



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 1, 2016, AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer said by the Speaker.
3. **PAPERS LAID**

The following Papers were laid on the Table of the Senate -

- 1) Report of the Auditor General on the Financial Statements of Marsabit County Government for the year ended 30th June, 2015;
- 2) Report of the Auditor General on the Financial Statements of Tharaka Nithi County Government for the year ended 30th June, 2015;
- 3) Report of the Auditor General on the Financial Statements of Kitui County Government for the year ended 30th June, 2015;
- 4) Report of the Auditor General on the Financial Statements of Meru County Government for the year ended 30th June, 2015;
- 5) Report of the Auditor General on the Financial Statements of Isiolo County Government for the year ended 30th June, 2015;
- 6) Report of the Auditor General on the Financial Statements of Makueni County Government for the year ended 30th June, 2015;
- 7) Report of the Auditor General on the Financial Statements of Embu County Government for the year ended 30th June, 2015;

- 8) Report of the Auditor General on the Financial Statements of Migori County Government for the year ended 30th June, 2015;
- 9) Report of the Auditor General on the Financial Statements of Siaya County Government for the year ended 30th June, 2015;
- 10) Report of the Auditor General on the Financial Statements of Nyamira County Government for the year ended 30th June, 2015;
- 11) Report of the Auditor General on the Financial Statements of Kisumu County Government for the year ended 30th June, 2015;
- 12) Report of the Auditor General on the Financial Statements of Kisii County Government for the year ended 30th June, 2015;
- 13) Report of the Auditor General on the Financial Statements of Homabay County Government for the year ended 30th June, 2015;
- 14) Report of the Auditor General on the Financial Statements of Bungoma County Government for the year ended 30th June, 2015;
- 15) Report of the Auditor General on the Financial Statements of Kakamega County Government for the year ended 30th June, 2015;
- 16) Report of the Auditor General on the Financial Statements of Vihiga County Government for the year ended 30th June, 2015;
- 17) Report of the Auditor General on the Financial Statements of Nyandarua County Government for the year ended 30th June, 2015;
- 18) Report of the Auditor General on the Financial Statements of Kiambu County Government for the year ended 30th June, 2015;
- 19) Report of the Auditor General on the Financial Statements of Kirinyaga County Government for the year ended 30th June, 2015;
- 20) Report of the Auditor General on the Financial Statements of Nyeri County Government for the year ended 30th June, 2015;
- 21) Report of the Auditor General on the Financial Statements of Muranga County Government for the year ended 30th June, 2015;
- 22) Report of the Auditor General on the Financial Statements of West Pokot County Government for the year ended 30th June, 2015;
- 23) Report of the Auditor General on the Financial Statements of Nandi County Government for the year ended 30th June, 2015;
- 24) Report of the Auditor General on the Financial Statements of Turkana County Government for the year ended 30th June, 2015;
- 25) Report of the Auditor General on the Financial Statements of Trans Nzoia County Government for the year ended 30th June, 2015;

- 26) Report of the Auditor General on the Financial Statements of Uasin Gishu County Government for the year ended 30th June, 2015;
- 27) Report of the Auditor General on the Financial Statements of Elgeyo Marakwet County Government for the year ended 30th June, 2015;
- 28) Report of the Auditor General on the Financial Statements of Kilifi County Government for the year ended 30th June, 2015;
- 29) Report of the Auditor General on the Financial Statements of Tana River County Government for the year ended 30th June, 2015;
- 30) Report of the Auditor General on the Financial Statements of Machakos County Government for the year ended 30th June, 2015;
- 31) Report of the Auditor General on the Financial Statements of Kajiado County Government for the year ended 30th June, 2015;
- 32) Report of the Auditor General on the Financial Statements of Nairobi City County Government for the year ended 30th June, 2015;
- 33) Report of the Auditor General on the Financial Statements of Mombasa County Government for the year ended 30th June, 2015;
- 34) Report of the Auditor General on the Financial Statements of Lamu County Government for the year ended 30th June, 2015;
- 35) Report of the Auditor General on the Financial Statements of Kwale County Government for the year ended 30th June, 2015;
- 36) Report of the Auditor General on the Financial Statements of Taita-Taveta County Government for the year ended 30th June, 2015;
- 37) Report of the Auditor General on the Financial Statements of Kericho County Government for the year ended 30th June, 2015;
- 38) Report of the Auditor General on the Financial Statements of Baringo County Government for the year ended 30th June, 2015;
- 39) Report of the Auditor General on the Financial Statements of Narok County Government for the year ended 30th June, 2015;
- 40) Report of the Auditor General on the Financial Statements of Nakuru County Government for the year ended 30th June, 2015;
- 41) Report of the Auditor General on the Financial Statements of Samburu County Government for the year ended 30th June, 2015;
- 42) Report of the Auditor General on the Financial Operations of Tharaka Nithi County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 43) Report of the Auditor General on the Financial Operations of Kitui County Assembly for the period 1st July, 2014 to 30th June, 2015;

- 44) Report of the Auditor General on the Financial Operations of Meru County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 45) Report of the Auditor General on the Financial Operations of Isiolo County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 46) Report of the Auditor General on the Financial Operations of Makueni County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 47) Report of the Auditor General on the Financial Operations of Embu County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 48) Report of the Auditor General on the Financial Operations of Migori County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 49) Report of the Auditor General on the Financial Operations of Siaya County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 50) Report of the Auditor General on the Financial Operations of Nyamira County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 51) Report of the Auditor General on the Financial Operations of Kisumu County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 52) Report of the Auditor General on the Financial Operations of Kisii County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 53) Report of the Auditor General on the Financial Operations of Homabay County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 54) Report of the Auditor General on the Financial Operations of Kakamega County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 55) Report of the Auditor General on the Financial Operations of Vihiga County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 56) Report of the Auditor General on the Financial Operations of Laikipia County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 57) Report of the Auditor General on the Financial Operations of Nyandarua County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 58) Report of the Auditor General on the Financial Operations of Kiambu County Assembly for the period 1st July, 2014 to 30th June, 2015;

- 59) Report of the Auditor General on the Financial Operations of Kirinyaga County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 60) Report of the Auditor General on the Financial Operations of Nyeri County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 61) Report of the Auditor General on the Financial Operations of Muranga County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 62) Report of the Auditor General on the Financial Operations of West Pokot County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 63) Report of the Auditor General on the Financial Operations of Nandi County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 64) Report of the Auditor General on the Financial Operations of Turkana County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 65) Report of the Auditor General on the Financial Operations of Trans Nzoia County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 66) Report of the Auditor General on the Financial Operations of Uasin Gishu County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 67) Report of the Auditor General on the Financial Operations of Elgeyo Marakwet County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 68) Report of the Auditor General on the Financial Operations of Kilifi County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 69) Report of the Auditor General on the Financial Operations of Tana River County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 70) Report of the Auditor General on the Financial Operations of Machakos County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 71) Report of the Auditor General on the Financial Operations of Kajiado County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 72) Report of the Auditor General on the Financial Operations of Nairobi County Assembly for the period 1st July, 2014 to 30th June, 2015;

- 73) Report of the Auditor General on the Financial Operations of Mombasa County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 74) Report of the Auditor General on the Financial Operations of Lamu County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 75) Report of the Auditor General on the Financial Operations of Kwale County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 76) Report of the Auditor General on the Financial Operations of Taita-Taveta County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 77) Report of the Auditor General on the Financial Operations of Bomet County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 78) Report of the Auditor General on the Financial Operations of Kericho County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 79) Report of the Auditor General on the Financial Operations of Baringo County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 80) Report of the Auditor General on the Financial Operations of Narok County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 81) Report of the Auditor General on the Financial Operations of Nakuru County Assembly for the period 1st July, 2014 to 30th June, 2015;
- 82) Report of the Auditor General on the Financial Operations of Samburu County Assembly for the period 1st July, 2014 to 30th June, 2015; and
- 83) Report of the Bomet County Assembly Public Accounts and Investments Committee on the Financial Operations of the Bomet County Assembly and County Executive on the Auditor General's Report for the Financial Year 2013/2014.

(Chairperson, Sessional Committee on County Public Accounts and Investments)

4. **STATEMENTS PURSUANT TO STANDING ORDER 45(2) (b)**

- a) The Senate Minority Leader (Sen. Moses Wetang'ula) sought a Statement from the Chairperson of the Standing Committee on Health regarding alleged misappropriation and loss of public funds at the Ministry of Health.

- b) The Vice Chairperson of the Standing Committee on National Security and Foreign Relations issued a Statement regarding the volatile situation in South Sudan.

Thereupon, the Vice Chairperson informed the Senate that the regional Chiefs of Defence had been working out modalities for the deployment of protection forces with the hope that the United Nations Security Council would go a step further to provide sustainable funding, as well as the necessary force multipliers and enablers, to guarantee the success of their mandate.

The Vice-Chairperson also informed the Senate that the Government of Kenya had taken a lead role in resolving the conflict and had hosted the 56th Extra Ordinary Session of IGAD Foreign Ministers in Nairobi to discuss and offer solutions to the crisis in South Sudan.

The Vice Chairperson further informed the House that the Government had continued to be involved in a proactive diplomatic engagement to implore the leadership of South Sudan to honour the Comprehensive Peace Agreement with a view to restore peace and tranquility in the country.

- c) The Chairperson of the Standing Committee on Labour and Social Welfare issued a Statement regarding street families and urchins in Kenya.

Thereupon, the Chairperson informed the Senate that the Street Families Rehabilitation Trust Fund (SFRTF) was established in 2003 and had embarked on the development of a national policy on the rehabilitation of street families, persons with disability and homeless urchins. The final draft was ready and awaiting input from key stakeholders.

The Chairperson also informed the Senate that the SFRTF intended to undertake major rescue and rehabilitation activities in the 2016/2017 Financial Year towards achieving its vision.

- d) The Vice-Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries issued a Statement regarding delay in payment for French beans delivered to M/S Value Pak Foods Limited by farmers in Kirinyaga County.

Thereupon, the Vice-Chairperson informed the Senate that M/S Value Pak Foods Limited, a private company which had contracted to buy French beans from the farmers at an agreed price of Ksh.50 per kilogramme, had faced financial problems after its main banker

collapsed. This had in turn affected the company's ability to honour its payment obligations to farmers.

The Vice-Chairperson also informed the Senate that the Government has set up an arbitration office at the Horticultural Crops Directorate of the Agricultural Food and Fisheries Authority to receive and arbitrate on conflicts between exporters and farmers or producers.

5. COMMITTEE OF THE WHOLE

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. (Dr.) Machage) – in the Chair)

The County Governments (Amendment) Bill (Senate Bill No. 4 of 2016)

Clause 2 – amendment proposed

THAT clause 2 of the Bill be deleted and substituted with the following new clause-

Amendment
to the Third
Schedule of
No.17 of
2012

2. The Third Schedule of the County Governments Act is amended-

a) in paragraph 6 by deleting the words "Wundanyi Urban Area" and substituting therefor the words, "Mwatate Urban Area".

b) in paragraph 20 by deleting the words "Kerugoya Urban Area" and substituting therefor the words, "Kutus Urban Area".

(Sen. Daniel Karaba)

Debate interrupted on Wednesday, 5th October, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson (Sen. (Dr.) Machage) directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson allowed five Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Hargura Godana
2. Sen. Kembi Gitura James
3. Sen. Kimani Paul Wamatangi
4. Sen. Moi Gideon Kipsielei Towett
5. Sen. Musila David

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 27

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana – voted verbally
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi – voted verbally
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David – voted verbally
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo

23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Wetang'ula Moses Masika

Clause 2 (as amended) - agreed to

The Title and Clause 1

Debate interrupted on Wednesday, 5th October, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson (Sen. (Dr.) Machage) directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson allowed three Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 27

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally

6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Leshore Sammy Prisa
13. Sen. Lonyangapuo John Krop
14. Sen. Machage Wilfred Gisuka
15. Sen. Madzayo Stewart Mwachiru
16. Sen. Melly Isaac Kipkemboi
17. Sen. Moi Gideon Kipsielei Towett – voted verbally
18. Sen. Mositet Peter Korinko
19. Sen. Musila David
20. Sen. Muthama Johnson Nduya
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ndiema Henry Tiole
23. Sen. Ntutu Stephen Kanyinke
24. Sen. Nyong'o Peter Anyang'
25. Sen. Obure Christopher Mogere
26. Sen. Orengo James
27. Sen. Wetang'ula Moses Masika

The Title and Clause 1 - agreed to

Motion made:-

That, the Bill be reported with amendments;

(Sen. Daniel Karaba)

Before the question was put and pursuant to Standing Order 72, the Acting Chairperson (Sen. Wilfred Machage) ruled that the question affected counties;

Question put and agreed to.

6. **HOUSE RESUMED** - (The Deputy Speaker in the Chair)
7. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2016)**

Bill reported with amendments;

Motion made and Question proposed-

THAT, the Senate do agree with the Committee of the Whole in the said Report.

(Sen. Daniel Karaba)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 72, the Deputy Speaker ruled that the question affected counties;

Question put and agreed to.

Motion made and question proposed-

That, the County Governments (Amendment) Bill (Senate Bill No. 4 of 2016 be now Read a Third Time.

(Sen. Daniel Karaba)

There being no Senator wishing to contribute;

The House proceeded to a Division on the Third Reading of the Bill;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Deputy Speaker directed that the doors be locked and Senators asked to log-in for electronic voting;

The Deputy Speaker put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 74 (5), the Deputy Speaker allowed four Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Karaba Dickson Daniel
2. Sen. Kembi Gitura James
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Chelule Liza – on behalf of Nakuru County Delegation

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel – voted verbally
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Adan Dullo Fatuma –on behalf of Isiolo County Delegation
11. Sen. Lesan Wilfred Rotich
12. Sen. Leshore Sammy Prisa
13. Sen. Lonyangapuo John Krop
14. Sen. Machage Wilfred Gisuka
15. Sen. Madzayo Stewart Mwachiru
16. Sen. Melly Isaac Kipkemboi
17. Sen. Moi Gideon Kipsielei Towett – voted verbally
18. Sen. Mositet Peter Korinko
19. Sen. Chelule Liza – voted verbally on behalf of Nakuru County Delegation
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Bill Read a Third Time and passed.

8. COMMITTEE OF THE WHOLE

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. (Dr.) Machage) – in the Chair)

The Reproductive Health Care Bill (Senate Bill No.17 of 2014)

Clause 3 - Amendment proposed

THAT clause 3 be amended-

- (a) in paragraph (a) by deleting the words "the women" appearing immediately after the words "rights for" and substituting therefor the words "every person";
- (b) by deleting paragraph (b);
- (c) by deleting paragraph (c) and substituting therefor the following new paragraph-
 - (c)create an enabling environment for the reduction in maternal morbidity, child morbidity and child mortality rate;
- (d) in paragraph (d) by deleting the words "women and children" appearing immediately after the words "services to" and substituting therefor the words "every person".

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the "**Yes**", "**No**" or "**Abstain**" button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

- 1. Sen. Kembi Gitura James
- 2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 3 (as amended) - agreed to

Clause 4 - amendment proposed

THAT Clause 4 be deleted and substituted with the following clause-

4. The National and County Governments shall ensure accessibility of family planning services including contraceptive methods, counseling, and free information and education.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru

17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 4 (as amended) - agreed to

Clause 5 - amendment proposed

THAT Clause 5 be deleted and substituted with the following clause-

5. (1)The County Governments shall ensure availability of information and education on natural family planning methods.
- (2) Every health care provider prescribing a contraceptive method shall provide relevant information to the person to whom the prescription is being given as to its advantages and disadvantages and ensure informed consent.
- (3) A health care provider who provides family planning services shall collate relevant data and forward it to the board under the cover of confidentiality

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 5 (as amended) - agreed to

Clause 6- amendment proposed

THAT clause 6 be amended by-

- (a) deleting the heading appearing immediately before clause 6 and substituting therefor the following new heading –

ASSISTED REPRODUCTION

- (b) deleting the word “stable” appearing immediately after the words “means a”.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as “Yes” -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses

4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 6 (as amended) - agreed to

Clause 7 - amendment proposed

THAT the Bill be amended by deleting clause 7 and substituting therefor the following clause-

7. (1) Every person has a right to assisted reproduction.

(2) The national and county governments shall provide affordable, accessible, acceptable and quality assisted reproduction services.

(3) Assisted reproduction services shall be offered by a person qualified and licensed by the respective regulatory bodies.

(4) For purposes of assisted reproduction services-

- (a) the health care provider shall before commencement of treatment, give the parties seeking treatment specific information about their medical condition, the available medical treatment options, the risks, the success rate, cost of treatment and the facilities where that treatment options are available;
- (b) the assisted reproduction health care provider shall provide professional counselling to patients about the implications and chances of success of assisted reproduction and shall also inform the patients of the advantages, disadvantages and cost of the procedures;
- (c) the health care provider and the health facility shall ensure there is preservation and promotion of the health, safety, and dignity of the parties; and
- (d) the health care provider shall give all concerned parties relevant information to enable them make an informed choice and give informed consent before undertaking any assisted reproduction service.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere

27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 7 (as amended) - agreed to

Clause 8 - Amendment proposed

THAT clause 8 be amended by deleting paragraph (c) and substituting therefor the following paragraph-

(c) in the prescribed form.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally

6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orenge James
28. Sen. Wetang'ula Moses Masika

Clause 8 (as amended) - agreed to

Clause 9 - amendment proposed

THAT clause 9 be deleted.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed deletion;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Lesan Wilfred Rotich
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Nyong'o Peter Anyang'

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich – voted verbally
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang' – voted verbally
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James

28. Sen. Wetang'ula Moses Masika

Clause 9 - deleted

Clause 10 - amendment proposed

THAT clause 10 be deleted.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed deletion;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Lesan Wilfred Rotich
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Nyong'o Peter Anyang'

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally

6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich – voted verbally
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang' – voted verbally
26. Sen. Obure Christopher Mogere
27. Sen. Orenge James
28. Sen. Wetang'ula Moses Masika

Clause 10 - deleted

Clause 11 - amendment proposed

THAT clause 11 be amended-

(a) in paragraph (c) by-

(i) deleting sub-paragraph (i) and substituting therefor the following new sub-paragraph-

(i) is above twenty - one years of age;

(ii) deleting sub-paragraph (iv);

(b) by deleting paragraph (e) and substituting therefor the following new paragraph-

(e) the commissioning parents agree to meet expenses for the surrogate mother's prenatal care regimen consisting of sensible diet, prenatal vitamins, regular visits to her obstetrician, and hormonal support as prescribed by the obstetrician or medical providers at the in vitro fertilization clinic.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa

14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 11 (as amended) - agreed to

Clause 12 - amendment proposed

THAT clause 12 be amended by deleting the words “the provisions of section 10 satisfied” and substituting therefor the words “deposited in the assisted reproduction facility together with all relevant medical documents”.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as “Yes”-

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 12 (as amended) - agreed to

Clause 13 - amendment proposed

THAT the Bill be amended by deleting clause 13 and substituting therefor the following clause-

13.(1) A surrogate parenthood agreement may be terminated -

- (a) by a termination of pregnancy that may be carried out in terms of the provisions of this Act;
- (b) before implant of the fertilized embryo in the surrogate mother's womb; or
- (c) in case there arises a dispute between commissioning parents before the fertilized embryo is implanted in the surrogate mother.

(2) If a genetic test proves that the child born out of a surrogacy arrangement does not bear the intended genes, the parties shall go through an arbitration process to determine who takes up the parental rights.

(3) If a surrogacy agreement is terminated in accordance with sub-section (1), the commissioning parents shall have a right of first claim to the child born out of the surrogacy arrangement and should they not desire to exercise their right to first claim, the child shall be placed in the care of a charitable children's institution.

(4) In the event of termination of the surrogacy agreement pursuant to sub-section (1) and the commissioning parents do not wish to exercise the right under sub-section (2), the commissioning parents shall have no further duties or responsibilities under this agreement.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 13 (as amended) - agreed to

Clause 14 - amendment proposed

THAT clause 14 be deleted.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed deletion;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Lesan Wilfred Rotich
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Nyong'o Peter Anyang'

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich – voted verbally

13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang' – voted verbally
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 14 - deleted

Clause 15 - amendment proposed

THAT clause 15 be deleted.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed deletion;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Lesan Wilfred Rotich

3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Nyong'o Peter Anyang'

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembu Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich – voted verbally
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang' – voted verbally
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 15 - deleted

Clause 16 - amendment proposed

THAT clause 16 be amended by deleting paragraph (d) and substituting therefor the following paragraph-

(d)midwives

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich

13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 16 (as amended) - agreed to

Clause 17 - Amendment proposed

THAT clause 17 be amended by deleting all the words appearing immediately after the words "government shall" and substituting therefor the words "ensure access to the highest attainable standard and quality of ante-natal, intra-partum, post-partum, neo-natal and post-natal services".

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 17 (as amended) - agreed to

Clause 18

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Karaba Dickson Daniel
2. Sen. Kembi Gitura James
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Adan Dullo Fatuma - on behalf of Isiolo County Delegation

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 27

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel – voted verbally
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – voted verbally on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka

16. Sen. Madzayo Stewart Mwachiru
17. Sen. Moi Gideon Kipsielei Towett – voted verbally
18. Sen. Mositet Peter Korinko
19. Sen. Musila David
20. Sen. Muthama Johnson Nduya
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ndiema Henry Tiole
23. Sen. Ntutu Stephen Kanyinke
24. Sen. Nyong'o Peter Anyang'
25. Sen. Obure Christopher Mogere
26. Sen. Orengo James
27. Sen. Wetang'ula Moses Masika

Clause 18 - agreed to

Clause 19 - amendment proposed

THAT the Bill be amended by deleting clause 19 and substituting therefor the following clause-

19.(1)A pregnancy may be terminated by a trained health professional, where in the opinion of the trained health professional-

- (a) there is need for emergency treatment;
- (b) the pregnancy would endanger the life or health of the mother;
- or
- (c) there exists a substantial risk that the fetus would suffer from a severe physical or mental abnormality that is incompatible with life outside the womb.

(2) Trained health professionals shall offer non-directive counselling, before and after the termination of a pregnancy.

(3) Termination of pregnancy shall be performed by a trained health professional.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James

28. Sen. Wetang'ula Moses Masika

Clause 19 (as amended) - agreed to

Clause 20 - amendment proposed

THAT the Bill be amended by deleting clause 20 and inserting therefor the following clause-

20. Subject to the provisions of this Act, termination of pregnancy may take place-

(a) with the consent of the pregnant woman;

(b) in the case of a pregnant minor, after consultation with the minor's parents, guardian or such other persons with parental responsibility over the said minor, provided that the best interest of the minor shall prevail; or

(c) in the case of a person living with mental disability-

(i) after consultation with the parents, guardian or such other persons with parental responsibility over the said person; or

(ii) where the person is in an institution, the senior most health care provider shall give consent and the best interest of the person living with mental disability person shall prevail.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
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16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 20 (as amended) - agreed to

Clause 21 - amendment proposed

THAT clause 21 be deleted and substituted with the following clause-

Termination of Pregnancy. **21.** Termination of pregnancy on demand is not permitted unless as provided for under this Act.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell

11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
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15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 21 (as amended) - agreed to

Clause 22 - amendment proposed

THAT clause 22 be deleted and substituted with the following clause-

22.The health care facilities offering reproductive health care services shall meet the minimum medical standards.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 22 (as amended) - agreed to

Clause 23 - amendment proposed

THAT clause 23 be deleted and substituted with the following clause-

23. There shall be at least one county referral hospital in every County, which shall be well equipped to offer quality reproductive health services.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally

6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 23 (as amended) - agreed to

Clause 24 - amendment proposed

THAT clause 24 be deleted and substituted with the following clause-

- 24.**The County Government shall ensure that every county has-
- (a) a functional referral system;
 - (b) at least five ambulances in every county referral hospital;
 - (c) a well equipped pharmacy in every county referral hospital.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole

24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 24 (as amended) - agreed to

Clause 25 - amendment proposed

THAT clause 25 be deleted.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed deletion;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Lesan Wilfred Rotich
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Nyong'o Peter Anyang'

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy

2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich – voted verbally
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang' – voted verbally
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 25 - deleted

Clause 26 - amendment proposed

THAT clause 26 be deleted.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed deletion;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Lesan Wilfred Rotich
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Nyong'o Peter Anyang'

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
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4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
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7. Sen. Khaniri George
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12. Sen. Lesan Wilfred Rotich – voted verbally
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14. Sen. Lonyangapuo John Krop
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18. Sen. Moi Gideon Kipsielei Towett – voted verbally
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21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole

24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang' – voted verbally
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 26 - deleted

Clause 27

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Karaba Dickson Daniel
2. Sen. Kembi Gitura James
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Adan Dullo Fatuma - on behalf of Isiolo County Delegation

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 27

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel – voted verbally
5. Sen. Kembi Gitura James – voted verbally

6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – voted verbally on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Moi Gideon Kipsielei Towett – voted verbally
18. Sen. Mositet Peter Korinko
19. Sen. Musila David
20. Sen. Muthama Johnson Nduya
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ndiema Henry Tiole
23. Sen. Ntutu Stephen Kanyinke
24. Sen. Nyong'o Peter Anyang'
25. Sen. Obure Christopher Mogere
26. Sen. Orengo James
27. Sen. Wetang'ula Moses Masika

Clause 27 - agreed to

Clause 28 - amendment proposed

THAT clause 28 be deleted and substituted with the following clause-

28. Breach of confidentiality by a health practitioner shall be dealt with by the relevant health professional regulatory body.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James

28. Sen. Wetang'ula Moses Masika

Clause 28 (as amended) - agreed to

Clauses 29 - 33 - amendment proposed

THAT clauses 29 – 33 be deleted.
(*Sen. Judith Sijeny*)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed deletion;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Lesan Wilfred Rotich
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Nyong'o Peter Anyang'

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally

6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich – voted verbally
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang' – voted verbally
26. Sen. Obure Christopher Mogere
27. Sen. Orenge James
28. Sen. Wetang'ula Moses Masika

Clauses 29 - 33 - deleted

Clause 34 - amendment proposed

THAT clause 34 be deleted and substituted with the following clause-

34. Adolescent friendly reproductive health services shall include age-appropriate –

- (a) mentorship;
- (b) spiritual and moral guidance;
- (c) counseling on-
 - (i) relationships;
 - (ii) abstinence;
 - (iii) consequence of unsafe abortion;
 - (iv) sexually transmitted infections and HIV/AIDS;
 - (v) substance and drug abuse; and
 - (vi) prevention of pregnancy.
- (d) training in livelihood and life skills;
- (e) vocational trainings; and

- (f) such other health services as the Cabinet Secretary shall determine.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation

12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 34 (as amended) - agreed to

Clause 35 - amendment proposed

THAT clause 35 be amended by –

- (a) re-numbering the existing provision as sub-clause (1);
- (b) in the new sub-clause (1) by deleting the words “and adolescents” appearing immediately after the words “female genital mutilation”;
- (c) inserting the following new sub-clause immediately after sub-clause (1)-

(2) All persons who get health complications as a result of forced or voluntary genital mutilation shall access treatment from any health care provider without discrimination.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere

- 27. Sen. Orengo James
- 28. Sen. Wetang'ula Moses Masika

Clause 35 (as amended) - agreed to

Clause 36 - amendment proposed

THAT clause 36 be amended-

- (a) in subsection (2), by deleting paragraphs (b) and (c);
- (b) in subsection (4)-
 - by deleting the words "and child health care" appearing at the end of paragraph (e) and substituting therefor the words "health care rights".
- (c) by inserting the following new paragraphs immediately after paragraph (f)-
 - (fa) collate data and carry out research to monitor and evaluate progress on the implementation of laws, rules, guidelines and policies of reproductive health care rights;
 - (fb) develop policies to protect all persons from practices that violate their reproductive health rights; and

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

- 1. Sen. Kembi Gitura James

2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembu Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 36 (as amended) - agreed to

Clause 37 - amendment proposed

THAT clause 37 be amended-

- (a) in subsection (1) by deleting paragraphs (a) to (n) and substituting therefor the following new paragraphs-

- (a) a chairperson appointed by the Board from among its members;
 - (b) the Principal Secretary, responsible for Health or a person designated by the Principal Secretary;
 - (c) the Principal Secretary responsible for Education or a person designated by the Principal Secretary;
 - (d) a representative of the County Governments appointed by the Council of County Governors;
 - (e) the Director of the National Coordinating Agency for Population and Development;
 - (f) a representative nominated by the Kenya Medical Practitioners and Dentists Board, who shall be either an obstetrician, gynecologist or pediatrician;
 - (g) a pharmacist nominated by the Pharmacy and Poisons Board;
 - (h) a representative of the Nursing Council of Kenya;
 - (i) a representative of faith-based organizations appointed by the Inter-religious Council of Kenya;
 - (j) two persons representing civil society organizations working in the area of reproductive health care appointed by the Law Society of Kenya; and
 - (k) two young persons, of either gender, representing the youth with a proven record of knowledge, experience and commitment to advocacy for reproductive health care, one of whom must be a person living with disability, nominated by the Cabinet Secretary.
- (b) by deleting subsection (2) and inserting therefor the following new subsection-
- (2)A person shall not be eligible for nomination under sub-section (1), if that person does not fulfil the requirements of Chapter Six of the Constitution.
- (c)in subsection (3), by deleting paragraph (e).

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere

27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 37 (as amended) - agreed to

Clauses 38 – 40

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Karaba Dickson Daniel
2. Sen. Kembi Gitura James
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Adan Dullo Fatuma - on behalf of Isiolo County Delegation

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 27

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel – voted verbally
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation

7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – voted verbally on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Moi Gideon Kipsielei Towett – voted verbally
18. Sen. Mositet Peter Korinko
19. Sen. Musila David
20. Sen. Muthama Johnson Nduya
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ndiema Henry Tiole
23. Sen. Ntutu Stephen Kanyinke
24. Sen. Nyong'o Peter Anyang'
25. Sen. Obure Christopher Mogere
26. Sen. Orengo James
27. Sen. Wetang'ula Moses Masika

Clauses 38 – 40 - agreed to

Clauses 41 – 48 - amendment proposed

THAT clauses 41 – 48 be deleted.
(*Sen. Judith Sijeny*)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed deletion;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Lesan Wilfred Rotich
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Nyong'o Peter Anyang'

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich – voted verbally
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang' – voted verbally
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James

28. Sen. Wetang'ula Moses Masika

Clauses 41 – 48 - deleted

Clause 49 - amendment proposed

THAT Clause 49 be deleted and substituted with the following clause-

- 49.** The Cabinet secretary shall in consultation with the Board and other regulatory health bodies make regulations or any other statutory instrument necessary to promote the objects of this Act.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy

2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 49 (as amended) - agreed to

Clauses 50 and 51 - Amendment proposed

THAT clauses 50 and 51 be deleted.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed deletion;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Lesan Wilfred Rotich
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Nyong'o Peter Anyang'

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich – voted verbally
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole

- 24. Sen. Ntutu Stephen Kanyinke
- 25. Sen. Nyong'o Peter Anyang' – voted verbally
- 26. Sen. Obure Christopher Mogere
- 27. Sen. Orengo James
- 28. Sen. Wetang'ula Moses Masika

Clauses 50 and 51

- deleted

New Clauses 6A, 6B, 6C and 6D

- amendment proposed

THAT the Bill be amended by inserting the following new clauses immediately after clause 6 —

Consent

6A. (1) An assisted reproduction health care provider shall not perform any treatment or procedure of assisted reproduction without the consent in writing of all the parties seeking assisted reproduction services.

(2) An assisted reproduction health care provider shall not freeze any human embryos without specific instructions and consent in writing from all the parties seeking assisted reproduction in respect of what should be done with the gametes or embryos in case of death or incapacity of any of the parties.

(3) An assisted reproduction health care provider and facility shall not use any human reproductive material to create an embryo or use an in vitro embryo for any purpose without the specific consent in writing of all the parties to whom the assisted reproduction facility relates.

(4) The consent of any of the parties obtained under in- vitro fertilization may be withdrawn at any time before implantation of the embryos or the gametes to the woman's uterus.

Conditions for assisted reproduction

6B. A trained health professional specializing in in-vitro fertilization shall before carrying out any procedure ensure that-

- (a) consent to the collection and use of gametes is obtained from the gamete provider;
- (b) in cases where the gamete provider is

- deceased, the gamete provider had given their consent for the use of the gametes before their demise;
- (c) gametes to be used for the procedure have been stored for less than ten years after being obtained from a gamete provider;
 - (d) the donor has been medically tested for such diseases as may be prescribed and all other communicable diseases which may endanger the health of the parents, surrogate or child;
 - (e) all parties to the agreement are aware of the rights of a child born through the use of assisted reproduction service; and
 - (f) information about clients, donors and surrogate mothers is kept confidential unless with the consent of the person to whom the information relates, or in a medical emergency.

Register

- 6C.** (1)(a) A register with information on full names of the donor, physical characteristics of the donor, ethnic origin, family medical history, interests, hobbies and skills of the donor shall be kept at all assisted reproduction facility.
- (b)The register shall be strictly confidential.
- (2) A donor shall remain anonymous to both the person using the gametes and the child born out of the use of the donated gametes.
- (3) A donor shall not acquire any parental responsibility to the child born out of the use of the donated gametes.
- (4) Parties using a donated egg or sperm have a right to choose their donor should they wish to do so.
- (5) A donor shall not receive any form of compensation for the use of their donated gametes.
- (6)An assisted reproduction health specialist shall provide information to the donor to allow the donor make an informed decision.

Limitations

6D. The following limitations shall apply to assisted reproduction services-

- (a) gametes shall not be used in research except with the consent of the gamete provider;
- (b) an assisted reproduction health specialist shall not use, supply or export a gamete except with the written consent of the donor and in a manner consistent with the donor's consent;
- (c) gametes shall not be used in assisted reproduction treatment if the gamete provider is deceased unless the gamete provider had given consent to the use of gametes before death; and
- (d) an assisted reproduction health professional shall not use a gamete to create an embryo if the assisted reproduction health specialist has knowledge that the donor is a close family member of the recipient to avoid genetic complications.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James

2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Muthama Johnson Nduya

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

New Clauses 6A, 6B, 6C and 6D

- agreed to

New Clause 12A

THAT the Bill be amended by inserting the following new clause immediately after clause 12 —

Legal fees

12A. (1) Each party shall have a different lawyer and the agreement shall be witnessed by different persons to protect each party's interest.

(2) Any legal fees to the surrogate mother shall be paid by the commissioning parents.

(1) Before the signing of the surrogacy agreement, the parties and their respective lawyers shall be present at the signing of the informed consent in the presence of a qualified medical practitioner, who shall explain to the parties the implications of the surrogacy agreement.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Muthama Johnson Nduya

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
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10. Sen. Kivuti Lenny Maxwell
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13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

New Clause 12A - agreed to

New Clauses 13A, 13B, 13C and 13D

THAT the Bill be amended by inserting the following new clauses immediately after clause 13 —

13A. A valid surrogate parenthood agreement shall provide that-

- (a) any child born of a surrogate mother in accordance with the agreement is for all purposes the legal child of the
- Surrogate

parenthood
agreement

- commissioning parent or parents from the moment of conception;
- (b) the surrogate mother shall not terminate the pregnancy except as provided or by law;
 - (c) the surrogate mother is obliged to hand the child over to the commissioning parent or parents as soon as is reasonably possible after the birth;
 - (d) the commissioning parents shall not reject or discriminate against the child under any circumstances;
 - (e) the surrogate mother, her spouse, partner or relative shall have no right of parenthood or care of the child;
 - (f) the surrogate mother, her spouse, partner or relative shall have no right of contact with the child unless provided for in the agreement between the parties;
 - (g) the surrogate parenthood agreement shall not be terminated after the artificial fertilisation of the surrogate mother has taken place; and
 - (h) a child born to a surrogate mother shall have no claim for maintenance or succession against the surrogate mother, her spouse, partner, the surrogate mother's relative or surrogate mother spouse's relative.

Obligations

13B. In the event of multiple pregnancies, the obligations of the surrogate mother and the commissioning parents remain as provided in this Act.

Citizenship
of child

- 13C.**(1) The commissioning parents shall be named as the parents of the child in the birth notification, birth certificate and any other official document that requires the names of the parents of the child.
- (2) The child shall acquire the citizenship of the commissioning parents in line with Article 14(1) of the Constitution of Kenya.
- Motion made and Question proposed.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Muthama Johnson Nduya

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop

15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

New Clauses 13A, 13B, 13C and 13D - agreed to

New Clauses 17A and 17B

THAT the Bill be amended by inserting the following new clauses immediately after clause 17 —

17A. The National and County governments shall provide free ante-natal care, delivery services and post-partum care.

17B. The county governments shall ensure access to-

- (a) emergency obstetric and gynecological emergency services; and
- (b) information and treatment of –
 - (i) communicable and non-communicable diseases of pregnancy;
 - (ii) sexually transmitted infections; and
 - (iii) reproductive tract infections.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Muthama Johnson Nduya

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
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11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
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13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
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20. Sen. Musila David
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22. Sen. Mwakulegwa Danson Mwazo
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24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James

28. Sen. Wetang'ula Moses Masika

New Clauses 17A and 17B - agreed to

New Clauses 18A and 18B

THAT the Bill be amended by inserting the following new clauses immediately after clause 18 —

Right to
reproductive
health rights

18A. The County Executive Member for the time being in charge of health shall-

(a) provide physical access and resolve transportation and proximity issues to clinics, hospitals and places where public health education is provided, contraceptives are sold or distributed or other places where reproductive health services are provided;

(b) increase access to information and communication materials on sexual and reproductive health in braille, large print, simple language, sign language and pictures;

(c) provide continuing education and inclusion of rights of persons with disabilities among health care providers; and

(d) undertake activities to raise awareness and address misconceptions among the general public on the stigma and their lack of knowledge on the sexual and reproductive health needs and rights of persons living with disabilities.

Sterilization

18B. Sterilization shall not be carried out to persons with mental disability

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Muthama Johnson Nduya

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
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18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
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21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'

26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

New Clauses 18A and 18B - agreed to

New Clause 19A

THAT the Bill be amended by inserting the following new clause immediately after clause 19 —

19A. (1) A trained health professional who has a conscientious objection to the termination of pregnancy as envisaged under this Act has a legal duty to refer the pregnant woman to a trained health professional who is willing to provide this service except in case of emergency treatment.

(2) A trained health professional in subsection (1) who does not refer a pregnant woman as provided, commits an offence and is liable to three years imprisonment or a fine of one million Shillings or to both fine and imprisonment.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Muthama Johnson Nduya

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
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9. Sen. Kimani Paul Wamatangi
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11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
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23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

New Clause 19A - agreed to

New Clauses 21A and 21B

THAT the Bill be amended by inserting the following new clause immediately after clause 21 —

21A. A trained health professional shall provide post-abortion care for cases of incomplete abortion and related complications.

21B. A trained health professional who prescribes termination of pregnancy and post-abortion care shall collate the data and forward it to the board in confidentiality

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Muthama Johnson Nduya

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
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18. Sen. Moi Gideon Kipsielei Towett – voted verbally
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24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

New Clauses 21A and 21B - agreed to

New Clauses 34A and 34B

THAT the Bill be amended by inserting the following new clause immediately after clause 34 —

34A.In the provision of adolescent friendly reproductive health services-

- (a) parental consent shall be required for adolescents aged below 18 years;
- (b) due consideration shall be made on issue of parental consent to children as provided for under section 119 of the Children's Act;
- (c) due consideration shall be made as to the provision of age-appropriate information, education and reproductive health services.

34B.(1) An adolescent friendly health care facility shall-

- (a) provide adolescent-friendly reproductive health services; and
- (b) facilitate the provision to adolescents of confidential, comprehensive, non-judgmental and accessible reproductive health services.

- (2) A health care provider from whom reproductive health services are sought by an adolescent is obligated to refer the adolescent to a qualified person for provision of the necessary services.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Muthama Johnson Nduya

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
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23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

New Clauses 34A and 34B - agreed to

Clause 2 - amendment proposed

THAT clause 2 be deleted and substituted therefor with the following clause –

In this Act-

"access to" means the ability of an individual to obtain or receive appropriate, safe, accountable, effective, quality health information and services;

"adolescent" means any person aged between ten and eighteen years;

"adolescent-friendly reproductive health services" means reproductive health services that are accessible, age-appropriate, and safe for adolescents and are designed to attract interest and sustain adolescent motivation to utilize such services;

"antenatal care" includes the correct diagnosis of pregnancy, followed by periodic examinations, screening and management of complications during pregnancy;

"authorized facility" means a facility authorized by the Medical Practitioners and Dentists Board for the purposes of this Act;

"assisted reproduction" means a technique that is used to attempt to obtain a pregnancy by handling or manipulating the sperm or the oocyte outside the human body, and

transferring the gamete or the embryo into the reproductive tract;

"assisted reproduction facility" means any premises used for procedures related to assisted reproduction;

"board" means the Board of Directors established under section 4;

"cabinet Secretary" means the Cabinet Secretary for the time being responsible for health;

"child" has the meaning assigned to it in the Children's Act;

"clinical officer" means a person registered as a clinical officer under the Clinical Officers (Training, Registration and Licensing) Act;

"commissioning parents" means a married couple of opposite gender who seek the help of a surrogate mother to bear them a child through artificial insemination;

"contraception" means the deliberate prevention of pregnancy by measures that prevent the normal process of ovulation, fertilization and implantation;

"contraceptive methods" refers to the means by which deliberate prevention of pregnancy is achieved by use of devices, drugs, or surgery;

"emergency obstetric care" means the basic and comprehensive life-saving interventions performed to treat major birth complications,

"emergency treatment" means treatment immediately necessary to preserve life or prevent a permanent disability;

"family planning" means the conscious effort by a person to plan for and attain the person's desired number of children and to regulate the spacing and timing of the births of the children with the use of contraceptives or natural family planning;

"female genital mutilation" means female genital mutilation as defined in the Prohibition of Female Genital Mutilation Act;

"health care provider" means any person or institution that has been authorized to deliver health care services;

"health regulatory bodies" refer to an institution authorized by law to regulate the practice of medicine or health care provision;

"in vitro fertilization means" means the process by which an ovum is fertilised by a sperm outside the body;

"informed choice" means a voluntary decision by a patient to use or not to use a reproductive health care service, after receiving adequate information regarding the options, risks, advantages and disadvantages of that service;

"informed consent" means consent obtained freely, without threats or improper inducement, after appropriate disclosure to the patient of adequate and understandable information in a form and language understood by the patient;

"intra-partum services" means the correct diagnosis, followed by periodic examinations, screening and management of complications in the period

from onset of labour to the completed delivery of the newborn and the completed delivery of the placenta;

“life skills education” means a structured programme of needs and outcomes based on participatory learning that aims to increase positive and adaptive behavior by assisting individuals to develop and practice psycho-social skills that minimize risk factors and maximize protective factors;

“maternal care” includes health care of a woman during pregnancy, childbirth and forty two days after childbirth;

“medical practitioner” means a person registered under the Medical Practitioners and Dentist Act, Cap 253;

“natural family-planning” means a method of planning or avoiding pregnancies by observation of the natural signs and symptoms of the fertile and infertile phase of the menstrual cycle;

“neonatal services” means the correct diagnosis of, screening and management of complications in the first four weeks of life;

“parent” means a biological parent, an adoptive parent of a child, a commissioning parent, or a legal guardian;

“post abortion care” means the correct diagnosis and management of incomplete abortion and related complications;

“post-natal” means the first six weeks after birth;

“post-natal services” means the correct diagnosis, followed by periodic examinations, screening and management of complications in the first six weeks after birth;

“post-partum” means the correct diagnosis, followed by periodic examinations, screening and management of complications in the period immediately after the complete delivery of a newborn and the placenta;

“pregnancy” means the presence of a foetus in the womb;

“provider-initiated health care” means the provision of care or testing to ensure public health or advancement of medicine;

“referral services” means the process of seeking appropriate treatment in which a health worker at one level of the health system, having insufficient resources to manage a condition, seeks the assistance of an adequately resourced facility;

“reproductive health” means a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes;

“reproductive rights” include the right of all individuals to attain the highest standard of sexual and reproductive health and to make informed decisions regarding their reproductive lives free from discrimination, coercion or violence;

“right to safe motherhood” means the right to access information and quality service by women throughout pregnancy and childbirth with the desired outcome of a live and healthy mother and baby;

“surrogacy” means the process of a woman carrying and giving birth to a baby for another woman and man who want to have a child, but are unable to have a child;

"termination of pregnancy" means ending a pregnancy before the foetus is viable;

"tier of care" refers to the organization of devolved healthcare services into: community health services, primary care services, county referral services and national referral services; and

"trained health professional" means a registered clinical officer, a registered nurse and a registered midwife who has acquired the relevant skills for decision-making and provision of reproductive health services.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel

5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Clause 2 (as amended) - agreed to

Long Title - amendment proposed

THAT clause 2 be deleted and substituted therefor with the following clause –

THAT the long title of the Bill be amended by deleting the words “free from discrimination, coercion and violence” appearing immediately after the words “regarding reproduction”.

(Sen. Judith Sijeny)

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed two Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Melly Isaac Kipkemboi
18. Sen. Moi Gideon Kipsielei Towett – voted verbally
19. Sen. Mositet Peter Korinko
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo

23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Long Title (as amended) - agreed to

Clause 1

Debate interrupted on Tuesday, 19th July, 2016 resumed on Division;

The Committee proceeded to a Division on the proposed amendment;

The Acting Chairperson directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson directed that the doors be locked and asked Senators to log-in for electronic voting;

The Acting Chairperson put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 74 (5), the Acting Chairperson (Sen. (Dr.) Machage) allowed four Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes" -

1. Sen. Karaba Dickson Daniel
2. Sen. Kembi Gitura James
3. Sen. Moi Gideon Kipsielei Towett
4. Sen. Adan Dullo Fatuma - on behalf of Isiolo County Delegation

Upon a Division, Question agreed to.

The results of the Division were as follows-

AYES - 27

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana
3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel – voted verbally

5. Sen. Kembi Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Kivuti Lenny Maxwell
11. Sen. Adan Dullo Fatuma – voted verbally on behalf of Isiolo County Delegation
12. Sen. Lesan Wilfred Rotich
13. Sen. Leshore Sammy Prisa
14. Sen. Lonyangapuo John Krop
15. Sen. Machage Wilfred Gisuka
16. Sen. Madzayo Stewart Mwachiru
17. Sen. Moi Gideon Kipsielei Towett – voted verbally
18. Sen. Mositet Peter Korinko
19. Sen. Musila David
20. Sen. Muthama Johnson Nduya
21. Sen. Mwakulegwa Danson Mwazo
22. Sen. Ndiema Henry Tiole
23. Sen. Ntutu Stephen Kanyinke
24. Sen. Nyong'o Peter Anyang'
25. Sen. Obure Christopher Mogere
26. Sen. Orengo James
27. Sen. Wetang'ula Moses Masika

Clause 1 - agreed to

Motion made;

That, the Bill be reported with amendments.

(Sen. Judith Sijeny)

Before the question was put and pursuant to Standing Order 72, the Acting Chairperson (Sen. (Dr.) Machage) ruled that the question did not affect counties;

Question put and agreed to.

9. **HOUSE RESUMED** – (The Deputy Speaker in the Chair.)
10. **THE REPRODUCTIVE HEALTH CARE BILL (SENATE BILL NO.17 OF 2014)**

Progress Reported.

Motion made and Question proposed-

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

(Sen. Judith Sijeny)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 72, the Deputy Speaker ruled that the Question did not affect counties;

Question put and **agreed to.**

Motion made and Question Proposed;

That, the Reproductive Health Care Bill (Senate Bill No.17 of 2014) be now read a Third Time.

(Sen. Judith Sijeny)

There being no Senator wishing to contribute;

The House proceeded to a Division;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 74 (1) and that the Division Bell be rung for two minutes;

Upon the expiry of two minutes, the Deputy Speaker directed that the doors be locked and asked Senators to log-in for electronic voting;

The Deputy Speaker put the Question and directed Senators to cast their votes by pressing either the **"Yes"**, **"No"** or **"Abstain"** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 74 (5), the Deputy Speaker allowed three Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes as **"Yes"**.

1. Sen. Kembi Gitura James
2. Sen. Moi Gideon Kipsielei Towett
3. Sen. Chelule Liza - on behalf of Nakuru County Delegation

Upon a Division, Question **agreed to.**

The results of the Division were as follows;

AYES - 28

NOES - 0

ABSTENTIONS - 0

AYES

1. Sen. Boy Juma Boy
2. Sen. Hargura Godana

3. Sen. Kajwang' Moses
4. Sen. Karaba Dickson Daniel
5. Sen. Kembu Gitura James – voted verbally
6. Sen. Omondi Godliver Nanjira - on behalf of Kakamega County Delegation
7. Sen. Khaniri George
8. Sen. Kilonzo Mutula Junior
9. Sen. Kimani Paul Wamatangi
10. Sen. Adan Dullo Fatuma –on behalf of Isiolo County Delegation
11. Sen. Lesan Wilfred Rotich
12. Sen. Leshore Sammy Prisa
13. Sen. Lonyangapuo John Krop
14. Sen. Machage Wilfred Gisuka
15. Sen. Madzayo Stewart Mwachiru
16. Sen. Melly Isaac Kipkemboi
17. Sen. Moi Gideon Kipsielei Towett – voted verbally
18. Sen. Mositet Peter Korinko
19. Sen. Chelule Liza – voted verbally on behalf of Nakuru County Delegation
20. Sen. Musila David
21. Sen. Muthama Johnson Nduya
22. Sen. Mwakulegwa Danson Mwazo
23. Sen. Ndiema Henry Tiole
24. Sen. Ntutu Stephen Kanyinke
25. Sen. Nyong'o Peter Anyang'
26. Sen. Obure Christopher Mogere
27. Sen. Orengo James
28. Sen. Wetang'ula Moses Masika

Bill read a Third Time and **passed.**

11. **COMMITTEE OF THE WHOLE**

THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)

(The Senate Majority Leader)

Order deferred

12. **THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 7 OF 2016)**

(Sen. Mutula Kilonzo Jnr.)

Order deferred

13. **THE ASSUMPTION OF OFFICE OF GOVERNOR BILL (SENATE BILL NO. 10 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Assumption of Office of Governor Bill (Senate Bill No. 10 of 2016) be now read a Second Time.

(Sen. Paul Kimani Wamatangi)

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Stephen Sang) adjourned the Senate without Question put, pursuant to the Standing Orders.

14. **SENATE ROSE** - at thirty minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, November 02, 2016 at 2.30 p.m.*

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