



REPUBLIC OF KENYA

PARLIAMENT

SENATE BILLS

(Bill No. 9 of 2019)

**THE CANCER PREVENTION AND
CONTROL (AMENDMENT) BILL,
2019**

(A Bill published in the Kenya *Gazette* Supplement No. 61 of 3rd May, 2019 and passed by the Senate, with amendments, on 30th June, 2020.)



**THE CANCER PREVENTION AND CONTROL
(AMENDMENT) BILL, 2019**

A Bill for

AN ACT of Parliament to amend the Cancer Prevention and Control Act, and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Cancer Prevention and Control (Amendment) Act, 2019. Short title.

2. Section 2 of the Cancer Prevention and Control Act, hereinafter referred to as the “principal Act”, is amended by— Amendment of section 2 of No. 15 of 2012.

(a) deleting the definition of the word “Board” and substituting therefor the following new definition—
“Board” means the Board of Trustees established by section 6;

(b) deleting the definition “medical institution” appearing immediately after the definition of the word “Institute”;

(c) inserting the following new definitions in their proper alphabetical sequence —

“county executive committee member” means the county executive committee member responsible for matters relating to health;

“health facility” means the whole or part of a public or private institution, building or place, whether for profit or not, that is operated or designed to provide in-patient or out-patient treatment, diagnostic or therapeutic interventions, nursing, rehabilitative, palliative, convalescent, preventative or other health service.

3. Section 5 of the principal Act is amended —

(a) by deleting paragraph (a) and inserting therefor the following new paragraphs—

(a) advise the Cabinet Secretary and county governments on matters relating to the prevention of disease, promotion of healthy living, control, treatment, referral and care of persons with cancer and to advise on the relative priorities to be given to the implementation of specific measures including detection, diagnosis and referral of children suspected to have cancer, genetic and hormonal therapies for cancer;

Amendment of section 5 of No. 15 of 2012.

- (aa) advice the Cabinet Secretary and Parliament on the resources required to finance and conduct cancer research;
- (b) in paragraph (c) by inserting the word “screening” immediately after the words “secure provision of”;
- (c) in paragraph (d) by deleting the words “in Kenya” appearing immediately after the words “services provided” and substituting therefor the words “by the national government”;
- (d) by inserting the following new paragraphs immediately after paragraph (d) –
 - (da) collaborate with counties for the purpose of establishing facilities, delivery of services, collection and analysis of data;
 - (db) collaborate with counties in all matters related to the promotion of healthy living, prevention, diagnostic, treatment and control of cancer.
- (e) in paragraph (e) by deleting the words “of cancer” and substituting therefor the words “referral of ~~cancer patients and promotion of health~~”;
- (f) in paragraph (f) by inserting the words “other government agencies” immediately after the words “collaborate with”;
- (g) by inserting the following new paragraph immediately after paragraph (f)—
 - (fa) collaborate with other national government agencies, universities, research institutions and international research institutions for cancer research;
- (h) by inserting the following new paragraphs immediately after paragraph (k)—
 - (ka) develop programmes for early detection, diagnosis and referral of children suspected to have cancer;
 - (kb) provide the policy framework necessary to ensure public private partnership in childhood cancer care.

4. Section 6 of the principal Act is amended in subsection (2) by –

- (a) deleting paragraph (f);
- (b) deleting paragraph (j); and

Amendment of section 6 of No. 15 of 2012.

- (c) inserting the following new paragraphs immediately after paragraph (i)—
 - (ja) two County Directors of Health nominated by the Council of County Governors;
 - (jb) one person representing the umbrella body of clinical pathologists in Kenya nominated by the Cabinet Secretary.

5. Section 20 of the principal Act is amended –

Amendment of section 20 of No. 15 of 2012.

- (a) in subsection (3) by deleting the words “under subsection (1)” appearing immediately after the words “all particulars” and substituting therefor the words “in the national cancer register”;
- (b) by inserting the following new subsections immediately after subsection (3) –
 - (3A) The county executive committee member shall cause to be kept and maintained a county cancer register containing particulars as specified under subsection (2) in relation to the county.
 - (3B) All particulars in the county cancer register and changes in such particulars shall be entered in the register by the county executive committee member as soon as is reasonably practicable after receiving notification.
- (c) by deleting subsection (4) and substituting therefor the following new subsection –
 - (4) A person may, upon payment of such fee as the Board or the county executive committee member may prescribe, access a copy of the Register or the county register, as the case may be.

6. Section 21 of the principal Act is amended –

Amendment of section 21 of No. 15 of 2012.

- (a) in the marginal note by inserting the words “and county executive committee member” at the end of the marginal note;
- (b) by deleting subsection (1) and substituting therefor the following new subsection—
 - (1) Every county health facility shall, as soon as reasonably practical, and not later than thirty days after making a diagnosis of cancer on a person, deliver a notification to the county executive committee member for purposes of the register under section 20(3A).
- (c) by inserting the following new subsections immediately after subsection (1)—
 - (1A) Every County Executive Committee Member shall collate the notifications received

under subsection (1) and submit a report to the Institute as soon as reasonably practical, and not later than thirty days after the end of every quarter for purposes of the Register under section 20(2)(a)

(1B) Every national referral hospital shall, as soon as reasonably practical, and not later than thirty days after making a diagnosis of cancer on a person, deliver a notification to the Institute for purposes of the particulars of the Register under section 20 (2) (a).

- (d) in subsection (2) –
- (i) by inserting the words “and (1B)” immediately after the words “under subsection (1)”; and
 - (ii) by deleting paragraph (d).

7. The principal Act is amended by inserting the following new Part immediately after Part V —

Insertion of new
Part IIIA in No.
15 of 2012

PART IIIA — PREVENTION AND CONTROL OF CANCER IN COUNTIES

Role of counties.

22A. (1) Every county government shall —

- (a) implement the national government policy on the control of cancer including the referral mechanism, for the prevention, diagnostic, treatment, rehabilitation and control of cancer;
 - (b) ensure the provision of adequate personnel and equipment for the prevention, diagnosis and control of cancer;
 - (c) implement the national policy, standards, initiatives and plans on health formulated by the National government for the prevention and control of cancer;
 - (d) put in place measures to improve the education, training and skills of health professionals, including allied health professionals, to ensure the use of evidence-based recommendations and quality screening and follow up in the prevention, detection and control of cancer within the county;
 - (e) put in place measures to improve the training and skills of health workers working in the community health unit, to ensure prompt detection and referral of persons suspected to have cancer;
 - (f) support and promote the implementation of cancer prevention initiatives, including research, education and public policy formulation within the county;
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- (g) support and promote the co-ordination of and collaboration in public, private, national and international research and screening programs;
 - (h) in collaboration with the Institute, establish —
 - (i) cancer centres and counselling and support centres for persons affected by cancer; and
 - (ii) palliative care facilities and facilities for the accommodation for persons receiving cancer treatment;
 - (i) ensure that issues concerning cancer prevention, diagnosis and treatment are incorporated into the county development programmes and strategies and allocate the resources required for treatment and control of cancer;
 - (j) develop and disseminate public information and conduct education programs for the prevention, detection and control of cancer and promote the benefits of early screenings in the county;
 - (k) collaborate with the Institute and relevant agencies in the county in ensuring a co-ordinated approach in facilitating access to health care facilities and treatment within the county;
 - (l) establish linkages and networks with local, international and research institutions and development partners in mobilising and sourcing for funding and other resources for the prevention, treatment and control of cancer within the county; and
 - (m) advise the Institute regarding the implementation of interventions in the county and their impacts in the control, care and treatment of persons with cancer within the county.
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Establishment of a
county cancer centre.

22B. Each county government shall establish a county cancer centre within the respective county.

Functions of the
county cancer centre.

22C. (1) The county cancer centre shall be responsible for the prevention, diagnosis, treatment and control of cancer at the county level.
(2) Despite the generality of subsection (1), the county cancer centre shall –

- (a) provide cancer prevention services;
- (b) provide cancer screening and diagnostic services supervised by a pathologist;
- (c) provide cancer treatment and control services;

- (d) provide palliative care services, including rehabilitation services;
- (e) advise the county executive committee member on matters relating to cancer prevention, diagnosis, treatment, rehabilitation and other cancer medical care services;
- (f) coordinate services provided within the county for the welfare and treatment of persons with cancer; and
- (g) collect, analyse and disseminate data for the purpose of prevention, diagnosis and treatment of cancer.

Reports of the county
cancer centre.

22D. (1) Every county cancer centre shall submit a quarterly report to the county executive committee member.

(2) A report submitted under subsection (1) shall contain information on the activities of the cancer centre and its financial records in such manner as the county executive committee member and the Institute may specify.

I certify that this printed impression is a true copy of the Bill as passed by the Senate on Tuesday, 30th June, 2020.


Clerk of the Senate

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 156 of the Senate Standing Orders.


Speaker of the Senate

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