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REPUBLIC OF KENYA

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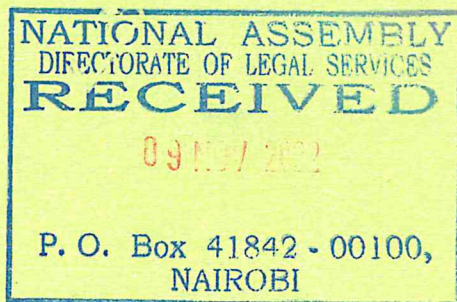
NAIROBI, 28th October, 2022

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**THE CANCER PREVENTION AND CONTROL
(AMENDMENT) (NO. 2) BILL, 2022**

A Bill for

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

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Cancer Prevention and Control (Amendment) (No. 2) Act, 2022.

Short title.

2. The Cancer Prevention and Control Act in this Act referred to as “Principal Act” is amended in section 2 by inserting the following new definitions in proper alphabetical order—

Amendment of section 2 of No. 15 of 2012.

“e-Health” means the combined use of electronic communication and information technology in the health sector;

“telemedicine” means the provision of health care services and sharing of medical knowledge over distance using telecommunications and it includes consultative, diagnostic, and treatment services;

3. The Principal Act is amended in section 5 by inserting the following new paragraphs immediately after paragraph (b)—

Amendment of section 5 of No. 15 of 2012.

“(ba) promote the use of e-health and telemedicine for the prevention and management of persons with cancer;

(bb) promote treatment of persons with cancer as a component of primary healthcare;”

4. The Principal Act is amended in section 31 by inserting the following new sub-section immediately after sub-section (2)—

Amendment of section 31 of No. 15 of 2012.

“(3) The Institute shall collaborate with the national government department responsible for health to promote the training of human resource for oncology services.”

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Cancer Prevention and Control Act, 2012 to make provision for training of health cadres in the specialized medical field of oncology, to include cancer treatment as part of the provision of primary healthcare and to incorporate the use of e-health and telemedicine.

The Bill seeks to amend section 2 of the Principal Act by introducing new definitions of the terms “e-health” and “telemedicine”.

The Bill seeks to amend section 5 of the Principal Act by expanding the scope of functions of the National Cancer Institute to include to promote the use of e-health and telemedicine in the treatment of cancer patients and to entrench treatment to cancer patients as primary healthcare.

The Bill seeks to amend section 31 of the Principal Act to make provision for promoting the training of health cadres in the specialized medical field of oncology.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Indication of whether the Bill concerns county governments

The Bill does not contain any provisions limiting any fundamental rights or freedom.

The Bill affects the functions of county governments as set out in the Fourth Schedule to the Constitution and is therefore a Bill concerning county governments.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 26th October, 2022

ABDUL RAHIM DAWOOD,
Member of Parliament.

Section 2 of the Principal Act which it is proposed to amend-

2 (1) In this Act, unless the context otherwise requires— Interpretation.

“Board” means the Board of Management established by section 6;

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

“Chairperson” means the Chairperson of the Board appointed under section 6;

“Chief Executive Officer” means the Chief Executive Officer of the Institute appointed under section 10;

“Institute” means the National Cancer Institute of Kenya established by section 4;

“medical institution” means a hospital, clinic, dispensary or other place where a diagnosis of cancer is made and includes a medical practitioner practising in his or her own name;

“medical practitioner” has the meaning assigned to it under the Medical Practitioners and Dentists Act (Cap. 253);

“person with cancer” means a person diagnosed as having cancer;

“register” means the national cancer register established under section 20

(2) For the period prior to the announcement of the results of the first elections of Parliament as contemplated by section 2 of the Sixth Schedule to the Constitution, reference to a “Cabinet Secretary” in this Act shall be deemed to be reference to a Cabinet Minister and reference to a Principal Secretary shall be deemed to be a reference to a Permanent Secretary.

Section 5 of the Principal Act which it is proposed to amend-

5. The functions of the Institute shall be to—

- (a) advise the Cabinet Secretary on matters relating to the treatment and care of persons with cancer and

Functions of the Institute.

to advise on the relative priorities to be given to the implementation of specific measures;

- (b) encourage and secure the establishment of hospitals, vocational treatment and care centres and other institutions for the welfare and treatment of persons with cancer in all counties of the Republic;
- (c) encourage and secure provision of diagnostic, treatment, rehabilitation and other medical care to persons with cancer in those institutions;
- (d) co-ordinate services provided in Kenya for the welfare and treatment of persons with cancer and to implement programmes for vocational guidance and counseling;
- (e) collect, analyze and disseminate all data useful in the prevention, diagnosis and treatment of cancer;
- (f) collaborate with international institutions for the purpose of collecting for the Register and cataloging, storing and disseminating the results of cancer research undertaken in any country for the use of any person involved in cancer research in any country;
- (g) establish and support the large scale production or distribution of specialized biological materials and other therapeutic substances for research and set standards of safety and care for persons using such materials;
- (h) ensure that accurate figures of persons with cancer are obtained in the country for purposes of planning;
- (i) provide access to available information and technical assistance to all institutions, associations and organizations concerned with the welfare and treatment of persons with cancer, including those controlled and managed by the Government;
- (j) encourage and secure the care of persons with cancer within their communities and social environment;

- (k) establish and support measures that seek to eradicate conditions that cause and aggravate the spread of cancer.
- (l) recommend measures to prevent discrimination against persons with cancer;
- (m) generally to carry out measures for public information on the rights of persons with cancer and the provisions of this Act; and
- (n) encourage and participate in the provision of training on cancer prevention and control.

Section 31 of the Principal Act which it is proposed to amend-

31. (1) The Institute shall liaise with the national government department responsible for public health to ensure that education and information dissemination on the prevention and treatment of cancer and the care of persons with cancer including palliative care, shall form part of health care services by healthcare providers.

Cancer prevention and control to form part of health care.

(2) For the purposes of subsection (1), the national government department responsible for public health in collaboration with the Institute shall provide training for the healthcare providers to acquire skills for proper information dissemination and education on cancer prevention control and palliative care.

Charges.

