



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT –FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 5, 2025 AT 9.30AM

1. The House assembled at Thirty Minutes past Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **Presiding** – the Sixth Chairperson of Committees.

4. QUORUM AT COMMENCEMENT OF THE HOUSE

There being no Quorum present at the commencement of the House, the Sixth Chairperson of Committees ordered the Quorum Bell to be rung for ten minutes.

And Quorum having been attained within the ten minutes, business commenced.

5. PETITIONS

The Member for Lamu East (Hon. (Capt.) Ruweida Obo) presented a Petition on behalf of residents of Kiwayu Island, Kinga Ward of Lamu East Constituency regarding recognition and protection of the traditional and cultural rights of the Kiwayu Island Community.

Petition referred to the Public Petitions Committee pursuant to Standing Order 227.

6. PAPERS

The following Papers were laid on the Table of the House-

- (i) The following Legal Notices, the Explanatory Memoranda and accompanying documents from the Ministry of Agriculture and Livestock Development: -
 - (a) Legal Notice No. 167 of 2025 relating to the Sugar (General) Regulations, 2025; and
 - (b) Legal Notice No. 168 of 2025 relating to the Sugar (Imports and Exports) Regulations, 2025.

(Items (a) and (b) were referred to the Committee on Delegated Legislation)

- (ii) Annual Corporate Report for FY 2024/2025 from the Office of the Auditor-General;
- (iii) Annual Report and Financial Statements for Kenya Tourism Board for Financial Year 2023/2024 from the Ministry of Tourism and Wildlife;
- (iv) National Governments Constituencies Development Fund Board Report for the First Quarter of 2025/2026 Financial Year;

- (v) Report on the winding up of the Asian Widows' and Orphans' Pension Fund from the National Treasury;
- (vi) Reports of the Auditor-General and the Financial Statement for the year ended 30th June 2025 and certificates therein with respect to: -
 - (a) Danida Primary Health Care (PHC) Support Program;
 - (b) Kenya Citizens and Foreign Nationals Management Service;
 - (c) Kenya Local Loans Support Fund – The National Treasury;
 - (d) Global Fund Tuberculosis Project No. KEN-T-TNT-4148 – Ministry of Health;
 - (e) Global Fund Tuberculosis Project No. KEN-T-TNT-2067 – Ministry of Health;
 - (f) Kenya National Qualifications Authority;
 - (g) Kenya Education Management Institute;
 - (h) Kenya Institute of Special Education;
 - (i) National Humanitarian Fund;
 - (j) Intelligence Service Development Fund;
 - (k) University of Eldoret; and
 - (l) Starehe Girls Centre.

(Deputy Majority Whip)

7. STATEMENTS

Requests for statements pursuant to Standing Order 44(2)(c)

- (i) The Member for Aldai (Hon. Marianne Kitany) requested for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding rising cases of insecurity in Terik Ward of Aldai Constituency. A Member of the Committee (Hon. (Maj.) (Rtd). Diso Rasso) undertook to facilitate response to the Statement by the Committee Chairperson within two weeks.
- (ii) The Member for Nyaribari Masaba (Hon. (Arch.) Daniel Manduku) requested for a Statement from the Chairperson of the Departmental Committee on Energy regarding delay in completion of the Last Mile Connectivity Programme in Nyaribari Masaba Constituency. The Deputy Majority Whip (Hon. Naomi Jillo Waqo) to facilitate response to the Statement by the Committee Chairperson within two weeks.
- (iii) The Member for Kiambu (Hon. Machua Waithaka) requested for a Statement from the Chairperson of the Departmental Committee on Lands regarding demolition of stores by the Postal Corporation of Kenya in Kiambu Town. A Member of the Committee (Hon. Josses Lelmengit) undertook to facilitate response to the Statement by the Committee Chairperson within two weeks.
- (iv) The Member for Samburu West (Hon. Naisula Lesuuda) requested for a Statement from the Chairperson of the Departmental Committee on Education regarding promotions, transfers and affirmative action for teachers in arid and semi-arid areas. A Member of the Committee (Hon. (Prof.) Phyllis Bartoo) undertook to facilitate response to the Statement by the Committee Chairperson within two weeks.

8. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 61 OF 2022)

Motion made and Question proposed—

THAT, the House do agree with the report of the Committee of the whole House on its consideration of the Assisted Reproductive Technology Bill (National Assembly Bill

No. 61 of 2022), except **Clauses 2, 8, 14, 27, 30 and 52**, and its approval thereof with amendments, and seek leave to sit again.

(Hon. Millie Odhiambo-Mabona)

There being no debate arising;

Question put and agreed to.

9. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Sixth Chairperson of Committees in the Chair

The Assisted Reproductive Technology Bill (National Assembly Bill No. 61 of 2022)

Clause 8 - amendment proposed –

THAT, Clause 8 of the Bill be amended by—

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

“(a) put in place the necessary mechanisms and infrastructure to ensure access to the highest attainable standard of assisted reproductive technology services”;

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

“(b) provide resources necessary to ensure access to the highest attainable standard of assisted reproductive technology services”;

(c) deleting paragraph (c);

(d) deleting paragraph (d); and

(e) deleting paragraph (e).

(Hon. Peter Kaluma)

Proposed amendment **dropped** on account of the Member being absent.

Further amendment proposed –

THAT, Clause 8 of the Bill be amended by—

(a) deleting paragraph (a);

(b) deleting the words “including finances required to hire adequate personnel” appearing in paragraph (b); and

(c) deleting the words “sufficient” and “adequately” appearing in paragraph (c).

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 8 as amended - agreed to.

Clause 14 - amendment proposed –

THAT, the Bill be amended by deleting Clause 14 and substituting therefor the following new Clause 14—

Circumstances for undertaking assisted reproductive technology.	14. A couple or woman qualifies to receive assisted reproductive technology services, where it is certified by an assisted reproductive technology expert, that the couple or woman is infertile or has other medical conditions preventing natural conception.
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(Hon. Peter Kaluma)

Proposed amendment **dropped** on account of the Member being absent.

Further amendment proposed –

THAT, Clause 14 of the Bill be amended by deleting the words “a medical doctor” and substituting therefor the words “an assisted reproductive technology expert”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 14 as amended - agreed to.

Clause 27 amendment proposed –

THAT, Clause 27 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause (1)—

“(1) A woman who—

(a) has attained the age of twenty-five years;

(b) is below the age of forty-five years;

(c) has given birth at least to one child;

(d) understands the rights and obligations accruing under a surrogacy agreement; and

(e) has undergone comprehensive mental and physical health assessments may consent to a process of assisted reproduction for purposes of surrogate motherhood.”

(b) in sub-clause (2) by—

(i) deleting the word “child” appearing immediately after the words “carry the” and substituting therefor the word, “foetus”; and

(ii) deleting the words “parties to a marriage or couple” and substituting therefor the words “intended parents”.

(c) inserting the following new sub-clause (3) immediately after sub-clause (2)—

“(3) Where the surrogate mother or intended parents has no genetic connection with the child, the surrogate mother shall subject to a court order relinquish all

parental rights and responsibilities at birth over the child to the intended parents.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed –

THAT, Clause 27 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause

(1)—

“(1) A woman who—

(a) has attained the age of twenty-five years;

(b) is below the age of forty-five years;

(c) has given birth at least to one child;

(d) understands the rights and obligations accruing under a surrogacy agreement; and

(e) has undergone comprehensive mental and physical health assessments

may consent to a process of assisted reproduction for purposes of surrogate motherhood.”

(b) in sub-clause (2) by—

(i) deleting the word “child” appearing immediately after the words “carry the” and substituting therefor the word, “foetus”; and

(ii) deleting the words “parties to a marriage or couple” and substituting therefor the words “intended parents”.

(c) inserting the following new sub-clause (3) immediately after sub-clause (2)—

“(3) Where the surrogate mother or intended parents has no genetic connection with the child, the surrogate mother shall subject to a court order relinquish all parental rights and responsibilities at birth over the child to the intended parents”.

(Hon. Peter Kaluma)

Proposed amendment **dropped** on account of the Member being absent.

Clause 27 as amended - agreed to.

Clause 30 amendment proposed –

THAT, Clause 30 of the Bill be amended—

(a) by deleting the words “The Commissioning parent or parents, under the surrogacy agreement shall” appearing in subclause (1) and substituting therefor the words “The intended parent or parents under the surrogacy agreement shall, where the child is genetically connected to them or subject to a court order”;

(b) by deleting subclause (2) and substituting therefor the following new clause

—
“(2) In the event of multiple pregnancies arising out of a surrogacy agreement or where a child born out of a surrogacy agreement has congenital abnormalities, all the children born out of the pregnancy

shall be the children of the intended parent or intended parents and the rights and obligations for all parties shall vest as if the pregnancy had borne only one child or normal child.”

- (c) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) Where a child is born out of a surrogacy arrangement and—

(a) where the creation of an embryo was brought about with a sperm and an egg of a couple, or where the couple or intended parent is genetically connected to the child, the couple or intended parent shall be the parents of the child and shall be listed as the parents in the birth notification and in the birth certificate; or

(b) where the creation of an embryo was brought about with the gametes other than the gamete of a couple or the intended parent or where the couple or intended parent is not genetically connected to the child, the couple or intended parent shall only be the parents of the child and shall be listed as the parents in the birth notification and in the birth certificate following a court order.”;

- (d) in sub-clause (4) by deleting the words “Notwithstanding the provisions of section 28(7), the surrogate mother may claim from the commissioning parent or commissioning parents the following” and substituting therefor the words “The surrogate mother may claim from the intended parent or intended parents the following”; and

- (e) in sub-clause (5) by—

(i) deleting the word “law” appearing immediately after the words “provisions of the law” in paragraph (a) and substituting therefor the word “Constitution”; and

(ii) deleting the words “commission parent or commissioning parents” appearing in paragraph (b) and substituting therefor the words “intended parent or intended parents”; and

(iii) inserting the following new paragraph immediately after paragraph (d)—

“(e) be entitled to psychological support during and after the pregnancy, provided by the intended parent or intended parents”.

- (f) by inserting the following new sub-clauses immediately after sub-clause (7)—

“(8) The intending parent or couple shall not abandon a child born out of an assisted reproductive technology or surrogacy procedure.

(9) A person who contravenes subsection (8) commits an offence and shall, on conviction, be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding five years, or to both.

(10) The Chief Justice may make rules of court directing the manner in which applications may be made and judicial proceedings undertaken under this section.”

(Hon. Peter Kaluma)

Further amendment proposed –

THAT, Clause 30 of the Bill be amended—

- (a) by deleting the words “The commissioning parent or parents, under the surrogacy agreement shall” appearing in subclause (1) and substituting therefor the words “ The intended parent or parents under the surrogacy agreement shall, where the child is genetically connected to them or subject to a court order”;
- (b) by deleting subclause (2) and substituting therefor the following new clause —

“(2) In the event of multiple pregnancies arising out of a surrogacy agreement or where a child born out of a surrogacy agreement has congenital abnormalities, all the children born out of the pregnancy shall be the children of the intended parent or intended parents and the rights and obligations for all parties shall vest as if the pregnancy had borne only one child or normal child.”
- (c) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) Where a child is born out of a surrogacy arrangement and—

 - (a) where the creation of an embryo was brought about with a sperm and an egg of a couple, or where the couple or intended parent is genetically connected to the child, the couple or intended parent shall be the parents of the child and shall be listed as the parents in the birth notification and in the birth certificate; or
 - (b) where the creation of an embryo was brought about with the gametes other than the gamete of a couple or the intended parent or where the couple or intended parent is not genetically connected to the child, the couple or intended parent shall only be the parents of the child and shall be listed as the parents in the birth notification and in the birth certificate following a court order.”;
- (d) in sub-clause (4) by deleting the words “Notwithstanding the provisions of section 28(7), the surrogate mother may claim from the commissioning parent or commissioning parents the following” and substituting therefor the words “The surrogate mother may claim from the intended parent or intended parents the following”;
- (e) in sub-clause (5) by—
 - (i) deleting the word “law” appearing immediately after the words “provisions of the law” in paragraph (a) and substituting therefor the word “Constitution”; and
 - (ii) deleting the words “commission parent or commissioning parents” appearing in paragraph (b) and substituting therefor the words “intended parent or intended parents”; and
 - (iii) inserting the following new paragraph immediately after paragraph (d)—

“(e) be entitled to psychological support during and after the pregnancy, provided by the intended parent or intended parents”; and

(f) by inserting the following new sub-clauses immediately after sub-clause (7)—

“(8) The intending parent or couple shall not abandon a child born out of an assisted reproductive technology or surrogacy procedure.

(9) A person who contravenes subsection (8) commits an offence and shall, on conviction, be liable to a fine not exceeding two million

shillings or to imprisonment for a term not exceeding five years, or to both.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 30 as amended - agreed to.

Clause 52 amendment proposed –

THAT, Clause 52 of the Bill be amended —

- (a) by renumbering the existing clause as sub-clause (1);
- (b) by inserting the following new sub-clause immediately after the renumbered sub-clause (1)—

“(2) The power to make regulations shall be exercised only after a draft of the proposed regulations has been approved by Parliament.”; and
- (c) in the renumbered sub-clause (1), by—
 - (i) deleting paragraph (a);
 - (ii) deleting paragraph (b);
 - (iii) deleting paragraph (c);
 - (iv) deleting paragraph (d);
 - (v) deleting paragraph (f);
 - (vi) deleting paragraph (g);
 - (vii) deleting paragraph (h); and
 - (viii) deleting paragraph (p).

(Hon. Peter Kaluma)

Proposed amendment **dropped** on account of the Member being absent.

Further amendment proposed –

THAT, Clause 52 of the Bill be amended —

- (a) by renumbering the existing clause as sub-clause (1);
- (b) inserting the following new sub-clause immediately after the renumbered sub-clause (1)—

“(2) The power to make regulations shall be exercised only after a draft of the proposed regulations has been approved by Parliament.”
- (c) in paragraph (c) of the renumbered sub-clause (1) by deleting the words “planted in” and substituting therefor the words “transferred into”;
- (d) in paragraph (g) of the renumbered sub-clause (1) by inserting the word “informed” immediately after the words “giving of”;
- (e) in paragraph (h) of the renumbered sub-clause (1) by deleting the word “children” and substituting therefor the word “embryos”; and
- (f) by deleting paragraph (p) of the renumbered sub-clause (1).

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 52 as amended - agreed to.

Clause 2 amendment proposed –

THAT, Clause 2 of the Bill be amended —

- (a) by deleting the definition of the term “assisted reproductive technology” and substituting therefor the following new definition—

“assisted reproductive technology” means all techniques that attempt to obtain a pregnancy by handling the sperm or the oocyte outside the human body and transferring the gamete or the embryo into the reproductive system of a woman;

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

“child” means an individual who has not attained the age of eighteen years;

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

“intended parent” means a woman or couple who enters into a surrogacy arrangement seeking assistance in procreation through the help of a surrogate mother or donor;

- (d) by deleting the definition of the term “couple” and substituting therefor the following new definition—

“couple” means a male and a female who are married or are cohabiting under the laws of Kenya;

- (e) by deleting the definition of the term “cryo-preservation” and substituting therefor the following new definition—

“cryo-preservation” means the assisted reproductive technology of freezing and storing of gametes, zygotes, embryos, ovarian and testicular tissues;

- (f) by deleting the definition of the term “Directorate” and substituting therefor the following new definition—

Cap. “Council” means the Kenya Medical Practitioners and Dentists Council 253. established under section 3 of the Medical Practitioners and Dentists Act;

- (g) by deleting the definition of the term “donation” and substituting therefor the following new definition—

“donation” means a process in assisted reproductive technology of voluntarily giving gametes for purposes of procreation;

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

“gamete donor” means a person who voluntarily gives his or her gametes for the purpose of fertilization in an assisted reproductive technology process;

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

“embryo” means a cell or group of cells containing a diploid complement of chromosomes or group of such cells, not a gamete or gametes, that has the potential to develop into a live born human being if transferred into the body of a person under conditions in which gestation may be reasonably expected to occur;

- (j) in the definition of the term “embryologist” by inserting the words “the development, storage and transfer of embryos, and” immediately after the words “deals with”;

- (k) by deleting the definition of the term “embryology”;

- (l) in the definition of the term “endoscopic surgery” by deleting the words, “and passing a telescope with a video camera through the incision into the body cavity”;
- (m) by deleting the definition of the term “father” and substituting therefor the following new definition—
 - “father” means a male parent;
- (n) in the definition of the term “in-vitro fertilization” by deleting the words “an egg is fertilized by a sperm in a test-tube or elsewhere outside the body” and substituting therefor the words “fertilization takes place outside the body”;
- (o) by deleting the definition of the term “mother” and substituting therefor the following new definition—
 - “mother” means a female parent;
- (p) in the definition of the term “oocyte” by deleting the word “oocyte” and substituting therefor the word “egg”;
- (q) by deleting the definition of the term “parties to a marriage”;
- (r) in the definition of the term “pre-implantation genetic diagnosis” by deleting the words “and eliminating the same”;
- (p) in the definition of the term “pre-implantation screening” by deleting the words “to determine the number of chromosomes” and substituting therefor the words “to determine the viability or euploidy of an embryo before transferring to the woman’s womb”;
- (q) by deleting the definition of the term “primitive streak”;
- (r) in the definition of the term “procreation” by deleting the words “whether through an assisted reproduction technology process or through natural means” and substituting therefor the words “including through assisted reproductive technology”;
- (s) by deleting the definition of the term “sperm” and substituting therefor the following new definition—
 - “sperm” means the mature male human gamete;
- (t) by deleting the definition of the term “surrogacy” and substituting therefor the following new definition—
 - “surrogacy” means a practice whereby a woman bears and gives birth to a child for an intended parent or couple;
- (u) by deleting the definition of the term “surrogate mother” and substituting therefor the following new definition—
 - “surrogate mother” means a woman who has agreed to carry a pregnancy to term for another woman or couple”; and
- (v) by inserting the following new definitions in the proper alphabetical sequence—
 - “abandoned child” means a child born out of a surrogacy procedure who has been deserted by his or her intending parents and the surrogate and declared as such by the court after due process;
 - “abandonment” means failure to continue to pay for cryopreservation storage of gametes or embryos;

“altruistic surrogacy” means the surrogacy in which no charges, expenses, fees, remuneration or monetary incentive of whatever nature, except the medical expenses or the insurance coverage for the surrogate mother, are given to the surrogate mother or her dependents or her representative;

“clinic” means a health facility licensed under this Act for the purpose of conducting assisted reproduction procedures;

“commercial surrogacy” means the commercialization of surrogacy services or procedures or its component services or component procedures including the selling or buying of human embryo or trading in the sale or purchase of human embryo or gametes or hiring, selling or buying or trading the services of surrogate motherhood by way of giving payment, reward, benefit, fees, remuneration or monetary incentive in cash or in kind, to the surrogate mother or her dependents or her representative, except the medical expenses or the insurance coverage for the surrogate mother;

“cryo bank” means a facility for the collection and storage of gametes and embryos and the supply of gametes to the assisted reproductive technology clinics or their patients;

“female” means a human person who has had, will have or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports and utilizes ova for fertilization and whose primary sex hormones are oestrogen and progesterone;

“foetus” means the developing human offspring after the embryonic stage prior to birth;

“gestational surrogacy” means the process where a woman who did not provide or donate an egg carries a pregnancy for the intended parents or couple;

“ovum” means a single cell released from either of the female reproductive organs that is capable of developing into a new organism when fertilized with a sperm cell;

“parent” has the meaning assigned to it under section 2 of the Children Act;

“pre-implantation genetic testing” means all techniques used to identify genetic defects and aneuploidy in embryos created through in-vitro fertilization before transfer;

“supervisor” means the person responsible for activities authorized under the licence issued under this Act;

“surrogacy agreement” means an agreement between a surrogate and an intended parent or couple that the surrogate is to undergo an assisted reproduction procedure for purposes of having a child born as a result of such a procedure for the intended parent or couple;

“woman” means an adult female person; and

“zygote” means a diploid cell resulting from the fusion of two haploid gametes.

(Hon. Peter Kaluma)

Proposed amendment **dropped** on account of the Member being absent.

Further amendment proposed –

THAT, Clause 2 of the Bill be amended —

(a) by deleting the definition of the term “assisted reproductive technology” and substituting therefor the following new definition—

“assisted reproductive technology” means all techniques that attempt to obtain a pregnancy by handling the sperm or the oocyte outside the human body and transferring the gamete or the embryo into the reproductive system of a woman;

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

“child” means an individual who has not attained the age of eighteen years;

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

“intended parent” means a woman or couple who enters into a surrogacy arrangement seeking assistance in procreation through the help of a surrogate mother or donor;

- (d) by deleting the definition of the term “couple” and substituting therefor the following new definition—

“couple” means a male and a female who are married or are cohabiting under the laws of Kenya;

- (e) by deleting the definition of the term “cryo-preservation” and substituting therefor the following new definition—

“cryo-preservation” means the assisted reproductive technology of freezing and storing of gametes, zygotes, embryos, ovarian and testicular tissues;

- (f) by deleting the definition of the term “Directorate” and substituting therefor the following new definition—

Cap. “Council” means the Kenya Medical Practitioners and Dentists Council 253. established under section 3 of the Medical Practitioners and Dentists Act;

- (g) by deleting the definition of the term “donation” and substituting therefor the following new definition—

“donation” means a process in assisted reproductive technology of voluntarily giving gametes for purposes of procreation;

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

“gamete donor” means a person who voluntarily gives his or her gametes for the purpose of fertilization in an assisted reproductive technology process;

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

“embryo” means a cell or group of cells containing a diploid complement of chromosomes or group of such cells, not a gamete or gametes, that has the potential to develop into a live born human being if transferred into the body of a person under conditions in which gestation may be reasonably expected to occur;

- (j) in the definition of the term “embryologist” by inserting the words “the development, storage and transfer of embryos, and” immediately after the words “deals with”;

- (k) by deleting the definition of the term “embryology”;

- (l) in the definition of the term “endoscopic surgery” by deleting the words, “and passing a telescope with a video camera through the incision into the body cavity”;

- (m) by deleting the definition of the term “father” and substituting therefor the following new definition—
“father” means a male intended parent;
- (n) in the definition of the term “in-vitro fertilization” by deleting the words “an egg is fertilized by a sperm in a test-tube or elsewhere outside the body” and substituting therefor the words “fertilization takes place outside the body”;
- (o) by deleting the definition of the term “mother” and substituting therefor the following new definition—
“mother” means a female intended parent;
- (p) in the definition of the term “oocyte” by deleting the word “oocyte” and substituting therefor the word “egg”;
- (q) by deleting the definition of the term “parties to a marriage”;
- (r) in the definition of the term “pre-implantation genetic diagnosis” by deleting the words “and eliminating the same”;
- (w) in the definition of the term “pre-implantation screening” by deleting the words “to determine the number of chromosomes” and substituting therefor the words “to determine the viability or euploidy of an embryo before transferring to the woman’s womb”;
- (x) by deleting the definition of the term “primitive streak”;
- (y) in the definition of the term “procreation” by deleting the words “whether through an assisted reproduction technology process or through natural means” and substituting therefor the words “including through assisted reproductive technology”;
- (z) by deleting the definition of the term “sperm” and substituting therefor the following new definition—
“sperm” means the mature male human gamete;
- (aa) by deleting the definition of the term “surrogacy” and substituting therefor the following new definition—
“surrogacy” means a practice whereby a woman bears and gives birth to a child for an intended parent or couple;
- (bb) by deleting the definition of the term “surrogate mother” and substituting therefor the following new definition—
“surrogate mother” means a woman who has agreed to carry a pregnancy to term for another woman or couple”; and
- (cc) by inserting the following new definitions in the proper alphabetical sequence—
“abandoned child” means a child born out of a surrogacy procedure who has been deserted by his or her intending parents and the surrogate and declared as such by the court after due process;
“abandonment” means failure to continue to pay for cryopreservation storage of gametes or embryos;
“altruistic surrogacy” means the surrogacy in which no charges, expenses, fees, remuneration or monetary incentive of whatever nature, except the medical expenses or the insurance coverage for the surrogate mother, are given to the surrogate mother or her dependents or her representative;
“clinic” means a health facility licensed under this Act for the purpose of conducting assisted reproduction procedures;

“commercial surrogacy” means the commercialization of surrogacy services or procedures or its component services or component procedures including the selling or buying of human embryo or trading in the sale or purchase of human embryo or gametes or hiring, selling or buying or trading the services of surrogate motherhood by way of giving payment, reward, benefit, fees, remuneration or monetary incentive in cash or in kind, to the surrogate mother or her dependents or her representative, except the medical expenses or the insurance coverage for the surrogate mother;

“cryo bank” means a facility for the collection and storage of gametes and embryos and the supply of gametes to the assisted reproductive technology clinics or their patients;

“foetus” means the developing human offspring after the embryonic stage prior to birth;

“gestational surrogacy” means the process where a woman who did not provide or donate an egg carries a pregnancy for the intended parents or couple;

“ovum” means a single cell released from either of the female reproductive organs that is capable of developing into a new organism when fertilized with a sperm cell;

“parent” has the meaning assigned to it under section 2 of the Children Act;

“pre-implantation genetic testing” means all techniques used to identify genetic defects and aneuploidy in embryos created through in-vitro fertilization before transfer;

“supervisor” means the person responsible for activities authorized under the licence issued under this Act;

“surrogacy agreement” means an agreement between a surrogate and an intended parent or couple that the surrogate is to undergo an assisted reproduction procedure for purposes of having a child born as a result of such a procedure for the intended parent or couple; and

“zygote” means a diploid cell resulting from the fusion of two haploid gametes.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 2 as amended - agreed to.

Bill to be reported with amendments.

10. HOUSE RESUMED - the Second Chairperson of Committees in the Chair

The Assisted Reproductive Technology Bill (National Assembly No. 61 of 2022)

Bill reported with amendments;

Motion made and Question proposed—

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of the Assisted Reproductive Technology Bill (National Assembly Bill No. 61 of 2022).

(Hon. Mille Odhiambo-Mabona)

Debate arising;

Putting of the Question deferred.

**11. THE AGRICULTURAL PROFESSIONALS REGISTRATION AND LICENSING BILL
(NATIONAL ASSEMBLY BILL NO. 19 OF 2024)**

Motion made and Question proposed—

THAT, the Agricultural Professionals Registration and Licensing Bill (National Assembly Bill No. 19 of 2024) be now read a Second Time.

(Hon. (Dr.) John Mutunga)

Debate arising

(Change of Chair from the Third Chairperson to the Fourth Chairperson of Committees)

(Change of Chair from the Fourth Chairperson to the Third Chairperson of Committees)

Rising in his place on a Point of Order pursuant to the provisions of Standing Order 95, the Member for Kangema (Hon. Peter Kihungi) claimed to move, *“That the Mover be now called upon to reply,”*

And the Third Chairperson acceding to the claim;

Question put and agreed to.

Thereupon the Mover replied;

Question deferred.

12. THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2024)

Motion made—

THAT, the Environmental Professionals Institute of Kenya Bill (National Assembly Bill. No. 36 of 2024 be now read a Second Time.

(Hon. George Gachagua)

And the time being One O'clock, the Third Chairperson of Committees interrupted proceedings and adjourned the House without Question put pursuant to the Standing Orders.

13. HOUSE ROSE - at One O'clock.

MEMORANDUM

The Speaker will take the Chair on,
Wednesday, 5th November 2025 at 2.30 p.m.

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