



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, MARCH 30, 2022 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*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE RADIOGRAPHERS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2019)

(The Chairperson, Departmental Committee on Health)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Radiographers Bill (National Assembly Bill No. 47 of 2019).

(Question to be put and Third Reading)

9*. COMMITTEE OF THE WHOLE HOUSE

The Health Laws (Amendment) Bill (National Assembly Bill No. 2 of 2021)

(The Leader of the Majority Party)

10*. THE ELECTIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2022)

(The Leader of the Majority Party)

Second Reading

**11*. THE NATIONAL ELECTRONIC SINGLE WINDOW SYSTEM BILL
(NATIONAL ASSEMBLY BILL NO. 15 OF 2021)**

(The Leader of the Majority Party)

Second Reading

12*. THE HUDUMA BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2021)

(The Leader of the Majority Party)

Second Reading

13*. THE CHILDREN BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2021)

(The Leader of the Majority Party)

Second Reading

**14*. THE ADVOCATES (AMENDMENT) BILL (NATIONAL ASSEMBLY
BILL NO. 43 OF 2021)**

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

Second Reading

Denotes Orders of the Day

...../Notices*

NOTICES

I. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2021)

1) Notice is given that Chairperson of the Departmental Committee on Health intends to move the following amendments to the Health Laws (Amendment) Bill, 2021 at the Committee Stage—

SCHEDULE

THAT, the Schedule to the Bill be amended —

1. in the proposed amendments to the **Pharmacy and Poisons Act, Cap. 244—**

a. by deleting the proposed amendments to section 3 and substituting therefor the following new amendments—

s. 3 Delete and substitute therefor the following new section—

Establish
ment of
Pharmacy
and
Poisons
Board.

- 3. (1) There is established a Board which shall consist of—
 - (a) a non-executive chairperson appointed by the President and who shall—
 - (i) be a registered pharmacist of good standing with a degree in pharmacy; and
 - (ii) have at least ten years' experience in the pharmaceutical sector, five of which shall be at managerial level;
 - (b) the Principal Secretary in the ministry for the time being responsible for 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) five other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with knowledge and experience in management of whom—
 - (i) three shall be from the pharmacy profession nominated by the Pharmaceutical Society of Kenya and the Kenya Pharmaceutical Association, and two of whom shall be pharmacists with knowledge on regulatory affairs, quality assurance and pharmaceutical development with one being a pharmaceutical technologist;

- (ii) one pharmacist nominated by universities in Kenya which have the power to grant a qualification which is registerable under this Act;
 - (iii) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field; and
- (f) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(e) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(e) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Board under subsection (1)(a) and (e) shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Board if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Board without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Board.

(5) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable in its corporate name, of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, charging and disposing of movable and immovable property;

- (c) borrowing money; entering into contracts; and
 - (d) doing or performing all other things or acts necessary for the proper performance of its functions under this Act.

- b. by inserting the following new amendment immediately after the proposed amendment to section 3—
 - s.3B Insert the following new subsection immediately after subsection (3)—
 - (3)—
 - “(4) The Board shall perform its functions under subsection (2) in consultation with the Board of Management of the National Quality Control Laboratory.”

- c. by deleting the proposed amendments to section 4;
- d. by deleting the proposed amendment to section 35C;
- e. by deleting the proposed amendment to section 35D;
- f. by deleting the proposed amendment to section 35E;
- g. by deleting the proposed amendment to section 35F and inserting the following new amendment—
 - ^{s.35F} Delete subsection (1) and insert the following new subsection—
 - “(1) There shall be a Board of Management for the Laboratory, which shall consist of nine members, to be appointed by the Cabinet Secretary, as follows—
 - (a) a non-executive chairperson who shall—
 - (i) be a registered pharmacist of good standing with a degree in pharmacy; and
 - (ii) have at least ten years’ experience in the pharmaceutical sector;
 - (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 Principal Secretary in the ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;
 - (d) the Director General for health or a representative appointed in writing;
 - (e) the Attorney-General or a representative appointed in writing;
 - (f) one person having knowledge and experience in supply chain management, nominated by the Council of County Governors;
 - (g) one pharmacist, not being a public officer, with knowledge and experience in drug analysis, pharmaceutical manufacturing and regulatory affairs of health products and technologies;

- (h) one person from the healthcare profession having knowledge and experience in quality management systems; and
- (i) the Director who shall be the Chief Executive Officer and an *ex officio* member of the Board.

- h. by deleting the proposed amendment to section 35G;
- i. by deleting the proposed amendment to section 35H;
- j. by deleting the proposed amendment to section 35I;
- k. by deleting the proposed amendment to section 35J;
- l. by deleting the proposed amendment to section 35K;

2. in the proposed amendments to the **Medical Practitioners and Dentists Act, Cap. 253**—

a. by deleting the proposed amendments to section 3A and substituting therefor the following new amendments—

s. 3A Delete and substitute therefor the following new section—

Composition
of the
Council. **3A.** (1) The Council shall consist of—

- (a) a non-executive chairperson appointed by the President and who shall—
 - (i) be a specialist medical or dental practitioner of good standing; and
 - (ii) have at least ten years' experience, five of which shall be in a managerial position;
- (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 Principal Secretary in the ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;
- (d) the Director General for health or a representative appointed in writing;
- (e) six other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with knowledge and experience in management of whom—
 - (i) one person shall be a representative of universities in Kenya which have the power to grant a qualification which is registerable under this Act;
 - (ii) one person who shall be a representative of the Kenya Medical Association;

- (iii) one person who shall be a representative of Kenya Dental Association;
 - (iv) one person who shall be a representative of oral health practitioners;
 - (v) one person who shall be a representative of the Consumer Federation of Kenya;
 - (vi) one person with knowledge and expertise in finance and audit, accounting, business management, economics, law or any other relevant field; and
- (f) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(e) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(e) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Council under subsection (1)(a) and (e) shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Council if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Council without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

(5) The quorum for the conduct of business at a meeting of the Council shall be five members.

(6) The chairperson shall preside at all meetings of the Council but in the absence of the chairperson the members present shall appoint one of their number to preside at the meeting.

(7) The Council shall meet at least once in every three months.

(8) The Council may appoint suitable persons to assist in carrying out particular decisions of the Council or particular duties or investigations for the Council.

(9) The powers of the Council shall not be affected by any vacancy in the membership thereof.

(10) Subject to the provisions of this Act, the Council may regulate its own procedure.

b. in the proposed new section 4E, by deleting the words “relevant Government agencies” and substituting therefor the words “Salaries and Remuneration Commission”.

3. in the proposed amendments to the **Nurses Act, Cap. 257**—

a. by deleting the proposed amendments to section 4 and inserting the following new amendment—

s.4 Delete and substitute therefor the following new section—

Membership
of the
Council.

4. (1) The Council shall consist of—

(a) a non-executive chairperson appointed by the President and who shall—

(i) be a registered nurse of good standing; and

(ii) have at least ten years' experience, five of which shall be in a managerial position;

(b) the Principal Secretary in the Ministry for the time being responsible for health, or a representative appointed in writing;

(c) the Principal Secretary in the ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;

(d) the Director of Nursing Services;

(e) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—

(i) one shall be a nurse nominated by the National Nurses Association of Kenya;

- (ii) one shall be a nurse nominated by the Kenya Progressive Nurses Association;
- (iii) one shall be a registered nurse educator actively involved in the training of nurses nominated by recognized universities in Kenya;
- (iv) one shall be a person with a professional background in human resource management;

and

- (f) the Registrar who shall be the Chief Executive Officer and an *ex officio member* of the Board.

(2) The persons appointed under subsection (1)(e) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(e) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Council under subsection (1)(a) and (e) shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Council if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Council without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

b. by inserting the following new amendment immediately after the proposed amendment to section 6—

New. Insert the following new section immediately after section 9—

Corporation
Secretary.

9A. (1) The Council shall competitively recruit a person qualified, in terms of the law governing the practice of public secretaries in Kenya, to serve as the Corporation Secretary.

- (2) The Corporation Secretary shall—
 - (a) in consultation with the chairperson of the Council, issue notices for meetings of the Council;
 - (b) keep, in custody, the records of the deliberations, decisions and resolutions of the Council;
 - (c) transmit decisions and resolutions of the Council to the Chief Executive Officer for execution, implementation and other relevant action;
 - (d) provide guidance to the Council on their duties and responsibilities on matters relating to governance; and
 - (e) perform such other duties as the Council may direct.

4. by deleting the proposed amendments to the **Kenya Medical Training College Act, Cap. 261**—

5. by deleting the proposed amendments to the **National Hospital Insurance Fund Act, No. 9 of 1998**—

6. in the proposed amendments to the **Kenya Medical Laboratory Technicians and Technologists Act, No. 10 of 1999**—

- a. by deleting the proposed amendment to section 2;
- b. by deleting the proposed amendment to section 6 and inserting the following new amendment—

s. 6 Delete and substitute therefor the following new section—

Membership
of the
Board.

6. (1) The Board shall consist of—

- (a) a non-executive chairperson appointed by the President and who shall—
 - (i) be a registered medical laboratory technician of good standing; and
 - (ii) have at least ten years' experience, five of which shall be in a managerial position;
- (b) the Principal Secretary for the time being responsible for matters relating to health or a representative appointed in writing;
- (c) the Principal Secretary for the time being responsible for matters relating to finance or a representative appointed in writing;
- (d) the Director General for health or a representative appointed in writing;

- (e) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—
- (i) two shall be from the medical laboratory profession nominated by the Association of Kenya Medical Laboratory Scientific Officers of whom one shall be a laboratory technologist and one shall be a laboratory technician;
 - (ii) one shall be a registered laboratory technologist nominated by a university recognized in Kenya offering medical laboratory sciences;
 - (iii) one shall be a registered laboratory technician nominated by a university recognized in Kenya offering medical laboratory sciences; and
- (f) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(e) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(e) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Council under subsection (1)(a) and (e) shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Council if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Board without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Board.

c. in the proposed amendment to section 26(1)(a), by deleting the proposed new paragraph (a) and inserting the following new paragraph—
“(a) a chairperson elected from amongst the members of the Board appointed under paragraph (e) of section 6(1).”

d. in the proposed amendment to the Schedule—

i. by deleting the proposed amendment to paragraph 1 and inserting the following new amendment—

“Delete the words “or re-election, as the case may be” and substitute therefor the words “for one further term of three years.”

ii. by deleting the proposed amendment to paragraph 3(4) and inserting the following new amendment—

“Delete the word “eleven” and substitute therefor the word “five”.

7. in the proposed amendments to the **Tobacco Control Act, No. 4 of 2007**—

a. by deleting the proposed amendment to section 5 and inserting the following new amendment—

s. 5 Delete and substitute therefor the following new section—

Membership
of the
Board. **5.** (1) There is established a Board to be known as the Tobacco Control Board which shall consist of—

(a) a non-executive chairperson appointed by the President and who shall—

(i) have a degree in public health; and

(ii) have at least ten years’ experience, five of which shall be in a managerial position;

(b) the Principal Secretary for the time being responsible for matters relating to health or a representative appointed in writing;

(c) the Principal Secretary for the time being responsible for matters relating to finance, or a representative appointed in writing;

(d) the Principal Secretary for the time being responsible for matters relating to interior and coordination of National Government or a representative appointed in writing;

(e) the Attorney-General or a representative appointed in writing;

(f) the Director General for health or a representative appointed in writing;

(g) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—

- (i) one shall be a representative of the business community in Kenya, nominated by the Kenya National Chamber of Commerce and Industry;
- (ii) one representative of Consumer Federation of Kenya;
- (iii) one representative from the Non-Governmental Organizations Co-ordination Board;
- (iv) one representative from the National Environment Management Authority; and
- (h) the Chief Executive Officer who shall be an *ex officio* member and secretary to the Board.

(2) The persons appointed under subsection (1)(g) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(g) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) No member of the Board shall directly or indirectly be affiliated to the tobacco industry or its subsidiaries.

(5) A member who fails to disclose his or her affiliation to the tobacco industry or its subsidiary commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings or imprisonment for a period not exceeding five years or both.

(6) A person appointed as a member of the Board under subsection (1)(a) and (g), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Board if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;

(b) has been absent from three consecutive meetings of the Board without permission of the chairperson;

(c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine; or

(d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Board.

(7) The chairperson shall preside at all meetings of the Board and, in the absence for any reason of the chairperson, the other members of the Board who are present at that meeting shall choose one among their number to act as the chairperson at the meeting.

(8) Five members of the Board shall constitute a quorum at any meeting.

(9) The Board shall meet at least once in every three months.

(10) The powers of the Board shall not be affected by any vacancy in the membership thereof.

(11) The expenses of the Board shall be defrayed out of the monies appropriated by the National Assembly for that purpose.

(12) Subject to the provisions of this Act, the Board may regulate its own procedure.

8. in the proposed amendments to the **Nutritionists and Dieticians Act, No. 18 of 2007**—

a. by deleting the proposed amendment to section 5 and inserting the following new amendment—

s. 5 Delete and substitute therefor the following new section—

The Council of the Institute. **5.** (1) There is established the Council of the Institute which shall consist of—

(a) a non-executive chairperson appointed by the President and who shall—

- (i) be a holder of a bachelors' degree in nutrition or dietetics; and
 - (ii) have at least ten years' experience, five of which shall be at managerial level;
- (b) the Principal Secretary in the ministry for the time being responsible for health or a representative appointed in writing;
- (c) the Principal Secretary in the ministry for the time being responsible for matters relating to finance or a representative appointed in writing;
- (d) the Director General for health or a representative appointed in writing;
- (e) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—
- (i) one shall be from the nutrition and dietetics profession of good standing nominated by the Nutrition Association of Kenya;
 - (ii) one shall be a registered nutrition and dietetics educator actively involved in the training of nutrition and dietetics professionals nominated by recognized universities or colleges in Kenya;
 - (iii) one shall be a representative of the Consumers Federation of Kenya, who shall be a holder of at least a diploma in nutrition studies;
 - (iv) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, human resource, law or any other relevant field; and
- (f) the Chief Executive Officer who shall be an *ex-officio* member of the Board.

(2) The persons appointed under subsection (1)(e) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(e) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Council under subsection (1)(a) and (e), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years but may cease to be a member of the Council if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;
- (b) has been absent from three consecutive meetings of the Council without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

(5) The Council may establish committees consisting of members of the Council to deal with such matters as the Council may specify.

(6) Subject to the First Schedule, the Council shall regulate its own procedures.

- b. in the proposed amendment to section 9, by deleting the words “relevant Government agencies” appearing in the proposed new section 9 and substituting therefor the words “Salaries and Remuneration Commission”;
 - c. in the proposed amendment to the First Schedule, by deleting the words “two-thirds” and substituting therefor the word “seven”.
9. in the proposed amendments to the **Cancer Prevention and Control Act, No. 15 of 2012**—
- a. by deleting the proposed amendment to section 6(2) and inserting the following new amendment—

s. 6(2) Delete and substitute therefor the following new section—

“(2) The Board shall consist of—

- (a) a non-executive chairperson appointed by the President and who shall—
 - (i) be a registered medical practitioner of good standing; and
 - (ii) have at least ten years’ experience, five of which shall be at managerial level;
- (b) the Principal Secretary for the time being responsible for matters relating to health or a representative appointed in writing;
- (c) the Principal Secretary for the time being responsible for matter relating to finance, or a representative appointed in writing;
- (d) the Attorney-General or a representative appointed in writing;

- (e) the Director General for health or a representative appointed in writing;
- (f) the Secretary of the National Council for Science and Technology;
- (g) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, with managerial experience of whom—
 - (i) one shall be a person nominated by the Kenya Medical Association;
 - (ii) one shall be a person, not being a Governor, nominated by the Council of County Governors;
 - (iii) one shall be a person nominated by the registered cancer associations in such manner as may be prescribed;
 - (iv) one shall be a person nominated by the Consumers Federation of Kenya; and
- (h) the Chief Executive Officer who shall be an *ex officio* member of the Board.

New
subsections.

Insert the following new subsections immediately after subsection (2)—

(2A) The persons appointed under subsection (2)(g) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(2B) The nominations under subsection (2)(g) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

10. in the proposed amendments to the **Public Health Officers (Training, Registration and Licensing) Act, No. 12 of 2013—**

- a. by deleting the proposed amendment to section 3(3) and inserting the following new amendment—

s. 3(3) Delete and substitute therefor the following new subsection—

“(3) The Council shall consist of—

- (a) a non-executive chairperson appointed by the President and who shall—
 - (i) be a registered public health officer of good standing; and
 - (ii) have at least ten years’ experience, five of which shall be at managerial level;
- (b) the Principal Secretary for the time being responsible for matters relating to health or a representative appointed in writing;
- (c) the Principal Secretary for the time being responsible for matters relating to finance 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) three other persons, being practitioners of public health, and 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, public health, business management, accounting, economics, law or any other relevant field; and
- (g) the Registrar who shall be the Chief Executive Officer and an *ex-officio* member of the Council.

New
subsections.

Insert the following new subsections immediately after subsection (3)—

(3A) The persons appointed under subsection (3)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3B) The nominations under subsection (3)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

- b. in the proposed amendment to section 6—
 - i. by deleting the expression “(e)” appearing in the proposed new subsection (1) and substituting therefor the expression “(f)”;
 - ii. by deleting the expression “(d)” appearing in the proposed new subsection (2) and substituting therefor the expression “(f)”;
 - iii. by deleting the expression “(d)” appearing in the proposed new subsection (5) and substituting therefor the expression “(f)”;
- c. in the proposed amendment to the Schedule, by deleting the words “two-thirds” and substituting therefor the word “nine”;

11. in the proposed amendments to the Kenya Medical Supplies Authority Act, No. 20 of 2013—

- a. by inserting the following amendment immediately before the proposed amendment to section 5—

^{s.4} Insert the following new subsections immediately after subsection (2)—

“(3) A national or county public health facility shall, in the procurement and distribution of drugs and medical supplies, obtain all such drugs and medical supplies from the Authority subject to—

- (a) the drug being duly registered by the Board; and
- (b) the drugs and medical supplies meet the standards of quality and efficacy as authorized by the Board.

(4) A person responsible for the procurement and distribution of drugs and medical supplies in a national or county public health facility and who contravenes provisions of this section, commits an offence and is liable on conviction to a fine not exceeding two million shillings or to imprisonment for a term not exceeding five years, or to both.”

b. by deleting the proposed amendment to section 5 and inserting the following new amendment—

s. 5 Delete and substitute therefor the following new section—

Composition
of the Board.

5. (1) The Board shall consist of—

- (a) a non-executive chairperson appointed by the President and who shall—
 - (i) be a registered medical practitioner of good standing; and
 - (ii) have at least ten years’ experience, five of which shall be in a managerial position;
- (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 Principal Secretary in the ministry for the time being responsible for matters relating to finance or a representative appointed in writing;
- (d) the Attorney General or a representative appointed in writing;
- (e) the Director General for health or a representative appointed in writing;
- (f) five other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, with knowledge and experience in management of whom—
 - (i) one shall be a person, not being a Governor, nominated by the Council of County Governors;
 - (ii) two shall be pharmacists having experience in drug and medical supplies, nominated by the Pharmaceutical Society of Kenya.
 - (iii) one shall be a pharmaceutical technologist having experience in drug and medical supplies, nominated by the Kenya Pharmaceutical Association;

- (iv) one shall be a person with knowledge and experience in matters relating to finance or audit, supply management, business management, economics, law or any other relevant field; and
- (g) the Chief Executive Officer who shall be an *ex-officio* member of the Board.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Board under subsection (1)(a) and (f), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years.

(5) Subject to the Schedule, the Council shall regulate its own procedures.

12. in the proposed amendments to the **Counsellors and Psychologists Act, No. 14 of 2014**—

- a. by deleting the proposed amendments to section 4 and inserting the following new amendment—

s. 4 Delete and substitute therefor the following new section—

Composition
of the Board.

4. (1) The Board shall consist of—

- (a) a non-executive chairperson appointed by the President and who shall—
 - (i) be a registered counselor or psychologist of good standing; and
 - (ii) have at least ten years' experience, five of which shall be at managerial level;

- (b) the Principal Secretary in the Ministry for the time being responsible for health or a representative appointed in writing;
- (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance or a representative appointed in writing;
- (d) the Attorney-General or a representative appointed in writing;
- (e) the Director General for health or a representative appointed in writing;
- (f) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, of whom—
 - (i) one shall be a representative of universities in Kenya which have the power to grant a qualification which is registerable under this Act;
 - (ii) two shall be from the counselling and psychology profession of good standing nominated from their respective association or society, of whom one shall be a counsellor and one shall be a psychologist;
 - (iii) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field;
- (g) the Chief Executive Officer of the Kenya Medical Training College or a representative appointed in writing; and
- (h) Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Board under subsection (1)(a) and (f), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years.

13. in the proposed amendments to the **Physiotherapists Act, No. 20 of 2014**—

a. by deleting the proposed amendment to section 6 and inserting the following new amendment—

s. 6

Delete and substitute therefor the following new section—

Composition
of the Council.

6. (1) The Council shall consist of—

(a) a non-executive chairperson appointed by the President and who shall—

(i) be a registered physiotherapist of good standing; and

(ii) have at least ten years' experience, five of which shall be at managerial level;

(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 Principal Secretary in the Ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;

(d) the Attorney-General or a representative appointed in writing;

(e) the Director General for health or a representative appointed in writing;

(f) five other persons, not being public officers of whom two shall be from the physiotherapy profession appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, with managerial experience of whom—

(i) one shall be a physiotherapist who shall be a representative of universities in Kenya which have the power to grant a qualification which is registerable under this Act;

(ii) one shall be a person with disability nominated by the National Council of Persons with Disability;

(iii) two shall be from the physiotherapy profession of good standing nominated from their respective association or society;

(iv) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field; and

(g) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Board under subsection (1)(a) and (f), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years.

14. in the proposed amendments to the Health Records and Information Managers Act, No. 15 of 2016—

- a. by deleting the proposed amendment to section 2;
- b. by deleting the proposed amendment to section 7 and inserting the following new amendment—

s. 7

Delete and substitute therefor the following new section—

Composition
of the Board.

7. (1) The Board shall consist of—

- (a) a non-executive chairperson appointed by the President and who shall—
 - (i) have a minimum of a bachelors' degree in health records or information management from a university recognized in Kenya; and
 - (ii) have at least ten years' experience, five of which shall be at managerial level;
- (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 Principal Secretary in the Ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;
- (d) the Attorney-General or a representative; appointed in writing;
- (e) the Director General for health or a representative appointed in writing;
- (f) five other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance, with knowledge and expertise in management of whom—
 - (i) two shall be representatives nominated by universities and colleges offering training in health records and information technology, health informatics and digital health;

- (ii) two shall be from the health records and information management profession of good standing nominated from the Association for Medical Records Officers;
- (iii) one shall be a person with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field; and
- (g) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Board under subsection (1)(a) and (f), shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years.

15. in the proposed amendments to the Clinical Officers (Training, Registration and Licensing) Act, No. 20 of 2017—

- a. by deleting the proposed amendment to section 2;
- b. by deleting the proposed amendment to section 4 and inserting the following new amendment—

s. 4 Delete and substitute therefor the following new section—

Composition
of the
Council.

4. (1) The Council shall consist of—

- (a) a non-executive chairperson appointed by the President and who shall—
 - (i) be a registered clinical officer of good standing; and
 - (ii) have at least ten years' experience, five of which shall be at managerial level;
- (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 Principal Secretary in the Ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;
- (d) the Attorney-General or his or a representative appointed in writing;
- (e) the Director General for health or a representative appointed in writing;
- (f) four other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability and regional balance, with managerial experience of whom—
 - (i) two shall be clinical officers nominated by the Kenya Clinical Officers Association;
 - (ii) one shall be a clinical medicine educator actively involved in the training of clinical officers nominated by recognized universities in Kenya which have the power to grant a qualification which is registerable;
 - (iii) one shall be a person with a professional background in with knowledge and experience in matters relating to accounting, business management, public health, economics, law or any other relevant field;
- (g) the Chief Executive Officer of the Kenya Medical Training College or a representative appointed in writing; and
- (h) the Registrar who shall be the Chief Executive Officer and an *ex officio* member of the Board.

(2) The persons appointed under subsection (1)(f) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(3) The nominations under subsection (1)(f) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.

(4) A person appointed as a member of the Council under subsections (1)(a) and (f) of this section, shall serve for a term of three years and shall be eligible for reappointment for a further and final term of three years.

(5) A person appointed as a member of the Council under subsection (1)(a) and (f) may cease to be a member of the Council if—

- (a) at any time the member resigns from office by giving notice, in writing, to the President or Cabinet Secretary, respectively;

- (b) has been absent from three consecutive meetings of the Council without permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

c. in the proposed amendment to the First Schedule, by deleting the words “two-thirds” and substituting therefor the word “five”.

16. in the proposed amendments to the **Health Act, No. 21 of 2017**—

a. by deleting the proposed amendment to section 30(1)(e);

b. in the proposed amendment to section 33(2), by deleting the word “Authority” and substituting therefor the word “Council”.

c. in the proposed amendments to section 46(1)—

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

“(a) a chairperson appointed by the Cabinet Secretary who shall be a health professional with ten years’ experience and who meets the requirements of Chapter Six of the Constitution and has knowledge and experience in matters related to human resource management;”

(ii) by deleting paragraph (d) of the proposed new section 46(1) and inserting the following new paragraph—

“(d) one representative nominated by the Council of County Governors;”

(iii) by deleting the proposed new subsection (1A) and inserting the following new subsections—

“(1A) The persons appointed under subsections (1)(e), (f) and (g) shall be appointed by the Cabinet Secretary from among members nominated by their relevant professional associations or institutions, each of which shall nominate two candidates in each category taking into consideration gender, ethnicity and regional balance.

(1B) The nominations under subsection (1)(e), (f) and (g) shall be done within a period of thirty days from the date of occurrence of the vacancy, and where the relevant association or institution fails to provide the nomination, the Cabinet Secretary shall nominate representatives from such associations or institutions.”

d. by deleting the proposed amendments to the First Schedule.

NEW CLAUSE

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

Transition. 3. (1) In this section, “Board” includes any Council proposed to be reconstituted under this Act.

(2) At the commencement of this Act, any person who, immediately before the commencement of this Act was a member or staff of any of the Boards proposed to be reconstituted under this Act shall be deemed to be a member or staff of the reconstituted Board for the unexpired period of his or her term of service.

(3) At the commencement of this Act, all the funds, assets and other property, both movable and immovable, which immediately before such date were vested in any of the Boards shall by virtue of this sub-section, vest in the new Board under this Act.

(4) At the commencement of this Act, all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such date were vested in, imposed on or enforceable against any Board shall, by virtue of this sub-section, be deemed to be vested in, imposed on or enforceable against the respective new Board.

(5) Any reference in any written law or in any document or instrument to any of the Boards shall on and after the appointed day, be construed to be a reference to the respective new Board.

2) **Notice is given that the Member for Kimilili (Hon. Didmus Barasa) intends to move the following amendments to the Health Laws (Amendment) Bill, 2021 at the Committee Stage—**

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to the **Pharmacy and Poisons Act, Cap. 244** by deleting the proposed new section 3(1)(e) and inserting the following new section—

“(e) four other persons, not being public officers, appointed by the Cabinet Secretary of whom—

- (i) two shall be pharmacists nominated by the Pharmaceutical Society of Kenya and the Kenya Pharmaceutical Association;
- (ii) two shall be pharmaceutical technologists nominated by the Kenya Pharmaceutical Association, of whom one shall represent community pharmacy practice and one shall represent tertiary institutions training diploma level in pharmacy.”

LIMITATION OF DEBATE

The House resolved on Wednesday, February 2, 2022 as follows-

Limitation of Debate on Motions

- II.** **THAT**, each speech in a debate on any **Motion, including a Special motion** shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each 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 (15) minutes each, and **THAT** ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and **THAT** priority in speaking 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 Bills sponsored by Parties or Committees

- III.** **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.

...../Notice Paper*

NOTICE PAPER

Tentative business for

Thursday, March 31, 2022

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Thursday, March 31, 2022-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Coffee Bill (Senate Bill No. 22 of 2020)
(The Chairperson, Departmental Committee on Agriculture and Livestock)
- (ii) The Universities (Amendment) Bill (National Assembly Bill No. 35 of 2021)
(The Leader of the Majority Party)

B. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2021)

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

Second Reading

C. MOTION- REPORT ON STALLED AND/OR INCOMPLETE PROJECTS INITIATED THROUGH THE NG-CDF BUT FALLING UNDER THE COUNTY GOVERNMENT FUNCTIONS

(The Chairperson, Select Committee on National Government Constituencies Development Fund)

D. MOTION - ELEVENTH REPORT ON AUDITED FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR TWENTY-SIX (26) CONSTITUENCIES IN THE COAST REGION

(The Chairperson, Special Funds Accounts Committee)

E. MOTION - REPORT ON CONSIDERATION OF THE SPECIAL AUDIT REPORT ON UTILIZATION OF COVID-19 FUNDS BY THE KENYA MEDICAL SUPPLIES AUTHORITY

(The Chairperson, Public Investments Committee)

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO.7 -QUESTIONS

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

090/2022

The Member for Ndhiwa (Hon. Martin Owino, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -

- (i) Could the Cabinet Secretary explain the progress of construction and the scope of works on the *Rodi Kopany - Ndhiwa (C672)* and *Ndhiwa Center - Sori* roads?
- (ii) Could the Cabinet Secretary state the criteria used to split the project's implementation and scope of works into two contracts, explain how the two firms undertaking the works were awarded the contracts, and provide the identity of the said firms?
- (iii) Could the Cabinet Secretary further state the number of local residents currently benefiting from the said project, including those directly employed as skilled and non-skilled workers, and avail the terms of their engagement and remuneration?

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

091/2022

The Member for Kuria East (Hon. Marwa Maisori, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -

- (i) Could the Cabinet Secretary provide the status of the upgrading to bitumen standards of the *Muhuru Bay - Migori - Kebancha - Lolgorian - Mararianta - Lemec - Ngore Ngore - Narok Road* in Kuria East Constituency, Migori County?
- (ii) Could the Cabinet Secretary explain the cause of delays in the construction of the said road considering that the procurement process was concluded and the contract awarded?

- (iii) Could the Cabinet Secretary also provide an update on the progress of construction of the project's feeder roads namely: - *Tarang'anya - Senta - Ntimaru; Game C13 Junction - Kendege Technical Training Institute Junction; Masurura C13 Junction - Getagaita - Kongori - Kegonga; Loliondo C13 Junction - Kugitimo - Kegonga - Senta - Nyamtiro OSBP - Isebania One Stop Border Post; and, Kilimapesa C13 Junction - Mashangwa - Ntimaru Roads?*
- (iv) What measures has the Ministry put in place to ensure speedy completion of the said roads and prompt payment of contractors?

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

092/2022

The Member for Likoni (Hon. Mishi Mboko, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development and Public Works: –

- (i) Could the Cabinet Secretary state when the Government intends to improve the condition of *Mtongwe* Ferry Channel in Mombasa County, including addressing previous safety concerns?
- (ii) When will the Channel be made fully operational for use by members of the public?

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