIRPERSON'S FOREWORD

This Report contains a detailed analysis of the Presidential Memorandum of Referral on the Cancer Prevention and Control (Amendment)(No. 2) Bill, 2022 (National Assembly Bill No. 45 of 2022). On Tuesday, 1<sup>st</sup> July, 2025, the Rt. Hon. Speaker conveyed a message from His Excellency the President, referring to the Cancer Prevention and Control (Amendment)(No. 2) Bill, 2022 (National Assembly Bill No. 45 of 2022), accompanied by a memorandum to the Departmental Committee on Health.

The message from His Excellency the President, dated 26<sup>th</sup> June, 2025 notes that His Excellency the President declined to assent to the Cancer Prevention and Control (Amendment) (No. 2) Bill, 2022 (National Assembly Bill No. 45 of 2022) and attached memorandum of referral detailing the reasons for declining to assent, in exercise of the powers conferred on him by Article 115(1) (b) of the Constitution.

The Cancer Prevention and Control (Amendment)(No. 2) Bill (National Assembly Bill No. 45 of 2022) was published on 26<sup>th</sup> October 2022 vide Kenya *Gazette* Supplement No.170 of 28<sup>th</sup> October 2022 and was read a First Time on 15<sup>th</sup> February 2023. The Bill was sponsored by Hon. Rahim Dawood. The Bill was passed, with amendments, by the National Assembly on Tuesday, 15<sup>th</sup> April 2025.

It is upon this premise, that the National Assembly Departmental Committee on Health convened to deliberate on the Presidential Memorandum of Referral in accordance to Article 115 of the Constitution which provides that the President may refer a Bill back for reconsideration to Parliament to amend the Bill in light of the reservations of the President; or pass the Bill a second time without amendment.

I take this opportunity to thank and commend Committee Members for their devotion and commitment to duty, the Speaker and the Clerk of the National Assembly for providing leadership and direction and finally, the Committee Secretariat for their exemplary performance in the provision` of technical and logistical support.

On behalf of the Departmental Committee on Health and pursuant to provisions of Standing Order 216 (5)(g), it is my pleasant privilege and honor to present the Report of the Committee on its consideration of the Presidential Memorandum of Referral on the Cancer Prevention and Control (Amendment) (No. 2) Bill, 2022 (National Assembly Bill No. 45 of 2022) with

the recommendation that the House agrees with His Excellency the President's reservations as proposed, pursuant to Article 115(1)(b) and (2)(a) of the Constitution.

HON. DR. NYIKAL JAMES WAMBURA, CBS, MP.  
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON HEALTH

# CHAPTER ONE

## 1.0 PREFACE

### 1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Health is one of the Departmental Committees of the National Assembly established under Standing Order 216 whose mandates pursuant to the Standing Order 216 (5) are as follows:
  - i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
  - ii. To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;
  - iii. on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
  - iv. To study and review all legislation referred to it;
  - v. To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
  - vi. To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;
  - vii. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
  - viii. To examine treaties, agreements and conventions;
  - ix. To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;
  - x. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
  - xi. To examine any questions raised by Members on a matter within its mandate.

## **1.2 Subjects under the Committee**

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters related to health, medical care and health insurance, including universal health coverage.

## **1.3 Oversight**

3. In executing its mandate, the Committee on Health oversees the:
  - i. State Department for Medical Services
  - ii. State Department for Public Health and Professional Standards.



#### 1.4 Committee Membership

4. The Departmental Committee on Health was constituted by the House on 27<sup>th</sup> October 2022 and comprises the following Members:

##### **Chairperson**

Hon. Dr. Nyikal James Wambura, MP  
Seme Constituency  
**ODM Party**

##### **Vice-Chairperson**

Hon. Ntwiga, Patrick Munene MP  
Chuka/Igambang'ombe Constituency  
**UDA Party**

Hon. Owino Martin Peters, MP  
Ndhiwa Constituency  
**ODM Party**

Hon. Maingi Mary, MP  
Mwea Constituency  
**UDA Party**

Hon. Muge Cynthia Jepkosgei, MP  
Nandi (CWR)  
**UDA Party**

Hon. Mathenge Duncan Maina, MP  
Nyeri Town Constituency  
**UDA Party**

Hon. Wanyonyi Martin Pepela, MP  
Webuye East Constituency  
**Ford Kenya Party**

Hon. Lenguris Pauline, MP  
Samburu (CWR)  
**UDA Party**

Hon. Kipng'ok Reuben Kiborek, MP  
Mogotio Constituency  
**UDA Party**

Hon. Oron Joshua Odongo, MP  
Kisumu Central Constituency  
**ODM Party**

Hon. (Dr) Robert Pukose, MP  
Endebess Constituency  
**UDA Party**

Hon. (Prof.) Jaldesa Guyo Waqo, MP  
Moyale Constituency  
**UPIA Party**

Hon. Kibagendi Antoney, MP  
Kitutu Chache South Constituency  
**ODM Party**

Hon. Mukhwana Titus Khamala, MP  
Lurambi Constituency  
**ODM Party**

Hon. Julius Ole Sunkuli Lekakeny, MP  
Kilgoris Constituency  
**KANU**



### 1.5 Committee Secretariat

5. The Committee is facilitated by the following staff secretariat:

Mr. Hassan Abdullahi Arale  
**Clerk Assistant I/Head of Secretariat**

Mr. Timothy Kimathi Samson  
**Clerk Assistant III**

Ms. Gladys Jepkoech Kiprotich  
**Clerk Assistant III**

Ms. Marlene Ayiro  
**Principal Legal Counsel I**

Ms. Sheila Chebotibin  
**Senior Serjeant-At-Arms**

Ms. Faith Chepkemai  
**Legal Counsel II**

Ms. Abigel Muinde  
**Research Officer III**

Mr. Hiram Kimuhu  
**Fiscal Analyst III**

Ms. Rahab Chepkilim  
**Audio Recording Officer II**

Mr Eric Lungai  
**Hansard Reporter II**

Mr. Hillary Mageka  
**Media Relations Officer III**

## CHAPTER TWO

### 2.0 PRESIDENTIAL MEMORANDA OF REFERRAL TO THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL, 2022 (NATIONAL ASSEMBLY BILL NO. 45 OF 2022).

#### 2.1 Background

6. On Tuesday, 1<sup>st</sup> July, 2025, the Rt. Hon. Speaker conveyed a message from His Excellency, the President, referring to the Cancer Prevention and Control (Amendment) (No. 2) Bill, 2022 (National Assembly Bill No. 45 of 2022) accompanied by a memorandum to the Departmental Committee on Health.
7. The message from His Excellency the President, is dated 26<sup>th</sup> June, 2025, states that His Excellency the President declined to assent the Cancer Prevention and Control (Amendment) (No. 2) Bill, 2022 (National Assembly Bill No. 45 of 2022) and attached memorandum of referral detailing the reasons for declining to assent, in exercise of the powers conferred to him by Article 115(1)(b) of the Constitution.

#### 2.2 Legislative Process

8. The Cancer Prevention and Control (Amendment) (No. 2) Bill (National Assembly Bill No. 45 of 2022) was published on 26<sup>th</sup> October 2022 vide *Kenya Gazette* Supplement No. 170 of 28<sup>th</sup> October 2022 and was read a First Time on 15<sup>th</sup> February 2023. The Bill was sponsored by Hon. Rahim Dawood. The Bill was passed, with amendments, by the National Assembly on Tuesday, 15<sup>th</sup> April 2025.

#### 2.3 Legislative Framework

9. Article 115 of the Constitution makes provision on Presidential assent and referral. Article 115(1) of the Constitution provides that within fourteen days after receipt of a Bill, the President shall assent to the Bill, or refer the Bill back to Parliament for reconsideration by Parliament, noting any reservations that the President has concerning the Bill.
10. Article 115(2) of the Constitution provides that if the President refers a Bill back for reconsideration, Parliament may amend the Bill in light of the reservations of the President; or pass the Bill a second time without amendment.

11. Article 115(3) of the Constitution provides that if Parliament amends the Bill fully accommodating the reservations of the President, the Speaker shall re-submit the Bill to the President for assent.
12. Article 115(4) of the Constitution provides that Parliament, may pass the Bill a second time, without amendment, or with amendments that do not fully accommodate the reservations from the President, by a vote supported by two-thirds of members of the National Assembly.

## CHAPTER THREE

### 2.4 Analysis of the Presidential Memorandum of Referral

13. Attached below is a Matrix containing an analysis of the memorandum of referral on the Cancer Prevention and Control (Amendment) (No. 2) Bill, 2022 (National Assembly Bill No. 45 of 2022) detailing the reasons by His Excellency the President for declining to assent to the Bill —

Clause	Provision	Recommendation by H.E. the President	Reason	Departmental Committee on Health's Resolution
<b>2</b>	The clause proposes to introduce the definitions of the terms “e-health” and “telemedicine” to the Cancer Prevention and Control Act.	Deletion of clause 2.	The two terms are already defined in the Digital Health Act. The Bill may cross-reference the terms as defined in the Digital Health Act.	Agreed to
<b>3</b>	<p>The clause seeks to amend section 5 of the principal Act by inserting new paragraphs on the functions of the National Cancer Institute (NCI) as follows:</p> <ul style="list-style-type: none"> <li>• Promoting the use of e-health and telemedicine for the prevention and management of persons with cancer; and</li> <li>• Promoting the treatment of persons of cancer as a component of primary healthcare.</li> </ul>	Deletion of clause 3.	The two insertions are already covered under section 3 on the objects of the Digital Health Act.	Agreed to

4	The clause proposes to amend section 31 of the principal Act by inserting a new subsection that the NCI shall collaborate with national government departments responsible for health to promote the training of human resource on oncology services.	Deletion of clause 4.	Under Executive Order No. 1 of 2025 on the Organization of Government, the NCI is a government agency under the Ministry of Health, State Department for Medical Services. Nothing bars the NCI from collaborating with national government departments to promote oncology training.	Agreed to.
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## CHAPTER FOUR

### 4.0 COMMITTEE OBSERVATIONS

14. The Committee observed that the principal object of the Cancer Prevention and Control (Amendment) (No. 2) Bill, 2022 (National Assembly Bill No. 45 of 2022) was to amend the provisions of the Cancer Prevention and Control Act, No. 15 of 2012, to provide for training of health cadres in the specialized medical field of oncology, to include cancer treatment as part of the provision of primary healthcare and to incorporate the use of e-health and telemedicine in the prevention and management of cancer.
15. In considering the reservations by His Excellency the President, the Committee observed that the amendments in relation to the use of technology in the management of cancer are adequately addressed through the Digital Health Act, No. 15 of 2025 and that the National Cancer Institute already has the general power to collaborate with any national government department in furtherance of its functions including in promoting oncology training.



## CHAPTER FIVE

### 5.0 COMMITTEE RECOMMENDATIONS

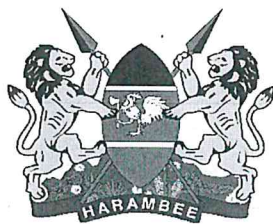
16. Article 115 of the Constitution provides that Parliament (a) may amend the Bill fully accommodating the reservations of the President or (b) may pass the Bill a second time, without amendment, or with amendments that do not fully accommodate the reservations from the President.
17. Pursuant to Article 115 of the Constitution, the Committee may consider the reservations and recommend that the National Assembly: (a) amends the Bill fully accommodating the reservations of the President or (b) passes the Bill a second time, with or without amendments that accommodate the reservations from the President.
18. Pursuant to Article 115 of the Constitution, the Committee resolves to amend the Bill fully accommodating the reservations of the President relating to the Cancer Prevention and Control (Amendment) (No. 2) Bill, 2022 (National Assembly Bill No. 45 of 2022) by :
- (a) Deleting Clause 2 of the Bill;
  - (b) Deleting Clause 3 of the Bill; and
  - (c) Deleting Clause 4 of the Bill.
19. The Committee having considered the Presidential Memorandum of Referral on the Cancer Prevention and Control (Amendment) (No. 2) Bill, 2022 (National Assembly Bill No. 45 of 2022) recommends that the House agrees with His Excellency the President, pursuant to Article 115(1)(b) and (2)(a) of the Constitution.

SIGNED..... DATE.....

HON. DR. JAMES NYIKAL WAMBURA, CBS, M.P.  
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON HEALTH







THE NATIONAL ASSEMBLY

13TH PARLIAMENT – FOURTH SESSION (2025)




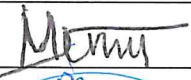
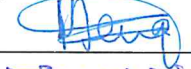


DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON HEALTH

**REPORT ON THE PRESIDENTIAL MEMORANDUM OF REFERRAL ON THE  
CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL, 2022  
(NATIONAL ASSEMBLY BILL NO. 45 OF 2022).**

We, the undersigned Members of the Departmental Committee on Health do hereby append our  
signatures to adopt this Report

Date: 29/7/2025

NO	NAME	SIGNATURE
1.	The Hon. Dr. Nyikal James Wambura, CBS, MP- Chairperson	
2.	The Hon. Ntwiga Patrick Munene, MP -Vice- Chairperson.	
3.	The Hon. Dr. Pukose Robert, CBS, MP	
4.	The Hon. Titus Khamala, MP	
5.	The Hon. Sunkuli Julius Lekakeny Ole, EGH, EBS, MP	
6.	The Hon. Prof. Jaldesa Guyo Waqo, MP	
7.	The Hon. Owino Martin Peters, MP	
8.	The Hon. Wanyonyi Martin Pepela, MP	
9.	The Hon. Lenguris Pauline, MP	
10.	The Hon. Mary Maingi, MP	
11.	The Hon. Muge Cynthia Jepkosgei, MP	
12.	The Hon. Oron Joshua Odongo, MP	
13.	The Hon. Kibagendi Antony, MP	
14.	The Hon. Mathenge Duncan Maina, MP	
15.	The Hon. Kipngor Reuben Kiborek, MP	

