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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION
DEPARTMENTAL COMMITTEE ON HEALTH

REPORT ON THE
HARMONIZATION OF THE PROPOSED AMENDMENTS TO THE ASSISTED
REPRODUCTIVE TECHNOLOGY BILL, 2022 (NATIONAL ASSEMBLY BILL NO. 61
OF 2022) BY THE HON. MILLIE ODHIAMBO, MP



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CHAIRPERSON'S FOREWORD

This Harmonization Report presents the proceedings of the Departmental Committee on Health on its consideration and harmonization of the proposed amendments to the Assisted Reproductive Technology Bill, 2022 (National Assembly Bill No. 61 of 2022), as proposed by the Committee and Hon. Peter Kaluma, MP.

The Bill, sponsored by Hon. Millie Odhiambo, MP, was published on 24th November 2022 and read for the First Time on Wednesday, 3rd May 2023. It was subsequently committed to the Departmental Committee on Health for consideration, facilitation of public participation pursuant to Article 118 of the Constitution, and reporting to the House in accordance with Standing Order 127(1).

The Bill has fifty-two (52) clauses and seeks to provide for the regulation of assisted reproductive technology, to prohibit certain practices in connection with assisted reproductive technology, to establish an Assisted Reproductive Technology Directorate, and to make provision in relation to children born through Assisted Reproductive Technology processes and for connected purposes.

During the Committee of the Whole House on Wednesday, 11th June 2025, the Bill was referred back to the Departmental Committee on Health for the harmonization of the proposed amendments by the Committee and Hon. Peter Kaluma, MP.

The Committee is grateful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support extended throughout the process.

On behalf of the Committee, and pursuant to Standing Order 127(4), it is my honour and privilege to table this Report on the HARMONIZATION process undertaken by the Departmental Committee on Health in its consideration of the Assisted Reproductive Technology Bill, 2022 (National Assembly Bill No. 61 of 2022).

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

CHAPTER ONE

1.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

1. The Departmental Committee on Health is established pursuant to the provisions of Standing Order 216 of the National Assembly Standing Orders and in line with Article 124 of the Constitution which provides for the establishment of the Committees by Parliament. The mandate and functions of the Committee include:
 - a) *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;*
 - b) *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
 - ba) *on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - c) ***To study and review all legislation referred to it;***
 - d) *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;*
 - e) *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;*
 - f) *Vet and report on all appointments where the constitution or any other law requires the national Assembly to approve, except those understanding Order 204 (Committee on appointments);*
 - g) *To examine treaties, agreements and conventions;*
 - h) *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - i) *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - j) *To examine any questions raised by Members on a matter within its mandate.*
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.
3. In executing its mandate, the Committee oversights the Ministry of Health with its two State Departments namely the State Department for Medical Services and the State Department for Public Health and Professional Standards.

1.2 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Health was constituted by the House on 27th October 2022 and comprises of 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. (Dr.) Robert Pukose, MP
Endebess Constituency

UDA Party

Hon. Owino Martin Peters, MP
Ndhiwa Constituency

ODM Party

Hon. Kibagendi Antoney, MP
Kitutu Chache South Constituency

ODM 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. Julius Ole Sunkuli Lekakeny, MP
Kilgoris Constituency

KANU

Hon. Kipng'ok Reuben Kiborek, MP
Mogotio Constituency

UDA Party

Hon. Mukhwana Titus Khamala, MP
Lurambi Constituency

ANC Party

Hon. Maingi Mary, MP
Mwea Constituency

UDA Party

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

UPIA Party

Hon. Lenguris Pauline, MP
Samburu (CWR)

UDA Party

Hon. Oron Joshua Odongo, MP
Kisumu Central Constituency

ODM Party

1.3 COMMITTEE SECRETARIAT

5. The Committee is supported by the following secretariat:

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

Ms. Gladys Jepkoech Kiprotich
Clerk Assistant III

Mr. Timothy Kimathi
Clerk Assistant III

Ms. Marlene Ayiro
Principal Legal Counsel I

Ms. Sheila Chebotibin
Principal Serjeant-At-Arms

Ms. Faith Chepkemai
Legal Counsel II

Ms. Abigael Muinde
Research Officer III

Mr. Hiram Kimuhu
Fiscal Analyst II

Ms. Rahab Chepkilim
Audio Recording Officer II

Mr Eric Lungai
Hansard Reporter II

Mr. Hillary Mageka
Media Relations Officer III

CHAPTER TWO

2.0 OVERVIEW OF THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL, 2022, NATIONAL ASSEMBLY BILL NO. 61 OF 2022.

6. The Bill seeks to provide for the regulation of assisted reproductive technology, to prohibit certain practices in connection with assisted reproductive technology, to establish an Assisted Reproductive Technology Directorate and to make provision in relation to children born through assisted reproductive technology processes and for connected purposes.
7. **PART I** (Clause 1-4) of the Bill contains the preliminary provisions on the short title, interpretation, application and object and purpose of the Act.
8. **PART II** (Clause 5-10) of the Bill provides for the establishment of the Assisted Reproductive Technology Directorate, its composition and functions. It also sets out the obligations of the National Government and County Governments in matters of Assisted Reproductive Technology.
9. **PART III** (Clause 11-19) of the Bill provides for matters regulating prohibited activities in relation to the use of embryos, use of gametes, and use of gametes obtained from a minor. It also provides for obtaining the consent of parties who go through assisted reproductive technology processes, and sets out the circumstances for undertaking assisted reproductive technology and the circumstances under which assisted reproductive technology is precluded.
10. **PART IV** (Clause 20-32) of the Bill provides for the rights of commissioning parents, donors and children in relation to the right to assisted reproductive technology, the right to assisted reproductive technology by intersex persons. It also makes provisions on the use of sperm after the death of a man, consent to assisted reproductive technology services, the duties of assisted reproductive technology experts, the rights that accrue to children born through assisted reproductive technology, obligations under surrogacy agreements, prohibition of sex selection and commercial artificial reproductive technology and sale of human gametes, zygotes and embryos.
11. **PART V** (Clause 33-37) of the Bill provides for matters regulating access to information as regards assisted reproductive technology including the establishment of an assisted reproductive technology register, the processing and provision of information by the Assisted Reproductive Technology Directorate and restrictions on disclosure of information.
12. **PART VI** (Clause 38-49) of the Bill provides for the regulation of licensing to offer assisted reproduction related services. It also sets out the conditions to be met before a licence is issued and revoked as well as the right of review and appeal where a licence is denied.
13. **PART VIII** (Clause 50 and 51) of the Bill contains miscellaneous provisions on general penalty and offences related to the regulation of assisted reproductive technology.

14. **PART IX** (Clause 52) of the Bill provides for the making of Regulations by the Cabinet Secretary responsible for health in consultation with the Assisted Reproductive Technology Directorate.

CHAPTER THREE

3.0 CONSIDERATION AND HARMONIZATION OF THE PROPOSED AMENDMENTS TO THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 61 OF 2022)

3.1 Referral of the Assisted Reproductive Technology Bill (National Assembly Bill No. 61 of 2022)

15. The Assisted Reproductive Technology Bill (National Assembly Bill No. 61) sponsored by Hon. Millie Odhiambo, MP was read a First Time on 3rd May, 2023 and committed to the Departmental Committee on Health for facilitation of public participation pursuant to Article 118 of the Constitution and reporting to the House, pursuant to Standing Order 127(1).
16. On Wednesday, 11th June, 2025, during the Committee of the Whole House, the Bill was referred back to the Department Committee on Health for Harmonization of the amendments proposed by the Committee and the Hon. Peter Kaluma, MP, to the Bill.
17. Pursuant to the provisions of Standing Order 131, the Speaker directed that all the amendments received be referred to the Departmental Committee on Health and be subjected to Harmonization.

3.2 COMMITTEE CONSIDERATION OF THE SUBMISSIONS

18. The Committee undertook the Harmonization process with Hon. Millie Odhiambo, MP (the sponsor of the Bill) and Hon. Peter Kaluma, MP, and made observations and recommendations on all the proposed amendments.

CHAPTER FOUR

4.0 COMMITTEE OBSERVATIONS ON THE HARMONIZATION OF PROPOSED AMENDMENTS TO THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 61 OF 2022)

19. The Committee, having considered the amendments as proposed to the Assisted Reproductive Technology Bill, 2022 by the Committee and Honourable Members, the Committee made the following observations:

- (a) The Regulations under the proposed Bill are too technical, substantive and of great significance and as such they require affirmative resolution, that is, they should be approved in draft form by both Houses of Parliament before they are published by the Cabinet Secretary for Health;
- (b) There is a need to restrict the provision of assisted reproductive technology services to only Kenyan citizens to prevent the exploitation of the citizens of Kenya; and
- (c) The Bill also protects the rights of children born out of assisted reproductive technology including in their registration in line with Article 53 of the Constitution and the Children Act, (Cap. 141).

CHAPTER FIVE


5.0 COMMITTEE RECOMMENDATIONS ON THE HARMONIZATION OF PROPOSED AMENDMENTS TO THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 61 OF 2022)

20. The Committee, having considered the amendments to the Assisted Reproductive Technology Bill (National Assembly Bill No. 61 of 2022) proposed by the Committee and Hon. Peter Kaluma, MP recommends that the House **approves** the Bill with the amendments set out in Chapter six of this report.

SIGNED DATE 12/8/2025

HON. DR. NYIKAL JAMES WAMBURA, CBS, MP

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON HEALTH

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 13 AUG 2025	DAY: Wednesday
TABLED BY:	Hon. James Nyikal, MP Chairperson
CLERK-AT-THE-TABLE:	A. Shibuko