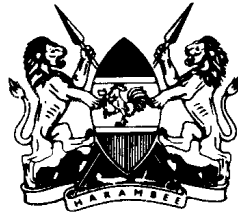


(No. 094)



(1154)

**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FIFTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**WEDNESDAY, SEPTEMBER 29, 2021 AT 2.30 P.M.**

**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

**8\*. COMMITTEE OF THE WHOLE HOUSE**

The National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No. 21 of 2021)

(The Leader of the Majority Party)

*(To resume from New Clause 4A)*

**9\*. THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2021)**

(The Leader of the Majority Party)

Second Reading

**10\*. MOTION - RATIFICATION OF THE AGREEMENT AMENDING THE AIR TRANSPORT AGREEMENT BETWEEN KENYA AND THE UNITED STATES OF AMERICA**

(The Chairperson, Departmental Committee on Transport, Public Works and Housing)

**THAT**, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on its consideration for ratification of the Agreement amending the Air Transport Agreement between Kenya and the United States of America, *laid on the Table of the House on Wednesday, August 18, 2021*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** *Ratification of the Agreement amending the Air Transport Agreement between Kenya and the United States of America.*

**11\*. MOTION – RATIFICATION OF PROTOCOLS TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE’S RIGHTS ON THE RIGHTS OF OLDER PERSONS AND THE RIGHTS OF PERSONS WITH DISABILITIES**

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

**THAT**, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on the Ratification of Protocols to the African Charter on Human and People’s Rights on the Rights of Older Persons and the Rights of Persons with Disabilities, *laid on the Table of the House on Wednesday, September 22, 2021*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** –

- (i) *the Ratification of the Protocol to the African Charter on Human and People’s Rights on the Rights of Older Persons in Africa; and,*
- (ii) *the Ratification of the Protocol to the African Charter on Human and People’s Rights on the Rights of Persons with Disabilities in Africa.*

**12\*. MOTION – RATIFICATION OF VARIOUS PROTOCOLS UNDER THE MARITIME LABOUR CONVENTION AND THE INTERNATIONAL LABOUR ORGANIZATION AND THE AMENDMENTS THEREIN**

(The Chairperson, Departmental Committee on Transport, Public Works and Housing)

**THAT**, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the 2014 and 2018 Amendments to the Maritime Labour Convention, 2006; the International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003); the International Labour Organization Convention C188 (Work in Fishing Convention, 2007); the International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and the Cape Town Agreement of 2012 on Safety of Fishing Vessels, *laid on the Table of the House on Thursday, September 23, 2021*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of* –

- (i) *the Amendments to the Maritime Labour Convention, 2006 (2014 and 2018 Amendments);*
- (ii) *the International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003);*
- (iii) *the International Labour Organization Convention C188 (Work in Fishing Convention, 2007);*
- (iv) *the International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and,*
- (v) *the Cape Town Agreement of 2012 on Safety of Fishing Vessels.*

13\*. MOTION – SESSIONAL PAPER NO. 1 OF 2021 ON THE NATIONAL WATER POLICY

(The Chairperson, Departmental Committee on Environment and Natural Resources)

**THAT**, this House **adopts** the Report of the Departmental Committee on Environment and Natural Resources on **Sessional Paper No. 1 of 2021** on the **National Water Policy** *laid on the Table of the House on Wednesday, August 4, 2021*, and **further approves** Sessional Paper No. 01 of 2021.

14\*. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2021)

(The Leader of the Majority Party)

Second Reading

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**\* Denotes Orders of the Day**

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**NOTICES****I. THE NATIONAL HOSPITAL INSURANCE (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 21 OF 2021)**

- 1) Notice is given that the Leader of the Majority Party intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—

**CLAUSE 10**

**THAT**, clause 10 be amended—

- (a) in paragraph (b), by deleting the proposed new paragraph (c) and substituting therefor the following new paragraphs—

“(c) in the case of an employer under subsection (1A)(a), a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c);

“(ca) in the case of an employer under subsection (1A)(c), such amount as will be required to top up the employee’s contribution at such rate as may be determined under subsection (3):

Provided that the amount contributed by an employer under this paragraph shall not exceed the highest rate of special contribution prescribed for any of the categories of contributors under subsection (2)(b).”

- (b) by inserting the following new paragraph immediately after paragraph (a)—

“(aa) in subsection (2), by—

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

“(b) for persons whose income is derived from self-employment—

- (i) in the case of a contributor who is a sole beneficiary; and

- (ii) in the case of a contributor who is not a sole beneficiary,

a special contribution at such rates as may be determined under subsection (3);”

- (ii) inserting the following new paragraph immediately after paragraph (b)—

“(c) in the case of an unemployed person, such rate as may be determined under subsection (3)”.

2) Notice is given that the Chairperson of the Departmental Committee on Health intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—

**CLAUSE 2**

**THAT**, the Bill be amended by deleting clause 2 and inserting the following new clause—

Amendment of the long title to No. 9 of 1998.

**2.** The National Hospital Insurance Fund Act, in this Act referred to as the “principal Act” is amended by deleting the long title and inserting the following new long title—

“An Act of Parliament to provide for the establishment of the National Health Insurance Fund; to establish the National Health Insurance Fund Management Board; to establish the National Health Scheme; to provide for mechanisms of contributions to and the payment of benefits out of the Fund; and for connected purposes”

**NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 2—

Amendment of the title to No. 9 of 1998.

**2A.** The principal Act is amended in the title by deleting the word “Hospital” and substituting therefor the word “Health”.

Amendment of section 1 of No. 9 of 1998.

**2B.** The principal Act is amended in section 1 by deleting the word “Hospital” and substituting therefor the word “Health”.

Amendment of section 3 of No. 9 of 1998.

**2C.** The principal Act is amended in section 3 by deleting the word “Hospital” appearing in subsection (1) and substituting therefor the word “Health”.

Amendment of section 4 of No. 9 of 1998.

**2D.** The principal Act is amended in section 4 by deleting the word “Hospital” appearing in subsection (1) and substituting therefor the word “Health”.

**CLAUSE 3**

**THAT**, the Bill be amended by deleting clause 3 and inserting the following new clause—

Amendment of section 2 of No. 9 of 1998.

**3.** Section 2 of the principal Act is amended—

(a) in the definition of “Board” by deleting the word “Hospital” and substituting therefor the word “Health”;

(b) by deleting the definition of “card”;

- (c) by deleting the definition of “child” and substituting therefor the following new definition—

“child” means a child of a contributor including a posthumous child, a stepchild, an adopted child and any child to whom the contributor stands in loco parentis, and who has not attained the age of eighteen years”;

- (d) in the definition of “Fund” by deleting the word “Hospital” and substituting therefor the word “Health”;

- (e) by deleting the definition of “hospital”;

- (f) by deleting the definition of “the Minister”;

- (g) by deleting the definition of “register”;

- (h) by deleting the definition of “stamp”;

- (i) deleting the definition of “inspector” and substituting therefor the following new definition;

“inspector” means a person appointed to carry out an inspection under section 32”;

- (j) by inserting the following new definitions in proper alphabetical sequence;

“accreditation” means the formal recognition of a health care provider by the relevant body”;

“beneficiary” means a person who—

- (a) has not attained the age of twenty-one years, has no income of his own and is living with the contributor;
- (b) has not attained the age of twenty-five years, is undergoing a full-time course of education at a university, college, school or other educational establishment or serving under articles or an indenture with a view to qualifying in a trade or profession and is not in receipt of any income other than a scholarship, bursary or other similar grant or award;
- (c) is either mentally or physically handicapped and is wholly dependent on and living with the contributor;
- (d) is a spouse; or
- (e) is a contributor;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to health;

“contracting” means the entering into a formal agreement with an empaneled health care provider for purposes of provision of services;

“empanelment” means enrolment of a health care provider into the list of health care service providers published in the *Gazette*;

“health care provider” means the whole or part of a public or private institution, building or place, duly registered healthcare professional, 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;

“indigent” means a person who is poor and needy to the extent that the person cannot meet their basic necessities of life;

“vulnerable person” means a person who is in need of special care, support or protection, including the orphaned and vulnerable children, widows or widowers, person living with disabilities, poor elderly persons or indigent due to a risk of abuse or neglect and who has been identified as such by the relevant government body;

### NEW CLAUSE

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 3—

Amendment of section 4 of No. 9 of 1998. **3A.** Section 4 of the principal Act is amended by deleting subsection (1) and inserting the following new subsection—

“(1) There is established a Board to be known as the National Health Insurance Fund Board of Management which shall consist of—

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health, or a representative appointed in writing;
- (c) the Attorney-General or a representative appointed in writing;
- (d) the Director General for health or a representative appointed in writing;
- (e) one person, not being a Governor, nominated by the Council of County Governors;

- (f) one person nominated by the Kenya Health Professions Oversight Authority;
- (g) one person nominated by the Federation of Kenya Employers;
- (h) one person nominated by the Central Organization of Trade Unions;
- (i) two other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, medicine, business management, public health, economics, insurance, law or any other relevant field; and
- (j) the Chief Executive Officer who shall be an *ex officio* member and the secretary to the Board.”

#### **CLAUSE 4**

**THAT**, clause 4 of the Bill be amended—

- (a) in paragraph (b) by deleting the word “Minister” appearing in the proposed new paragraph (c) and substituting therefor the words “Cabinet Secretary”;
- (b) by inserting the following new paragraph immediately after paragraph (c)—  
“(d) in paragraph (f) by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”.

#### **NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 4—

Amendment of section 6 of No. 9 of 1998.

**4A.** Section 6 of the principal Act is amended in paragraph (a) by deleting the word “Minister” appearing in the proviso and substituting therefor the words “Cabinet Secretary”.

#### **CLAUSE 5**

**THAT**, clause 5 of the Bill be amended by deleting the words “relevant government agencies” appearing in the proposed new section 9 and substituting therefor the words “Salaries and Remuneration Commission”.

#### **CLAUSE 6**

**THAT**, clause 6 of the Bill be amended by inserting the following new subsection immediately after the proposed new subsection (4)—

“(5) The Chief Executive Officer shall be an *ex officio* member of the Board.”

#### **CLAUSE 10**

**THAT**, clause 10 of the Bill be amended—

- (a) in paragraph (a), by deleting the proposed new subsection (1A) and inserting the following new subsection—



“(1A) Subject to this Act—

- (a) the national and county governments shall be liable as a contributor to the Fund in respect of all public officers, state officers and employees working in the county agencies; and
- (b) in the case of private employers, an employer whose employee is liable as a contributor of the minimum amount prescribed by the Board, shall be liable as a contributor to the Fund.”
- (b) by inserting the following new paragraph immediately after paragraph (a)—
  - “(aa) in subsection (1), by deleting the word “Minister” appearing in paragraph (c) and substituting therefor the words “Cabinet Secretary”
- (c) in paragraph (b), by deleting the proposed new paragraph (c) and inserting the following new paragraphs—
  - “(c) in the case of an employer under subsection (1A)(a), a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c);
  - (ca) in the case of an employer under subsection (1A)(b), such amount as will be required to top up the employee’s contribution to ensure that the total amount is not less than five hundred shillings;”
- (d) by deleting paragraph (c) and inserting the following new paragraph—
  - “(c) by deleting subsection (3) and inserting the following new subsection—
    - “(3) A contribution under subsection (2) (a) and (b) shall be at such rate, depending on the person’s total income, as the Board, in consultation with the Cabinet Secretary, may determine.”
- (e) by inserting the following new paragraph immediately after paragraph (d)—
  - “(da) in subsection (4) by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”;
- (f) in paragraph (f) by deleting the word “Minister” appearing in the proposed new subsection (6) and substituting therefor the words “Cabinet Secretary”

#### **CLAUSE 14**

**THAT**, the Bill be amended by deleting clause 14 and inserting the following new clause—

Amendment of section 19 of No. 9 of 1998.

**14.** Section 19 of the principal Act is amended—

- (a) in subsection (2), by deleting the words “five times” appearing immediately after the words “penalty equal to” and substituting therefor the words “ten per cent of”; and
- (b) by deleting subsection (3).

**CLAUSE 15**

**THAT**, the Bill be amended by deleting clause 15 and inserting the following new clause—

Amendment of section 20 of No. 9 of 1998.

**15.** Section 20 of the principal Act is amended by inserting the words “by the youth” immediately after the words “voluntary contributions”.

**NEW CLAUSE**

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

Insertion of new sections in No. 9 of 1998.

**17A.** The principal Act is amended by inserting the following new sections immediately after section 22—

Universal Health Coverage Scheme.

**22A.** (1) There is established a Scheme to be known as the Universal Health Coverage Scheme.

(2) The purpose of the Universal Health Coverage Scheme shall be to facilitate access to quality, promotive, preventive, curative, rehabilitative, and palliative health services based on need, social and financial risk protection.

(3) Notwithstanding the generality of subsection (2) the objectives of the Universal Health Coverage Scheme shall be —

- (a) to ensure equity utilization relative to needs, with financial contributions on the basis of ability to pay, without imposing a barrier to access at the point of care and effective sharing of risks among the vulnerable and indigent persons;
- (b) to strengthen access to needed health services by ensuring vulnerable and indigent persons receive integrated cost-effective interventions addressing common needs and illnesses;
- (c) to ensure quality health services through efficiency of use and equity in the availability of health system resources;
- (d) to expand protection to all persons by providing financial risk protection to safeguard them from financial and economic loss emanating from ill health in order to reduce the over-reliance on out of pocket payments; and

- (e) mobilize adequate allocations and efficient utilization of resources for the delivery of health services.

Membership  
to the Scheme.

**22B.** The Universal Health Coverage Scheme shall consist of members who are already making voluntary and mandatory contributions and the indigents and vulnerable persons who shall be identified to benefit from government subsidies in the manner as may be prescribed.

Identification  
of  
beneficiaries.

**22C.** The persons to benefit from government subsidies shall be identified through the relevant State Department which manages safety net programs in liaison with the social assistance committees in the respective constituencies.

Administration  
of the Scheme

**22D.** (1) The Universal Health Coverage Scheme shall be administered by the Board separately from the other schemes administered by the Fund

(2) The Board shall in consultation with the Cabinet Secretary, prescribe—

- (a) cost effective treatment guidelines that take into account, the emerging technologies;
- (b) the nature of how the scheme shall operate including the mechanisms of person identification and protocols for entity management; and
- (c) anything requiring to be prescribed.

## **CLAUSE 20**

**THAT**, clause 20 of the Bill be amended—

- (a) in paragraph (a), by deleting the word “ten” and substituting therefore the word “one”; and
- (b) in paragraph (b), by deleting the word “ten” and substituting therefor the word “one”.

**CLAUSE 21**

**THAT**, clause 21 of the Bill be amended—

- (a) by inserting the following new paragraph immediately after paragraph (a)—  
“(aa) by deleting the word “Minister” appearing in the opening sentence and substituting therefor the words “Cabinet Secretary”;
- (b) in paragraph (b) by deleting the words “under this Act”.

**NEW CLAUSE**

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

Amendment of section 27 of No. 9 of 1998. **21A.** Section 27 of the principal Act is amended by deleting the word “Minister” appearing in the opening sentence and substituting therefor the words “Cabinet Secretary”.

Amendment of section 29 of No. 9 of 1998. **21B.** Section 29 of the principal Act is amended in subsection (1) by deleting the word “Minister” appearing in the opening sentence and substituting therefor the words “Cabinet Secretary”.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 22—

Amendment of section 31 of No. 9 of 1998. **22A.** Section 31 of the principal Act is amended in subsection (1) by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”.

**CLAUSE 23**

**THAT**, clause 23 of the Bill be amended—

- (a) by deleting paragraph (c) and inserting the following new paragraph—  
“(c) in subsection (3) by deleting the words “ten thousand shillings” and substituting therefor the words “one million shillings or to imprisonment for a term not exceeding twenty four months” appearing in the closing statement.”

**CLAUSE 24**

**THAT**, the Bill be amended by deleting clause 24 and inserting the following new clause—

Amendment of section 34 of No. 9 of 1998. **24.** Section 34 of the principal Act is amended in subsection (1) by—

- (a) deleting paragraph (b); and
- (b) deleting the proviso.

### NEW CLAUSE

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 24—

Amendment of section 36 of No. 9 of 1998. **24A.** Section 36 of the principal Act is amended by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”.

Amendment of section 36 of No. 9 of 1998. **24B.** The principal Act is amended by deleting section 37 and inserting the following new section—

Accounts and audit. **37.** (1) The Board shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Fund.

(2) The accounts of the Board shall be audited and reported upon in accordance with the Public Finance Management Act, 2012 and the Public Audit Act, 2015.

No. 18 of 2012.  
No. 34 of 2015.

Amendment of section 38 of No. 9 of 1998. **24C.** Section 38 of the principal Act is amended by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”.

### NEW CLAUSE

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 27—

Amendment of the First Schedule to No. 9 of 1998. **27A.** The First Schedule to the principal Act is amended in paragraph 6 by deleting the word “Minister” and substituting therefor the word “Cabinet Secretary”.

**CLAUSE 28**

**THAT**, the Bill be amended by deleting clause 28 and inserting the following new clause—

Amendment of the  
Second Schedule to  
No. 9 of 1998.

- 28.** The Second Schedule to the principal Act is amended—
- (a) in paragraph 2—
    - (i) by deleting the word “Minister” appearing in sub-paragraph (a) and substituting therefor the words “Cabinet Secretary”;
    - (ii) by deleting the word “Minister” appearing in sub-paragraph (b) and substituting therefor the words “Cabinet Secretary”;
  - (b) in paragraph 3 by deleting the word “nine” appearing in sub-paragraph (4) and substituting therefor the word “five”;
- 3) Notice is given that the Leader of the Minority Party intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 2**

**THAT**, the Bill be amended by deleted clause 2 and substituting therefor the following new clause —

Amendment to the long title  
of No. 9 of 1998.

- 2.** The long title of the National Hospital Insurance Fund Act, 1998 in this Act referred to as “the principal Act” is amended by deleting the word “Hospital” whenever it appears and substituting therefor the word “Health”.

**NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 3—

Amendment of section 3  
of No. 9 of 1998.

- 3A.** Section 3 of the principal Act is amended—
- (a) in subsection (1), by deleting the word “Hospital” and substituting therefor the word “Health”;
  - (b) in subsection (2), by deleting paragraph (a) and substituting therefor the following new paragraph—
    - (a) into the Fund—
      - (i) contributions under section 15;
      - (ii) such monies as may be appropriated by the National Assembly, for vulnerable persons;
      - (iii) gifts, grants or donations;
      - (iv) funds from the national government, county governments and their respective entities, or employers for the administration of employee benefits; and

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- (v) funds from post retirement funds for provision of medical cover to retired employees, where the contributor has elected to do so.

Amendment of section 4  
of No. 9 of 1998.

**3B.** Section 4 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsections—

(1) The management of the Fund shall vest in a Board which shall consist of—

- (a) a Chairperson appointed by the President by virtue of his or her knowledge and experience in matters relating to insurance, financial management, economics, health or business administration;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health or his or her representative, appointed in writing;
- (c) the Principal Secretary for the time being responsible for matters relating to finance or his or her representative, appointed in writing;
- (d) one person nominated by the umbrella body representing the employers;
- (e) one person nominated by the umbrella body representing the trade unions;
- (f) two persons, not being governors nominated by the Council of County Governors, one representing the county public service boards and the other representing the county assembly public service boards;
- (g) one person, not being a public officer appointed by the Cabinet Secretary; and
- (h) the Chief-Executive Officer, who shall be an *ex-officio* member of the Board.

(1A) The persons nominated or appointed under paragraphs (f) and (g) shall have qualifications, knowledge and experience in matters relating to finance, insurance, information, communication and technology, law, public health, business management, audit, economics or any other relevant field.

(1B) The nominating body under paragraph (f) shall afford equal opportunity to men and women, youth, persons with disabilities and minorities and marginalized groups and ensure regional balance.

(1C) The Cabinet Secretary responsible for matters relating to health shall publish the names of the persons nominated under paragraphs (d), (e), (f) and (g) in the *Gazette*.

**CLAUSE 4****THAT**, clause 4 of the Bill be amended—

(a) by inserting the following new paragraph immediately after paragraph (b) —

(ba) in paragraph (f), by deleting the words “to advise the Minister” and substituting therefor the words “to advise the national government and county governments”;

(b) in paragraph (c) —

(i) by deleting the words “including communication and stakeholder engagement” appearing in the proposed new paragraph (g) and substituting therefor the words “with respect to health insurance”;

(ii) by inserting the following new paragraph immediately after the proposed paragraph (g) —

(ga) to administer employee benefits as provided under this Act on behalf of employers in respect of their employees;

**NEW CLAUSE****THAT**, the Bill be amended by inserting the following new clause immediately after clause 4—

Amendment of section 6 of No. 9 of 1998.

**4A.** Section 6 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (a) —

(aa) to determine the contributions to be made by contributors to the Fund;

**NEW CLAUSE****THAT**, the Bill be amended by inserting the following new clause immediately after clause 9—

Insertion of a new section 9A into No. 9 of 1998.

**9A.** The principal Act is amended by inserting the following new section immediately before section 15 under Part III—

Registration as a member of the Fund.

**14A.** (1) A person who has attained the age of eighteen years and is not a beneficiary shall register as a member of the Fund.

(2) The Cabinet Secretary may, in consultation with the Board, make regulations for the better carrying out of subsection (1).



**CLAUSE 20****THAT**, clause 20 of the Bill be amended—

- (a) in paragraph (a), by deleting the word “ten” and substituting therefor the word “five”;
- (b) in paragraph (b)(iii), by deleting the word “ten” and substituting therefor the word “five”;
- (c) in paragraph (d), by deleting subparagraph (i) and substituting therefor the following new subparagraphs —
  - (i) by deleting the words “Any declared hospital” and substituting therefor the words “A health care provider”;
  - (ia) by deleting the words “five hundred thousand” appearing in paragraph (i) and substituting therefor the words “ten million”;
  - (d) in paragraph (e), by deleting the words “and at least three newspapers with nationwide circulation” in the proposed new subsection (5) and substituting therefor the words “at least two newspapers of national circulation and at the official website of the Fund.”

**CLAUSE 21****THAT**, clause 21 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

- (ba) by inserting the following new paragraph immediately after paragraph (a) —
  - (aa) the amount and rates of contributions payable by contributors into the Fund;

**NEW CLAUSE****THAT**, the Bill be amended by inserting the following new clause immediately after clause 24—

Amendment  
of section 37  
of No. 9 of  
1998.

**24B.** The principal Act is amended by deleting section 37 and substituting therefor the following new section —

Accounts  
and  
Audit.

**37.** (1) The Board shall cause to be kept all proper books and records of account of the income, expenditure and assets of the Fund.

(2) Within a period of three months from the end of each financial year, the Board shall submit to the Auditor-General the accounts of the Fund together with—

- (a) a statement of the income and expenditure of the Fund during that year; and
- (b) a statement of the assets and liabilities of the Fund on the last day of that year.

No. 34 of  
2015.

(3) The accounts of the Fund shall be audited and reported upon in accordance with the Public Audit Act, 2015.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 25—

Amendment  
of section 42  
of No. 9 of  
1998.

**25A.** Section 42 of the principal Act is amended by inserting the following new subsection immediately after subsection (4) —

(5) Despite any other written law, the assets of the Fund shall not be liable to attachment under any process of law.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 27—

Insertion of  
a new  
section 45A  
into No. 9  
of 1998.

**27A.** The principal Act is amended by inserting the following new section immediately after section 45 —

**45A.** The Insurance Act shall not apply to the Fund.

Exemption  
from  
Cap. 487.

- 4) **Notice is given that the Member for Homa Bay County (Hon. Gladys Wanga, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage-**

**CLAUSE 3**

**THAT**, the Bill be amended in clause 3 (f) by inserting the following definition in the proper alphabetical sequence-

“risk spreading” means the transfer, sharing or distribution of the risk insured as between one or more insurance companies or other providers with a view to reducing the financial cost in the eventual happening of the insured event hereby referred as a loss for special, enhanced or negotiated scheme;

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 16—

Insertion of  
new section in  
No.9 of 1998.

**16A.** The principal Act is amended by inserting the following new section immediately after section 21—

Establishment of  
a centralized  
healthcare  
provider  
management  
system.

**21A.** (1) The Board shall cause to be developed a centralized healthcare provider management system.

(2) The centralized healthcare provider management system shall be installed and used by all empaneled providers for the purpose of management of claims, payments and data collection.

(3) The Board may publish guidelines on the use of the centralized healthcare provider management system by empaneled and contracted health care providers.

**CLAUSE 17**

**THAT**, the Bill be amended in clause 17 -

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

(1) The Board shall pay from the Fund, a benefit to an empaneled or contracted health care provider for an expense incurred by the provider, for the provision of health care services through the centralized healthcare provider management, to the number of beneficiaries determined by the Board.

(b) in paragraph (c) by inserting the following new subsections immediately after subsection (3)-

(3A) The Board shall determine and approve the applicable tariffs payable to the Fund under section 15(3A) and payable out of the Fund under subsection (1), to empaneled contracted health care providers for an expense incurred by the provider for the provision of healthcare services to the number of beneficiaries determined by the Board.

(3B) The Board shall use the approved risk spreading mechanism on benefits of outpatient, inpatient and work injury benefits as provided under section 15, section 22 and section 43.

**5) Notice is given that the Member for Chepalungu (Hon. Gideon Koske, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 10**

**THAT**, clause 10 of the Bill be amended in paragraph (d) by inserting the following new subsection immediately after the proposed new subsection (3A)-

“(3B) The minimum amount of contribution payable to the Fund under paragraph (b) of subsection (2) shall be three hundred shillings.”

**CLAUSE 15**

**THAT**, the Bill be amended by deleting clause 15 and inserting the following new clause—

Amendment of section 20 of No. 9 of 1998.

**15.** Section 20 of the principal Act is amended by—

(a) renumbering the current provision as subsection (1);  
and

(b) inserting the following new subsections immediately after subsection (1)—

“(2) Without prejudice to the generality of subsection (1), Regulations made under this section shall provide for—

(a) the minimum amount payable to the Fund, which shall not be less than one hundred shillings; and

(b) the procedure of reviewing the amounts of contribution payable to the Fund, which shall not exceed five years.”

6) **Notice is given that the Member for Kikuyu (Hon. Kimani Ichung’wah, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 2**

**THAT**, the Bill be amended by deleted clause 2 and substituting therefor the following new clause—

Amendment to the long title of No. 9 of 1998.

**2.** The long title of the National Hospital Insurance Fund Act, 1998 in this Act referred to as “the principal Act” is amended by deleting the word “Hospital” whenever it appears and substituting therefor the word “Health”.

**NEW CLAUSES**

**THAT** the Bill be amended by inserting the following new clauses immediately after clause 3—

Amendment of section 3 of No. 9 of 1998.

**3A.** Section 3 of the principal Act is amended—

(a) in subsection (1), by deleting the word “Hospital” and substituting therefore the word “Health”;

(b) in subsection (2), by deleting paragraph (a) and substituting therefor the following new paragraph—

(b) into the Fund—

- (i) contributions under section 15;
- (ii) such monies as may be appropriated by the National Assembly, for vulnerable persons;
- (iii) gifts, grants or donations;
- (iv) funds from the national government, county governments and their respective entities, or employers for the administration of employee benefits; and
- (v) funds from post retirement funds for provision of medical cover to retired employees, where the contributor has elected to do so;

Amendment  
of section 4  
of No. 9 of  
1998.

**3B.** Section 4 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new sub-sections—

(1) The management of the Fund shall vest in a Board which shall consist of—

- (a) a Chairperson appointed by the President by virtue of his or her knowledge and experience in matters relating to insurance, financial management, economics, health or business administration;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health or his or her representative, appointed in writing;
- (c) the Principal Secretary for the time being responsible for matters relating to finance or his or her representative, appointed in writing;
- (d) one person nominated by the umbrella body representing the employers;
- (e) one person nominated by the umbrella body representing the trade unions;
- (f) two persons, not being governors nominated by the Council of County Governors, one representing the county public service boards and the other representing the county assembly public service boards;
- (g) one person, not being a public officer appointed by the Cabinet Secretary; and
- (h) the Chief-Executive Officer, who shall be an *ex-officio* member of the Board.

(1A) The persons nominated or appointed under paragraphs (f) and (g) shall have qualifications, knowledge and experience in matters relating to finance, insurance, information, communication and technology, law, public health, business management, audit, economics or any other relevant field.

(1B) The nominating body under paragraph (f) shall give equal opportunity to men and women, youth, persons with disabilities and minorities and marginalized groups and ensure regional balance.

(1C) The Cabinet Secretary responsible for matters relating to health shall publish the names of the persons nominated under paragraphs (d), (e), (f) and (g) in the *Gazette*.

**CLAUSE 5**

**THAT**, clause 5 of the Bill be amended in the proposed new section 9 by deleting the words “funds of the state corporation” and substituting therefor the words “moneys of the Fund”.

**CLAUSE 6**

**THAT**, clause 6 of the Bill be amended in the proposed new section 10 by deleting subsection (1) and substituting therefor the following new subsection—

- (1) There shall be a Chief Executive Officer of the Fund who shall be appointed by the Board, through a competitive process, on such terms and conditions as the Board may, with the advice of the Salaries and Remuneration Commission determine.

**CLAUSE 9**

**THAT**, clause 9 of the Bill be amended in the proposed new section 12, by deleting subsection (2) and substituting therefor the following new subsections—

- (1) The affixing of the common seal of the Board shall be authenticated by the signatures of the Chairperson and the Chief Executive Officer and any document required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the Chairperson and the Chief Executive Officer.
- (2) The Board shall, in the absence of either the Chairperson or the Chief Executive Officer, in any particular matter, nominate one member to authenticate the seal of the Board on behalf of either the Chairperson or the Chief Executive Officer.

**CLAUSE 10**

**THAT**, clause 10 of the Bill be amended—

(a) in paragraph (a), by deleting the proposed new subsection (1A) and substituting therefor the following new subsection—

(1A) Subject to this Act —

- (a) the national government shall be liable as a contributor to the Fund in respect of all public officers, state officers and employees working in the national government and national government entities;
- (b) each county government shall be liable as a contributor to the Fund in respect of all public officers, state officers and employees working in the county government and county entities; and
- (c) any other employer shall be liable as a contributor to the Fund in respect of its employees.

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

(b) in subsection (2) —

- (i) by inserting the words “Except as provided in paragraph (f)(ii) and (iii)” immediately before the words “in the case of a person” appearing in paragraph (b);
- (ii) by inserting the following new paragraphs immediately after paragraph (b) —

(c) in the case of an employer who is the national government or national government entity, a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c);

(d) in the case of an employer who is the county governments or county government entity, a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c);

(e) in the case of other employers, a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c):

Provided that—

- (i) in the first year from the date of commencement of this section, the employer shall be liable to pay fifty per centum (50%) of the employer's contribution;
- (ii) in the subsequent second year, the employer shall be liable to pay seventy-five per centum (75%) of the employer's contribution;
- (iii) in the third year and subsequent years, the employer shall be liable to pay the full employer's contribution matching the employee's contribution;

(f) in the case of a person—

- (i) who is a youth and is neither in formal or self-employment and is a sole beneficiary;
- (ii) who is a youth and whose income is derived from self-employment and is a sole beneficiary;
- (iii) who is a youth and whose income is derived from self-employment and has other beneficiaries;
- (iv) who is a not a youth and is unemployed and is a sole beneficiary;
- (v) who is a not a youth and is unemployed and has other beneficiaries; or
- (vi) who is a not a youth and whose income is derived from self-employment and has other beneficiaries

a special contribution at such respective rates as the Board may determine;

(c) by deleting paragraph (f).

**CLAUSE 11**

**THAT**, the Bill be amended by deleting clause 11.



**CLAUSE 12**

**THAT**, clause 12 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) by inserting the following new subsections immediately after sub-section (1)—

(1A) A person liable to pay a matching contribution under section 15 shall pay such contribution in their capacity as an employer and shall not deduct such contribution from the salary or other remuneration of the employee.

(1B) An employer other than the national government or county governments or their entities liable to pay a matching contribution under section 15, may be exempted from paying such matching contribution, if such an employer—

(a) has procured a private health insurance cover for the employees and the benefits thereof are equal to or better than those the employees are entitled to under this Act; and

(b) submits to the Board a certificate issued by the Insurance Regulatory Authority to that employer—

(i) certifying that the employees have been insured by the private health insurer;

(ii) specifying the details of the cover and the benefits thereof; and

(iii) indicating the validity period of the private health insurance cover.

(1C) The Board shall, within thirty days of receipt of a request by an employer seeking to be exempted under this section, make the determination on whether the private health insurance cover provided under subsection (1B) is adequate for the employer to be exempted from making matching contributions under section 15.

**CLAUSE 17**

**THAT**, clause 17 of the Bill be amended—

(a) in paragraph (c), by deleting the words “prescribe and” appearing in the proposed new subsection (3) and substitute therefor the word “prescribe”;

(b) in paragraph (e), by deleting paragraph (c) appearing in the proposed new section 5 and substituting the following —

(c) the Fund shall cover the outstanding bill where private insurance cover's limits for various benefits have been exhausted subject to the Fund's applicable limits with respect to each benefit.

### **CLAUSE 18**

**THAT**, clause 18 of the Bill be amended in the proposed new section 23 by inserting the words "upon request" immediately after the words "Board shall".

### **CLAUSE 21**

**THAT**, clause 21 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

(ba) by inserting the following new paragraph immediately after paragraph (a)—

(aa) the amount and rates of contributions payable by contributors into the Fund;

### **NEW CLAUSE**

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

Amendment of section 29 of No. 9 of 1998.

**21A.** Section 29 of the principal Act is amended by inserting the following new sub-sections immediately after subsection (2) —

- (3) For the purposes of Article 94 (6) of the Constitution—
- (b) the purpose and objective of the delegation under this Act is to enable the Board to make regulations for better carrying into effect the provisions of this Act;
  - (c) the authority of the Board to make regulations under this Act will be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section.
- (4) The principles and standards applicable to the delegated power referred to under this Act are those found in—
- (i) the Statutory Instruments Act, 2013;
  - (ii) the Interpretation and General Provisions Act,
  - (iii) the general rules of international law as specified under Article 2(5) of the Constitution; and
  - (iv) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.

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(5) Subsections (3) and (4) shall apply to any other provision of this Act on the making of regulations by the Board or the Cabinet Secretary.

**CLAUSE 22**

**THAT**, clause 22 of the Bill be amended—

- (a) in paragraph (b) by deleting the words “healthcare care” appearing in the new subsection (1) and substituting therefor the words “health care”;
- (b) in paragraph (c)—
  - (i) by deleting the words “considers fit” appearing in the opening statement of subsection (2) and substituting therefor the words “considers it necessary”;
  - (ii) by deleting the words “as it thinks fit” appearing in the new subsection (2)(a) and substituting therefor the words “considers it necessary”;
- (c) by deleting paragraph (e) and substituting therefor the following new paragraph—
  - “(e) inserting the following new subsection immediately after subsection (3)—

“(4) A health provider whose empanelment has been revoked under this section may apply to the Board for the review of the revocation in the first instance and, if dissatisfied by the decision of the Board upon review, appeal to the High Court against the revocation.”

**CLAUSE 24**

**THAT**, clause 24 of the Bill be deleted and replaced with the following new clause—

Amendment of section 34 of No. 9 of 1998.

**24.**Section 34(1) of the principal Act is amended—

- (a) by inserting the following new paragraph immediately after paragraph (a) —
  - (b)government securities as may be approved by the National Treasury;
- (b) by deleting paragraph (b);
- (c) by deleting the proviso.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 24—

Amendment of section 37 of No. 9 of 1998.

**24B.**The principal Act is amended by deleting section 37 and substituting therefor the following new section —

Accounts  
and Audit.

**37.** (1) The Board shall cause to be kept all proper books and records of account of the income, expenditure and assets of the Fund.

(2) Within a period of three months from the end of each financial year, the Board shall submit to the Auditor-General the accounts of the Fund together with—

(a) a statement of the income and expenditure of the Fund during that year; and

(b) a statement of the assets and liabilities of the Fund on the last day of that year.

(3) The accounts of the Fund shall be audited and reported upon in accordance with the Public Audit Act, 2015.

No. 34 of  
2015.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 25—

Amendment  
of section  
42 of No. 9  
of 1998.

**25A.** Section 42 of the principal Act is amended by inserting the following new subsection immediately after subsection (4) —

(5) Despite any other written law, the assets of the Fund shall not be liable to attachment under any process of law.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 27—

Insertion of  
a new  
section 45A  
into No. 9  
of 1998.

**27A.** The principal Act is amended by inserting the following new section immediately after section 45 —

Exemption from  
Cap. 487.

**45A.** The Insurance Act shall not apply to the Fund.

**CLAUSE 28**

**THAT**, the Bill be amended by deleting clause 28 and substituting therefor the following—

Amendment  
of the Second  
Schedule to  
No. 9 of 1998.

28. The Second Schedule to the principal Act is amended—

(a) by deleting paragraph 2 and substituting therefor the following new paragraph—

Vacation of  
office.

2. The office of a member of the Board, other than an ex officio member, shall become vacant if the member—

(a) at any time resign from office by notice in writing to the Cabinet Secretary;

- (b) has been absent from three consecutive meetings of the Board without the permission from the Chairperson;
- (c) is adjudged bankrupt or enters into a composition scheme or arrangement with creditors;
- (d) is convicted of an offence involving dishonesty or fraud;
- (e) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings; or
- (f) is incapacitated by prolonged physical or mental illness.

(b) in paragraph 3—

- (i) by deleting the words “and an honorary treasurer” appearing in sub-paragraph (2) and substituting therefor the words “from among members of the Board except *ex-officio* members of the Board”.
- (ii) by deleting sub-paragraph (3);
- (iii) by deleting the word “nine” appearing in sub-paragraph (4) and substituting therefor the word “five”;
- (iv) by deleting the word “standing orders” appearing in sub-paragraph (8) and substituting therefor the word “guidelines”;

(c) by deleting paragraph 5.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 28—

Transitional  
provision.

**28A.** A person who is a member of the Board of the National Hospital Insurance Fund at the time of commencement of this Act shall serve for the remainder of his or her unexpired term.

7) Notice is given that the Member for Garissa Township (Hon. Aden Duale, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—

**CLAUSE 3**

**THAT**, clause 3 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (f) —

(g) by deleting the word “Hospital” and substituting therefor the word “Health” —

(i) in the definition of the term “Board”;

(ii) in the definition of the term “Fund”;

(h) by deleting the definition of the term “employer” and substituting therefor the following new definition in its proper alphabetical sequence—

“employer” includes the national government and national government entities, and county governments and county government entities;

**CLAUSE 10**

**THAT**, clause 10 of the Bill be amended—

(a) in paragraph (a), by deleting the proposed new subsection (1A) and substituting therefor the following new subsection—

(1A) Subject to this Act —

(a) the national government shall be liable as a contributor to the Fund in respect of all public officers, state officers and employees working in the national government and national government entities;

(b) each county government shall be liable as a contributor to the Fund in respect of all public officers, state officers and employees working in the county government and county entities; and

(c) any other employer shall be liable as a contributor to the Fund in respect of its employees.

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

(b) in subsection (2) —

- (i) by inserting the words “Except as provided in paragraph (f)(ii) and (iii)” immediately before the words “in the case of a person” appearing in paragraph (b);
- (ii) by inserting the following new paragraphs immediately after paragraph (b) —

(c) in the case of an employer who is the national government or national government entity, a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c);

(d) in the case of an employer who is the county governments or county government entity, a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c);

(e) in the case of other employers, a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c);

(f) in the case of a person—

- (i) who is a youth and is neither in formal or self-employment and is a sole beneficiary;
- (ii) who is a youth and whose income is derived from self-employment and is a sole beneficiary;
- (iii) who is a youth and whose income is derived from self-employment and has other beneficiaries;
- (iv) who is a not a youth and is unemployed and is a sole beneficiary; or
- (v) who is a not a youth and is unemployed and has other beneficiaries,

a special contribution at such respective rates as the Board may determine;

(c) by deleting paragraph (f).

## **CLAUSE 12**

**THAT** clause 12 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) by inserting the following new subsection immediately after sub-section (1)—

- (1B) An employer liable to pay a matching contribution under section 15, may be exempted from paying such matching contribution, if such an employer—

- (c) has procured a private health insurance cover for the employees and the benefits thereof are equal to or better than those the employees are entitled to under this Act; and
- (d) submits to the Insurance Regulatory Authority information—
  - (i) indicating that the employees have been insured by the private health insurer;
  - (ii) specifying the details of the cover and the benefits thereof; and
  - (iii) indicating the validity period of the private health insurance cover.

**CLAUSE 13**

**THAT**, clause 13 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b) —

(ba) by inserting the following new subsection immediately after subsection (1) —

(1A) Subsection (1) shall not apply to a contributor who is a natural person.

**CLAUSE 17**

**THAT**, clause 17(e) of the Bill be amended by deleting paragraph (c) appearing in the proposed new subsection (5) and substituting therefor the following new paragraph—

(c) the Fund and the private health insurance shall jointly cover the expenses incurred by a beneficiary.

**NEW CLAUSE**

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

Amendment of section 29 of No. 9 of 1998.

**21A.** Section 29 of the principal Act is amended by inserting the following new sub-sections immediately after subsection (2) —

- (3) For the purposes of Article 94 (6) of the Constitution—
  - (a) the purpose and objective of the delegation under this Act is to enable the Board to make regulations for better carrying into effect the provisions of this Act;
  - (b) the authority of the Board to make regulations under this Act will be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section.



No. 23 of 2013.  
Cap 2.

(4) The principles and standards applicable to the delegated power referred to under this Act are those found in—

- (i) the Statutory Instruments Act, 2013;
- (ii) the Interpretation and General Provisions Act,
- (iii) the general rules of international law as specified under Article 2(5) of the Constitution; and
- (iv) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.

(5) Subsections (3) and (4) shall apply to any other provision of this Act on the making of regulations by the Board or the Cabinet Secretary.

## **CLAUSE 22**

**THAT**, clause 22 of the Bill be amended—

(a) in paragraph (b) by deleting the words “healthcare care” appearing in the new subsection (1) and substituting therefor the words “health care”;

(b) in paragraph (c) —

(i) by deleting the words “considers fit” appearing in the opening statement of subsection (2) and substituting therefor the words “considers it necessary”;

(ii) by deleting the words “as it thinks fit” appearing in the new subsection (2)(a) and substituting therefor the words “considers it necessary”;

(c) by deleting paragraph (e).

## **NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 24—

Insertion of new sections 34A and 34B into No. 9 of 1998.

**24A.** The principal Act is amended by inserting the following new sections immediately after section 34 —

Acquisition of medical equipment in underserved and marginalized areas.

**34A.** Subject to section 34, a public health care provider may, make a request to the Board to finance the procurement and acquisition of essential medical equipment by the public health care provider in an underserved or marginalized area, on such terms and conditions as the Board may, from time to time, prescribe.

Advancing  
credit  
facilities to  
public  
health care  
providers in  
underserved  
and  
marginalized  
areas.

**34B.** Subject to section 34, the Board may lend money on such terms and conditions as the Board may determine, to any public health care provider in an underserved or marginalized area for improvement of medical and health care services, subject to the Board being satisfied that such public health care provider is financially viable.

**8) Notice is given that the Member for Dagoretti South (Hon. John Kiarie, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 2**

**THAT,** the Bill be amended by deleted clause 2 and substituting therefor the following new clause —

Amendment to the long title  
of No. 9 of 1998.

**2.** The long title of the National Hospital Insurance Fund Act, 1998 in this Act referred to as “the principal Act” is amended by deleting the word “Hospital” whenever it appears and substituting therefor the word “Health”.

**CLAUSE 3**

**THAT,** clause 3 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (f) —

(g) by deleting the definition of the term “employer” and substituting therefor the following new definition in its proper alphabetical sequence—

“employer” includes the national government and national government entities, and county governments and county government entities;

(h) by deleting the definition of the term “contracting” and substituting therefor the following new definition—

“contract” means a formal agreement with an empanelled health care provider for purposes of provision of services and “contracting” and “contracted” shall be construed accordingly in this Act;

(i) by deleting the definition of the term “vulnerable person” and substituting therefor the following new definition-

“vulnerable person” means a person who is in need of special care, support or protection, including the orphaned and vulnerable children, widows or widowers, persons with disabilities, elderly persons or indigent due to a risk of abuse or neglect and who has been identified as such by the relevant government body;

**CLAUSE 10**

**THAT**, clause 10 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

(aa) in subsection (2) —

- (i) by inserting the words “except as provided in paragraphs (c), (d) and (e)” immediately before the words “in the case of a person” appearing in paragraph (b);
- (ii) by inserting the following new paragraphs immediately after paragraph (b) —

(c) in the case of a person who is an unemployed youth and has no dependants, a special contribution of one hundred shillings;

(d) in the case of a person who is a youth and whose income is derived from self-employment and has no dependants, a special contribution of one hundred and fifty shillings; and

(e) in the case of a person who is a youth and whose income is derived from self-employment and has dependants, a special contribution of three hundred shillings;

Provided that under paragraphs (c), (d) and (e), the national government shall be liable to pay for the difference of the minimum contribution payable as prescribed by the Board.

(ab) in subsection (3), by deleting the words “subsection (2)” and substituting therefor the words “subsection (2)(a) and (b)”.

**CLAUSE 21**

**THAT**, clause 21 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

(ba) by inserting the following new paragraph immediately after paragraph (a) —

(aa) the amount and rates of contributions payable by contributors into the Fund;

**CLAUSE 22**

**THAT**, clause 22 of the Bill be amended—

- (a) in paragraph (b) by deleting the words “healthcare care” appearing in the new subsection (1) and substituting therefor the words “health care”;

(b) in paragraph (c) —

- (i) by deleting the words “considers fit” appearing in the opening statement of subsection (2) and substituting therefor the words “considers it necessary”;
- (ii) by deleting the words “as it thinks fit” appearing in the new subsection (2)(a) and substituting therefor the words “considers it necessary”;

(c) by deleting paragraph (e).

**9) Notice is given that the Member for North Imenti (Hon. Abdul Rahim Dawood, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 2**

**THAT**, the Bill be amended by deleting clause 2 and substituting therefor the following new clause—

Amendment of the long title of No. 9 of 1998.

**2.** The long title of the National Hospital Insurance Fund Act, 1998, in this Act referred to as the “principal Act” is amended by deleting the word “Hospital” wherever it appears and substituting therefor the word “Health”.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 3—

Amendment of section 4 of No. 9 of 1998.

**3A.** Section 4 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsections—

“(1) The management of the Fund shall vest in a Board which shall consist of—

- (a) a Chairperson appointed by the President by virtue of his or her knowledge and experience in matters relating to insurance, financial management, economics, health or business administration;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health or a representative appointed in writing;

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- (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance or a representative appointed in writing;
- (d) one person nominated by the umbrella body representing employers;
- (e) one person nominated by the umbrella body representing trade unions;
- (f) two persons, not being Governors, nominated by the Council of County Governors, one of whom shall represent the county public service boards and one shall represent the county assembly service boards;
- (g) one person, not being a public officer, nominated by the Kenya Association of Private Hospitals;
- (h) one person, not being a public officer, nominated by the faith-based healthcare organizations in such manner as may be prescribed; and
- (i) the Chief Executive Officer who shall be an *ex officio* member of the Board.

(1A) The persons nominated or appointed under paragraphs (f), (g) and (h) shall have qualifications, knowledge and experience in matters relating to finance, insurance, information, communication and technology, law, public health, business management, audit, economics or any other relevant field.

(1B) The nominating body under paragraph (f) shall accord equal opportunity to men and women, youth, persons with disabilities and minorities and marginalized groups and ensure regional balance.

(1C) The Cabinet Secretary responsible for matters relating to health shall publish the names of the persons nominated under paragraphs (d), (e), (f) and (g) in the Gazette.”

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 4–

Amendment of section 6 of No. 9 of 1998.

**4A.** Section 6 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (a)–

“(aa) determine the contributions to be made by contributors to the Fund;”

**CLAUSE 21**

**THAT,** clause 21 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)–

“(ba) by inserting the following new paragraph immediately after paragraph (a)–

“(aa) the amount and rates of contributions payable by contributors into the Fund;”

**NEW CLAUSE**

**THAT,** the Bill be amended by inserting the following new clause immediately after clause 24–

Amendment of section 37 of No. 9 of 1998.

**24A.** The principal Act is amended by deleting section 37 and inserting the following new section–

Accounts and audit.

**37.** (1) The Board shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Fund.

(2) Within a period of three months from the end of each financial year, the Board shall submit to the Auditor-General the accounts of the Fund together with–

(a) a statement of the income and expenditure of the Fund during that year; and

(b) a statement of the assets and liabilities of the Fund on the last day of that year.

(3) The accounts of the Board shall be audited and reported upon in accordance with the Public Finance Management Act, 2012 and the Public Audit Act, 2015.

No. 34 of 2015.

**10) Notice is given that the Member for Funyula (Hon. Ojiambo Oundo, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—**

**CLAUSE 10**

**THAT**, clause 10 of the Bill be amended in paragraph (a)–

(a) by deleting the proposed new subsection (1B) and inserting the following new subsection–

“(1B) Subject to this Act, the national government shall be liable as a contributor to the Fund on behalf of the indigent and vulnerable persons identified as such as provided for under subsection (1C).”

(b) by inserting the following new subsections immediately after the proposed new subsection (1B)–

“(1C) For purposes of subsection (1B), the Cabinet Secretary shall establish a committee in each constituency which shall identify the indigent and vulnerable persons.

(1D) The committee established under subsection (1C) shall consist of–

(a) the national government official responsible for coordinating national government functions in the constituency;

(b) four persons nominated by the National Constituencies Development Fund Committee, of whom–

i. one shall be a youth;

ii. one shall be a female;

iii. one shall be a male; and

iv. one shall be a person with disability; and

(c) the county government official responsible for coordinating county government functions in the constituency.”

**CLAUSE 13**

**THAT**, clause 13 of the Bill be amended in paragraph (b) by deleting the proposed new subsection (1) and inserting the following new subsection–

“(1) If a standard or matching contribution which a person is liable to remit under section 16, has not been remitted by the day on which the payment of the standard or matching contribution is due, the person shall be liable to pay a penalty equal to the lending rate of interest, of the amount of the contribution, as may published by the Central Bank of Kenya from time to time;

Provided that such penalty shall not be imposed on state agencies if the delay or non-remittance is caused by delay in disbursement from the National Treasury or delay in disbursement of any funds appropriated by the National Assembly.”

11) Notice is given that the Member for Emuhaya (Hon. Omboko Milemba, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—

**CLAUSE 6**

**THAT**, clause 6 of the Bill be amended by deleting the words “relevant government agencies” appearing in the proposed new section 10(1) and substituting therefor the words “Salaries and Remuneration Commission”.

**CLAUSE 12**

**THAT**, clause 12 of the Bill be amended in paragraph (f) by deleting the words “one million” appearing in sub-paragraph (ii) and substituting therefor the words “five hundred thousand”.

**CLAUSE 16**

**THAT**, clause 16 of the Bill be amended in the proposed new subsection (3) by deleting the words “one million” appearing in the closing sentence and substituting therefor the words “five hundred thousand”.

**CLAUSE 17**

**THAT**, clause 17 of the Bill be amended in paragraph (e) by deleting the proposed new subsection (5) and inserting the following new subsection—

“(5) Where a beneficiary has a private health insurance cover—

- (a) the Fund shall be liable for payment of benefits up to such limits as the Board may prescribe under subsection (3);
- (b) the private health insurance shall pay the daily rebate, in the case of an inpatient; and
- (c) the Fund shall cover the outstanding bill subject to the Fund’s applicable limits.”



## **LIMITATION OF DEBATE**

The House resolved on Wednesday, February 10, 2021 as follows-

### **Limitation of Debate on Bills sponsored by Parties or Committees**

- II. THAT**, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and **THAT** priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in **THAT** order.

### **Limitation of Debate on Sessional Papers**

- III. THAT**, each speech in a debate on any **Sessional Paper** shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Sessional Paper is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and **THAT** priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in **THAT** order.

### **Limitation of Debate on Committee Reports**

- IV. THAT**, each speech in a debate on **Committee Reports (except for Reports of Audit Committees)**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further **THAT** priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in **THAT** order.

# **NOTICE PAPER**

## **Tentative business for** **Thursday, September 30, 2021**

*(Published pursuant to Standing Order 38(1))*

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It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Thursday, September 30, 2021-

**A. THE NATIONAL FLAG, EMBLEMS AND NAMES BILL (SENATE BILL NO. 36 OF 2020)**

(The Chairperson, Departmental Committee on Administration and National Security)

First Reading

**B. THE KENYA WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILL NO. 30 OF 2020)**

(The Chairperson, Departmental Committee on Environment and Natural Resources)

First Reading

**C. THE COMMUNITY HEALTH SERVICES BILL (SENATE BILL NO. 34 OF 2020)**

(The Chairperson, Departmental Committee on Health)

First Reading

**D. THE POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILL NO. 33 OF 2020)**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

First Reading

**E. THE COFFEE BILL (SENATE BILL NO. 22 OF 2020)**

(The Chairperson, Departmental Committee on Agriculture and Livestock)

First Reading

**F. THE PERPETUITIES AND ACCUMULATIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2021)**

(The Chairperson, Departmental Committee on Finance and National Planning)

**G. MOTION – RATIFICATION OF VARIOUS PROTOCOLS UNDER THE MARITIME LABOUR CONVENTION AND THE INTERNATIONAL LABOUR ORGANIZATION AND THE AMENDMENTS THEREIN**

(The Chairperson, Departmental Committee on Transport, Public Works and Housing)

*(If not concluded on Wednesday, September 29, 2021 – Afternoon sitting)*

**H. MOTION - REPORT ON A PUBLIC PETITION REGARDING RECOGNITION OF THE PEMBA PEOPLE OF KENYA AS CITIZENS OF THE REPUBLIC OF KENYA**

(The Chairperson, Departmental Committee on Administration and National Security)

**I. MOTION - REPORT ON A PUBLIC PETITION REGARDING INSECURITY IN SAKU CONSTITUENCY AND THE LARGER MARSABIT COUNTY**

(The Chairperson, Departmental Committee on Administration and National Security)

*(Resumption of debate interrupted on Thursday, September 23, 2021)*

**J. MOTION - REPORT ON A PUBLIC PETITION BY RESIDENTS OF WAJIR AND GARISSA COUNTIES REGARDING LACK OF ACCESS TO CITIZEN REGISTRATION SERVICES**

(The Chairperson, Departmental Committee on Administration and National Security)

**K. THE RADIOGRAPHERS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2019)**

(The Chairperson, Departmental Committee on Health)

Second Reading

**L. THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILL NO. 35 OF 2018)**

(The Chairperson, Committee on National Cohesion and Equal Opportunity)

Second Reading

**M. MOTION - ESTABLISHMENT OF A PARLIAMENTARY HEALTH SERVICES UNIT**

(The Chairperson, Committee on Members' Services and Facilities)

**N. MOTION - ROLL-OUT OF COVID-19 ECONOMIC STIMULUS PROGRAMME (Party-Sponsored Motion)**

**O. MOTION - STUDY VISIT TO THE LEGISLATIVE ASSEMBLY OF ALBERTA, CANADA**

(The Chairperson, Committee on Members' Services and Facilities)

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# **APPENDIX**

## **NOTICE OF PETITIONS, QUESTIONS & STATEMENTS**

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### **ORDER NO.4 - PETITIONS**

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It is **notified** that, pursuant to the provisions of Standing Order 225 the following Petition will be presented -

<b>No.</b>	<b>Subject</b>	<b>Petitioner(s)</b>	<b>Relevant Committee</b>
<b>043/2021</b>	Proposal for repeal of sections of the Universities Act, 2021 pertaining to the elections of university student leaders <i>(to be presented pursuant to S.O.225(2)(b))</i>	<i>To be reported by the Speaker on behalf of Mr. Amos Ndung'u Kamotho</i>	D.C. on Education and Research

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## **ORDER NO.7 - QUESTIONS**

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It is notified that, pursuant to the provisions of Standing Order 42A (5), the following Members will ask **questions** for reply before the specified Committees-

### **QUE NO**

### **ORDINARY QUESTIONS**

356/2021

**The Member for Jomvu (Hon. Bady Twalib, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -**

- (i) What is the status of the construction of the *Madafuni - Jitoni - Rabai Road* in Jomvu Constituency, Mombasa County?
- (ii) Could the Cabinet Secretary provide a progress report regarding compensation of the persons who were either affected or displaced to pave way for the construction of the said road?
- (iii) Could the Ministry consider including inflation as a factor in calculating compensation rate, taking into account the date of displacements?
- (iv) What steps is the Ministry taking to ensure that the contractor keeps construction dust under control during the construction period?

*(To be replied before the Departmental Committee on Transport, Public Works and Housing)*

366/2021

**The Member for Bobasi (Hon. Innocent Momanyi, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -**

- (i) Could the Cabinet Secretary state the progress of construction of the *25- kilometre Kebuko - Nyangusu - Nyamache - Nyanchekei* road in *Bobasi Constituency* indicating when construction is expected to be completed?
- (ii) Could the Cabinet Secretary provide the details of the contractor of the said project and explain why they have abandoned works at the project?
- (iii) Could the Cabinet Secretary state the amount of funds paid for the construction of project to date?

- (iv) Could the Cabinet Secretary also explain why the funds allocated for the maintenance of the said road during the construction process have not been utilized and undertake to ensure that the road is motorable during the construction period especially during rainy seasons?

*(To be replied before the Departmental Committee on Transport, Public Works and Housing)*

**381/2021**

**The Member for Teso North (Hon. Oku Kaunya, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -**

- (i) Could the Cabinet Secretary explain whether construction of *Busia-Malaba* road has been carried out as per the set standards and explain why it has already developed potholes before the contractor hands over the project to the Ministry?
- (ii) What action is the Ministry taking to address the substandard works already done on the project and ensure that set standards and specifications are adhered to?
- (iii) Could the Cabinet Secretary explain delays in the completion of the said road and state whether the contractor has already been paid all the contract monies for the project?

*(To be replied before Departmental Committee on Transport, Public Works and Housing)*

**383/2021**

**The Member for Msambweni (Hon. Feisal Bader, MP) to ask the Cabinet Secretary for Petroleum and Mining: -**

- (i) Could the Cabinet Secretary provide details on the amount of royalties collected by the Government since the enactment of the Mining Act, 2016?
- (ii) Could the Cabinet Secretary explain mechanisms put in place to ensure that fees and other royalties collected by the Government from *M/s. Base Titanium Limited*, benefit the people of Kwale County?

*(To be replied before the Departmental Committee on Environment and Natural Resources)*

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