



REPUBLIC OF KENYA

PARLIAMENT

NATIONAL ASSEMBLY BILLS

(Bill No. 2 of 2021)

THE HEALTH LAWS (AMENDMENT) BILL, 2021

(A Bill published in the Kenya Gazette Supplement No. 8 of 2021 and
passed by the National Assembly, with amendments, on March 31st, 2022)

N.A. /B/No. 2/2021

THE HEALTH LAWS (AMENDMENT) BILL, 2021

A Bill for

AN ACT of Parliament to make amendments to health related laws

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Health Laws (Amendment) Act, 2021. Short title.

2. The several laws specified in the first column of the Schedule are amended in the provisions specified in the second column thereof, in the manner respectively specified in the third column. Amendment of written laws.

SCHEDULE

Written Law Provision

Amendment

The Pharmacy and Poisons Act (Cap. 244)

s.3

Delete and substitute therefor the following new section—

Establishment 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.

s.3B Insert the following new subsection immediately after subsection (3)–

“(4) The Board shall perform its functions under subsection (2) in consultation with the Board of Management of the National Quality Control Laboratory.”

New Insert the following new section immediately after section 5—

Secretary to
the Board.

5A. (1) The Board shall competitively recruit a person qualified, in terms of the law governing the practice of public secretaries in Kenya, to serve as the Secretary to the Board.

(2) The Secretary to the Board shall—

- (a) in consultation with the chairperson of the Board, issue notices for meetings of the Board;
- (b) keep, in custody, the records of the deliberations, decisions and resolutions of the Board;
- (c) transmit decisions and resolutions of the Board to the Chief Executive Officer

for execution,
implementation and other
relevant action;

(d) provide guidance to the
Board on their duties and
responsibilities on matters
relating to governance; and

(e) perform such other duties
as the Board may direct.

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.”

The Mental s.2.
Health Act
(Cap. 248)

Insert the following new definition in its proper alphabetical sequence—

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

Delete the definition of “Director” and substitute therefor the following new definition—

“Director-General” means the Director-General for health appointed under section 16 of the Health Act, 2017;

No. 21 of 2017.

s.4(2)

Delete paragraph (a) of subsection (2) and substitute therefor the following new

paragraph—

(a) a Chairman appointed by the Cabinet Secretary;

Delete the word “Minister” wherever it occurs and substitute therefor the expression “Cabinet Secretary”.

(3) Delete the word “Minister” wherever it occurs and substitute therefor the expression “Cabinet Secretary”.

s.5 Delete the word “Minister” wherever it occurs and substitute therefor the expression “Cabinet Secretary”.

s.7(1) Delete the word “Minister” wherever it occurs and substitute therefor the expression “Cabinet Secretary”.

(3) Delete the word “Minister” and substitute therefor the expression “Cabinet Secretary”.

s.8(2) Delete the word “Minister” wherever it occurs and substitute therefor the expression “Cabinet Secretary”.

s.9(1) Delete the word “Director” and substitute therefor the words “Director-General”.

(5) Delete the word “Minister” and substitute therefor the expression “Cabinet Secretary”.

s.20(1) Delete the word “Minister” wherever it occurs and substitute therefor the expression “Cabinet Secretary”.

(2) Delete the word “Minister” and substitute therefor the expression “Cabinet Secretary”.

s.28(2) Delete the word “Minister” and substitute therefor the expression “Cabinet Secretary”.

s.33(3) Delete the word “Minister” and substitute therefor the expression “Cabinet Secretary”.

s.42(5) Delete the words “Attorney-General” and substitute therefor with the words “Director of Public Prosecutions”.

s.53 Delete and substitute therefor the following new section—

General penalty.

53. Any person who is guilty of an offence under this Act, or who contravenes any of the provisions of this Act or any regulations made under this Act, shall where no other penalty is expressly provided, be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

The Medical
Practitioners
and Dentists
Act
(Cap. 253)

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.

s. 4D. Delete and substitute therefor the following new
sections—

Corporation
Secretary.

4D. (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.

Staff of the
Council.

4E. The Council may employ such professional, technical and other staff as may be necessary for the proper and efficient discharge of its functions on such terms as the Council may, in consultation with the Salaries and Remuneration Commission, determine.

s.15 Insert the following new subsection immediately after subsection (10)—

The Nurses Act (Cap. 257)	s.4	(10A.) The Council shall accredit all health facilities or institutions registered under the Act. Delete and substitute therefor the following new section—
	Membership of the Council.	<p data-bbox="836 676 1254 734">4. (1) The Council shall consist of—</p> <ul style="list-style-type: none"><li data-bbox="922 757 1254 893">(a) a non-executive chairperson appointed by the President and who shall—<ul style="list-style-type: none"><li data-bbox="983 920 1254 1025">(i) be a registered nurse of good standing; and<li data-bbox="975 1048 1254 1296">(ii) have at least ten years' experience, five of which shall be in a managerial position;<li data-bbox="922 1323 1254 1532">(b) the Principal Secretary in the Ministry for the time being responsible for health, or a representative appointed in writing;<li data-bbox="922 1559 1254 1807">(c) the Principal Secretary in the ministry for the time being responsible for matters relating to finance, or a representative appointed in writing;<li data-bbox="922 1834 1254 1859">(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.

s.5 Delete.

s.6 Delete.

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.

s.26(j) Delete.

The Medical Laboratory Technicians and Technologists Act (No. 10 of 1999) 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.

New Insert the following new section immediately
after section 10—

Secretary to the Board. **10A.** (1) The Board shall

competitively recruit a person
qualified, in terms of the law
governing the practice of public
secretaries in Kenya, to serve as
the Secretary to the Board.

(2) The Secretary to the Board
shall—

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

- s.23(2) Delete the word “Minister” appearing in the proviso and substitute therefor the words “Cabinet Secretary”.
- s.24(4) Delete the word “Minister” wherever it occurs and substitute therefor the words “Cabinet Secretary”.
- s.25(2). Insert a new paragraph immediately after paragraph (b)—
(ba) the validation of all in-vitro diagnostics by the Board;
- (3) Delete and substitute therefor the following new subsection—
(3) A person who breaches any term or condition prescribed by the Board under this section commits an offence and is liable on conviction to a fine not exceeding one million shillings, or imprisonment for a term not exceeding five years, or to both.
- s.26(1)(a) Delete and substitute therefor the following new paragraph—
(a) a chairperson elected from amongst the members of the Board appointed under paragraph (e) of section 6(1).”
- (b) Delete the word “Minister” and substitute therefor the words “Cabinet Secretary”.
- s.35.(3) Delete the word “Minister” wherever it occurs and substitute therefor the words “Cabinet Secretary”.
- s.37 Delete and substitute 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, assets and liabilities of the Board.

(2) The accounts of the Board shall be audited and reported upon in accordance with the Public

No. 34 of 2015. and the Public Audit Act, 2015.

s.39 Delete the words “thirty thousand shillings” and substitute therefor the words “three hundred thousand shillings”.

s.40 Delete the word “Minister” and substitute therefor the words “Cabinet Secretary”.

paragraph (f) Delete.

Schedule Delete the words “or re-election, as the case
paragraph 1 may be” and substitute therefor the words “for one further term of three years”.

paragraph 2 Delete the word “Minister” and substitute therefor the words “Cabinet Secretary”.

paragraph 3(4) Delete the word “eleven” and substitute therefor the word “five”.

The Tobacco
Control Act,
2007 (No. 4
of 2007)

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

Establishment 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.

New

Insert the following new section immediately after section 5—

Chief Executive Officer.

5A. (1) There shall be a Chief Executive Officer of the Board who shall be competitively recruited by the Board and whose terms and conditions of service

shall be determined by the Board in the instrument of appointment or otherwise in writing from time to time.

(2) A person shall be qualified to be appointed as the Chief Executive Officer if the person—

- (a) possesses at least a degree or its equivalent from a university recognized in Kenya;
- (b) has at least ten years professional administrative experience in matters related to health; and
- (c) meets the requirements Chapter Six of the Constitution.

(3) The Chief Executive Officer shall, subject to the directions of the Board, be responsible for the management of the day to day affairs of the Board.

The
Nutritionists
and
Dieticians
Act (No. 18
of 2007)

s.2 Delete the definitions of “Kenya Coalition for Action in Nutrition”, “Kenya Medical Association” and “Nutrition Association of Kenya”.

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

- (g) 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.

s.9 Delete and substitute therefor the following new section—

The Chief
Executive
Officer.

9. (1) There shall be a Chief Executive Officer of the Institute who shall be competitively recruited by the Council and on the terms and conditions of service determined by the Council in consultation with the Salaries and Remuneration Commission, in writing, in the instrument of appointment.

(2) A person shall qualify for appointment as the Chief Executive Officer if the person—

- (a) possesses at least a degree or its equivalent from a university recognized in Kenya;
- (b) has at least ten years professional administrative experience in matters related to health; and
- (c) meets the requirements Chapter Six of the Constitution.

(3) The Chief Executive Officer shall, subject to the directions of the Council, be responsible for the management of the day to day affairs of the Institute.

First
Schedule
paragraph
3(1)

Delete the expression “one-third” and substitute therefor the expression “five”.

The Cancer
Prevention
and Control
Act
(No. 15 of
2012)

s.6(2)

Delete and substitute therefor the following new subsection—

(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 Insert the following new subsections
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.”

s.6(3) Delete and substitute therefor the following

subsection—

(3) The persons to be appointed under subsection (2)(a) and (e) shall be selected through conventional board resourcing procedures including through applications, referrals and knowledge of the market and industry actors.

New Insert the following new section immediately after section 10—

Corporation
Secretary.

10A. (1) The Board 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 Board, issue notices for meetings of the Board;
- (b) keep, in custody, the records of the deliberations, decisions and resolutions of the Board;
- (c) transmit decisions and resolutions of the Board to the Chief Executive Officer for execution, implementation and other relevant action;—
- (d) provide guidance to the Board on their duties and responsibilities on matters relating to governance; and
- (e) perform such other duties as the Board may direct.

The Public
Health
Officers

Insert the following new definition in its proper alphabetical sequence—

(Training,
Registration
and
Licensing)
Act, 2013
(No.12 of
2013)

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

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.”

- (4) Delete.

New Insert the following new section immediately after section 3—

Corporation Secretary. **3A.** (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 Board, 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 Registrar for execution, implementation and other relevant action;
- (d) provide guidance to the Council on their duties and responsibilities on a matters relating to governance; and
- (e) perform such other duties as the Council may direct.

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

Appointment of members and tenure.

6. (1) The persons to be appointed under subsection (3)(a) and (f) shall be selected through conventional board resourcing procedures including through applications, referrals and knowledge of the market and industry actors.

(2) A person appointed as a member of the Council under subsections (3)(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.

(3) All appointments under this section shall be notified in the *Gazette*.

(4) 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.

(5) A person appointed as a member of the Council under subsection (3)(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 or to a fine exceeding twenty thousand shillings; or
- (d) is incapacitated by prolonged physical or mental illness from performing his duties as a member of the Council.

s.7 Delete.

s.23 Delete and substitute therefor the following new section—

Registrar.

23. (1) There shall be a Registrar of the Council who shall be competitively recruited by the Council and whose terms and conditions of service shall be

determined by the Council in the instrument of appointment or otherwise in writing from time to time.

(2) A person shall be qualified to be appointed as the Registrar if the person—

- (a) possesses at least a degree or its equivalent from a university recognized in Kenya;
- (b) has at least ten years professional administrative experience in matters related to public health or environmental health; and
- (c) meets the requirements Chapter Six of the Constitution.

(3) The Registrar shall, subject to the directions of the Council, be responsible for the management of the day to day affairs of the Council.

The Kenya Medical Supplies Authority Act, (No. 20 of 2013)	Schedule, paragraph 1(4) s.4	<p>Delete the word “eight” and substitute therefor the word “five”.</p> <p>Insert the following new subsections immediately after subsection (2)—</p> <p>“(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—</p> <p>(a) the drug being duly registered by the Board; and</p>
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- (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.”

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.

The
Counsellors
and
Psychologist
s Act, 2014
(No. 14 of
2014)

s.2 Delete the definitions of “Council”, “Secretary” and “Society”.

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 counsellor 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) 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.

The
Physiotherap
ists Act
(No. 20 of
2014)

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.

.10(3)(a) Delete and substitute the following new paragraph—

(a) be the Chief Executive Officer of the Council;

The Health Laws (Amendment) Bill, 2021

New Insert the following new section immediately after section 10—

Corporation
Secretary.

10A. (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 Board on their duties and responsibilities on matters relating to governance; and
- (e) perform such other duties as the Council may direct.

The Health
Records and
Information
Managers
Act
(No.15 of
2016).

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.

s.10 Delete.

New Insert the following new section immediately after section 14—

Corporation Secretary. **14A.** (1) The Board 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 Board, issue notices for meetings of the Board;
- (b) keep, in custody, the records of the deliberations, decisions and resolutions of the Board;
- (c) transmit decisions and resolutions of the Board to the Chief Executive Officer for execution, implementation and other relevant action;
- (d) provide guidance to the Board on their duties and responsibilities on matters relating to governance; and
- (e) perform such other duties as the Board may direct.

s.28(1) Delete paragraph (a) and substitute therefor with

the following new paragraph—

- (a) the chairperson of the Association of Medical Records Officers of Kenya, or a nominee thereof who shall be the chairperson of the committee;

The Clinical
Officers
(Training,
Registration
and
Licensing)
Act (No. 20
of 2017)

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 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 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.

New

Insert the following new section immediately after section 8—

Corporation
Secretary.

8A. (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 Board, 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.

s.24(2) Delete paragraph (a) and substitute therefor the following new paragraph—

- (a) the chairperson of the Kenya Clinical Officers Association, or a nominee thereof who shall be the chairperson of the committee;

First Schedule, paragraph 1(5) Delete the word “seven” and substitute therefor the word “five”.

The Health Act, 2017
(No. 21 of

s.30(1) (i) Delete and substitute therefor the following new paragraph—

2017)

- (i) three 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, human resource management, medicine, business management, economics, law or any other relevant field;

s. 33(2) Delete and substitute therefor the following new subsection—

(2) A person shall be qualified to be appointed as the Chief Executive Officer to the Council, if the person—

- (a) possesses at least a degree or its equivalent from a university recognized in Kenya;
- (b) has at least ten years' experience at management level; and
- (c) meets the requirements Chapter Six of the Constitution.

New Insert the following new section immediately after section 33—

Corporation
Secretary.

33A. (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.

s. 46(1) Delete and substitute therefor the following new subsection—

(1) The Authority shall be administered by a Board which shall consist of—

- (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;
- (b) the Principal Secretary in the ministry for the time being responsible for health, or his or her representative, appointed in writing;
- (c) the Principal Secretary in the ministry for the time being responsible for finance, or his or her representative, appointed in writing;
- (d) one representative nominated by the Council of County Governors;
- (e) four 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, business management,

economics, law or any other relevant field; and

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

New Insert the following new subsection immediately after subsection (1)—

“(1A) The persons appointed under subsections (1)(d) and (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.

(1B) The nominations under subsection (1)(d) and (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.”

s. 49(2) Delete and substitute therefor the following new subsection—

(2) A person shall be qualified to be appointed as the Chief Executive Officer to the Authority, if the person—

- (a) possesses at least a degree or its equivalent from a university recognized in Kenya;
- (b) has at least ten years’ experience at management level; and
- (c) meets the requirements of Chapter Six of the Constitution.

New Insert the following new section immediately after section 49—

Corporation **49A.** (1) The Board shall

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

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

(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.

The Health Laws (Amendment) Bill, 2021

I certify that this printed impression is a true copy of the Bill passed by the National Assembly on the 31st March, 2022.



Clerk of the National Assembly

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly Standing Orders.



Speaker of the National Assembly

