



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 04, 2024 AT 2.30 PM

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **Presiding** – the Rt. Honourable Speaker.
4. **QUORUM AT COMMENCEMENT**
There being no Quorum present to commence business, the Speaker ordered that the Quorum Bell be rung for ten minutes;
And Quorum having been attained within the ten minutes, proceedings commenced.
5. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the following Communication to the House—

Resumption of Sittings & priority Business for the Second Part of the Third Session

“**Honourable Members**, I wish to welcome you back to the House after the just concluded recess. I am aware that the recess period was very busy for most Committees, given the great amount of time that had to be invested in consideration of scheduled business. The business included the Supplementary Estimates II for the financial year 2023/2024; consideration of the Estimates for the financial year 2024/2025 including attendant public hearings; ongoing public participation on the Finance Bill, 2024; mediation on the Division of Revenue Bill, 2024 and other priority matters that were before various Committees.

Nonetheless, **Honourable Members**, it is my sincere hope that you found time to be with your families and constituents and that you are now rejuvenated to embark on business during this part of the Session.

Honourable Members, as I welcome you back, let me bring to your attention that part of the business that is before the House during this month of June has statutory timelines.

It is noteworthy that the finalization of consideration of the Division of Revenue Bill, 2024, Supplementary Estimates II for the FY 2023/2024 and the Estimates for the FY 2024/2025 have prescribed statutory timelines. In addition, the House is also expected to consider the attendant Budget-related Bills, including the Appropriation

Bill, 2024, the Supplementary Appropriation Bill, 2024, and the Finance Bill, 2024. Further, the House is scheduled to consider the County Allocation of Revenue Bill, 2024 upon receipt from the Senate.

In addition, **Honourable Members**, the Cabinet Secretary for the National Treasury will make a public pronouncement of the Budget policy highlights and revenue-raising measures for the National Government for the Financial Year 2024/2025, on **Thursday, 13th June 2024**, in the National Assembly Chamber, starting at 3.00pm. This is in keeping with the requirements of section 40 of the Public Finance Management Act, 2012 and Standing Order 244C.

Having said that, **Honourable Members**, I hasten to remind the House that timely consideration of House business calls for utmost dedication of every Member. I therefore urge each one of you to rise to the occasion, just as you have done before, and deliver on the legislative agenda as required by the Constitution.

I thank you!”

6. **MESSAGES**

The Speaker reported the following Messages from the Senate—

Appointment of Senators to the Mediation Committee on the Division of Revenue Bill (National Assembly Bill No. 14 of 2024)

“**Honourable Members**, Standing Order 41, provides that if a message is received from the Senate when the House is not in session, the Speaker shall forthwith cause the message to be transmitted to all Members and report to the House on the day when the House next sits. In this regard, I wish to report to the House that during the recess, I received three Messages from the Senate.

The **First Message**, dated 16th May 2024, conveyed that the Speaker of the Senate appointed the following Senators to the Mediation Committee to consider the Division of Revenue Bill (National Assembly Bill No. 14 of 2024)—

- 1) Sen. Kathuri Murugi, MGH, MP;
- 2) Sen. (Dr.) Boni Khalwale, CBS, MP;
- 3) Sen. Fatuma Dullo, CBS, MP;
- 4) Sen. Jackson Mandago, EGH, MP;
- 5) Sen. Mohamed Chute, MP;
- 6) Sen. Edwin Sifuna, MP;
- 7) Sen. Moses Kajwang’, CBS, MP;
- 8) Sen. Agnes Muthama, MP; and
- 9) Sen. Eddy Oketch, MP.

Honourable Members, the appointment of Senators to the Mediation Committee on the Division of Revenue Bill (National Assembly Bill No. 14 of 2024) arose out of the decision of this House of 13th May 2024 rejecting the Senate’s amendments to the Bill, thereby causing the Bill to be committed to a Mediation Committee pursuant to Article 112(1)(b) of the Constitution.

You will recall that *vide* a Communication issued on 13th May 2024, I appointed nine (9) Members to represent the National Assembly in the Mediation Committee. The

appointment of Senators to the Mediation Committee, therefore, concluded the Committee's composition.

Accordingly, vide *Notification No. 004* dated 17th May 2024, I transmitted to all Members the Message from the Senate on the appointment of Senators to the Mediation Committee on the Division of Revenue Bill, 2024. In the Notification, I also urged the Mediation Committee to expeditiously commence the mediation process and report to the Houses of Parliament within the statutory timelines.

I am aware, **Honourable Members**, that the Mediation Committee has concluded its work and is expected to table its report during this afternoon's sitting.

Honourable Members, the **Second Message** conveyed that on 9th May 2024, the Senate considered and passed the National Rating Bill (National Assembly Bill No. 55 of 2022) **with amendments**.

Honourable Members, you will recall that this House considered and passed the said Bill with amendments on 11th October 2023, following which I referred the Bill to the Senate for consideration in accordance with the provisions of Article 110(4) of the Constitution.

Consequently, I did notify all Members of the Message from the Senate, vide *Notification No. 005 of 2024* of 17th May 2024, and referred the Senate amendments to the Bill to the Departmental Committee on Lands for consideration.

Honourable Members, the **Third Message** relates to the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023). The Senate considered the Bill and passed it **with amendments**. The Bill has now been referred back to the National Assembly for reconsideration pursuant to the provisions of Article 112(1)(b) of the Constitution.

Honourable Members, you will also recall that on 30th November 2023, this House passed the said Bill with amendments, following which I referred the Bill to the Senate for consideration pursuant to Article 110(4) of the Constitution. The House is therefore required to consider the Senate amendments to the Bill.

In this regard, I direct the Clerk to circulate the schedule of the Senate amendments to this Bill to all Honourable Members. Thereafter, the Senate amendments will stand referred to the **Departmental Committee on Justice and Legal Affairs** for consideration.

The two Departmental Committees are expected to expedite the consideration of the Senate amendments to the respective Bills and submit their reports to the House.

The House is accordingly guided. I thank you!"

7. **PAPERS**

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

- (a) Legal Notice No. 84 of 2024 relating to the Climate Change (Carbon Markets) Regulations, 2024 and the explanatory memorandum from the Ministry of Environment, Climate Change & Forestry;
- (b) The following Statutory Instruments from the Ministry of Mining, Blue Economy and Maritime Affairs—
 - (i) Legal Notice No. 90 of 2024 relating to the Merchant Shipping (Maritime Labour) Regulations, 2024 and the explanatory memorandum;

- (ii) Legal Notice No. 91 of 2024 relating to the Merchant Shipping (Prevention of Collision) Regulations, 2024 and the explanatory memorandum;
 - (iii) Legal Notice No. 92 of 2024 relating to the Merchant Shipping (Maritime Transport Operators) Regulations, 2024 and the explanatory memorandum;
 - (iv) Legal Notice No. 93 of 2024 relating to the Merchant Shipping (Load Lines) Regulations, 2024 and the explanatory memorandum; and
 - (v) Legal Notice No. 94 of 2024 relating to the Merchant Shipping (Tonnage Measurement) Regulations, 2024 and the explanatory memorandum; and
 - (vi) Legal Notice No. 95 of 2024 relating to the Merchant Shipping (Recognised Organisations) Regulations, 2024 and the explanatory memorandum;
- (c) Draft Supplies Practitioners Management (Continuous Professional Development Programmes) Guidelines, 2024 from Kenya Institute of Supplies Management
- (d) Treaty establishing the Inter-Governmental Authority on Development (IGAD) from the Prime Cabinet Secretary and Cabinet Secretary, of Foreign and Diaspora Affairs;
- (e) Report to Parliament on all new loans contracted by Government from 1st February 2024 to 30th April 2024 from the National Treasury;
- (f) Report of the Third Quarter of the National Government Constituencies Development Fund Board for the financial year 2023/24;
- (g) Report of the Auditor-General for the National Government Funds for the financial year 2022/2023;
- (h) The Quarterly Economic and Budgetary Review Reports for the financial year 2023/24 for the period ending 31st March, 2024 from the National Treasury;
- (i) Reports of the Auditor-General and Financial Statements for the year ended 30th June, 2023 and the certificates therein in respect of—
- (i) Coast Development Authority;
 - (ii) Kenya Maritime Authority;
 - (iii) National Social Security Fund;
 - (iv) Micro and Small Enterprises Authority;
 - (v) National Council for Persons With Disabilities;
 - (vi) Kabete National Polytechnic;
 - (vii) Kenya National Examinations Council;
 - (viii) Kenya Institute of Curriculum Development; and
 - (ix) National Commission for Science, Technology and Innovation.

(Leader of the Majority Party)

- (j) Reports of the Budget and Appropriations Committee on its consideration of:
- (i) The Second Supplementary Estimates for FY 2023/2024 & the compendium of Departmental Committee Reports on the consideration of the Supplementary Estimates; and
 - (ii) The Equalization Fund Appropriation (No.2) Bill, 2023 (Senate Bill No. 3 of 2023).

(Chairperson, Budget and Appropriations Committee)

- (k) Report of the Mediation Committee on the mediated version of the Division of Revenue Bill (National Assembly Bill No. 14 of 2024).

(Co-Chairperson, Mediation Committee on Division of Revenue Bill, 2024)

- (l) The Report of the Departmental Committee on Trade, Industry and Cooperatives on its inquiry into the illegal and irregular release of condemned sugar.

(Vice Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

- (m) Report of the Public Debt and Privatization Committee on its consideration of the consolidated fund services for the Supplementary Estimates II for FY 2023/2024 and The Budget Estimates for FY 2024/2025.

(Chairperson, Public Debt and Privatization Committee)

8. **NOTICES OF MOTION**

The following Notices of Motion were given—

(a) Consideration of Second Supplementary Estimates for the Financial Year 2023/2024

THAT, this House **adopts** the Report of the Budget and Appropriations Committee on the Second Supplementary Estimates for the Financial Year 2023/2024, *laid on the Table of the House on Tuesday, 4th June 2024*, and pursuant to the provisions of Article 223 of the Constitution and Standing Order 243 –

- (i) approves an increment** of the total current expenditure for Financial Year 2023/2024 by **Ksh. 51,113,484,433** in respect of the Votes as contained in the **FIRST SCHEDULE**;
- (ii) approves a decrease** of the total capital expenditure for Financial Year 2023/2024 by **Ksh.75,290,535,117** in respect of the Votes as contained in the **FIRST SCHEDULE**;
- (iii) approves an overall decrease** in the total budget for Financial Year 2023/2024 by **Ksh. 24,177,050,684** in respect of the Votes as contained in the **FIRST SCHEDULE**; and
- (iv) approves Kshs. 23,667,017,803** spent under Article 223 of the Constitution in respect of the Votes outlined in the **THIRD SCHEDULE**; and,
- (v) resolves that** the **FIRST SCHEDULE** forms the basis for the introduction of the **Supplementary** Appropriation Bill, 2024.

(Chairperson, Budget and Appropriations Committee)

(b) Approval of the Mediated version of the Division of Revenue Bill (National Assembly Bill No. 14 of 2024)

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150(3), this House adopts the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bill No. 14 of 2024), *laid on the table of the House on Tuesday, 4th June 2024*, and approves the Mediated version of the Division of Revenue Bill (National Assembly Bill No. 14 of 2024).

(Co-Chairperson, Mediation Committee on the Division of Revenue Bill, 2024)

(c) Inquiry into the illegal and irregular release of condemned sugar

THAT, this House **adopts** the Report of the Departmental Committee on Trade, Industry and Cooperatives on its inquiry into the illegal and irregular release of condemned sugar, *laid on the Table of the House on Tuesday, 4th June 2024.*

(Vice Chairperson, Departmental Committee on Trade, Industry & Cooperatives)

(d) Consideration of the Consolidated Fund Services for the Supplementary Estimates II for FY 2023/2024 and the Budget Estimates for FY 2024/2025

THAT, this House adopts the Report of the Public Debt and Privatization Committee on its consideration of the Consolidated Fund Services for the Supplementary Estimates II for FY 2023/2024 and the Budget Estimates for FY 2024/2025, laid on the Table of the House on Tuesday, 4th June 2024.

(Chairperson, Public Debt and Privatization Committee)

9. STATEMENTS**(a) Response to a Statement**

Pursuant to the provisions of Standing Order 44(2)(c), the Chairperson of the Departmental Committee on Transport responded to a request for a Statement by the Member for Mwingi North (Hon. Paul Nzengu) regarding the status of allocations for roads maintenance under the Kenya Rural Roads Authority (KURA) Development Fund.

(b) Requests for Statements

Pursuant to the provisions of Standing Order 44(2)(c), the following Members requested for Statements from Chairpersons of the respective Committees—

- (i) The Member for Starehe Constituency (Hon. Amos Mwago) requested for a Statement from the Chairperson, Departmental Committee on Lands regarding ongoing demolitions targeting buildings constructed on riparian land in Starehe Constituency within the areas of *Landimawe* Ward, Nairobi South Ward (*Gikomba* areas), City Carton in Embakasi West and Kariobangi South; and
- (ii) The Member for Mbeere North (Hon. Geoffrey Ruku) requested for a Statement from the Chairperson, Departmental Committee on Roads and Transport regarding development of Mass Rapid Transit Corridors in the Nairobi Metropolitan Area (NMA) and the role of the Nairobi Metropolitan Area Transport Authority (NaMATA).

(c) Statements Issued

Pursuant to the provisions of Standing Order 44(2)(d), the Chairpersons of the Departmental Committee on Transport and Infrastructure made a Statement regarding proposed 32% Fuel Levy allocation to Kenya Rural Roads Authority (KeRRA) for the FY 2023/2024. In the Statement, the Chairperson informed the House that the revision of the Budget in the Supplementary Estimates II for the FY 2023/2024 occasioned a reduction of Kshs. 2 billion in the allocation to KeRRA for the FY 2023/2024.

10. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2024)

Motion having been made and Question proposed—

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023).

(Leader of the Majority Party- 13.05.2023)

Question put and agreed to;

Motion made and Question proposed—

THAT, the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023) be now read a Third Time.

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to;

Bull read a Third Time and passed.

11. THE COUNTY BOUNDARIES BILL (SENATE BILL NO. 6 OF 2023)

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

Order for First Reading read;

Bill read a First Time and committed to the relevant committee pursuant to the Standing Orders.

12. MOTION – MAIZE FLOUR SUBSIDY PROGRAMME FOR THE FINANCIAL YEAR 2022/2023

Motion made and Question proposed—

THAT, this House **adopts** the Second Report of the Departmental Committee on Agriculture and Livestock on the inquiry into the maize flour subsidy programme for the Financial Year 2022/2023, *laid on the Table of the House on Tuesday, 27th February 2024.*

(Chairperson, Departmental Committee on Agriculture and Livestock)

(Change of Chair from the Rt. Hon. Speaker to the Deputy Speaker)

Debate arising;

Mover replied;

Putting of the Question deferred pursuant to Standing Order 53(3).

13. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The First Chairperson of Committees in the Chair

The Kenya Drugs Authority Bill (National Assembly Bill No. 54 of 2022)

Clause 23 - amendment proposed

THAT, Clause 23 of the Bill be amended in sub-clause (1) by—

- (i) deleting the word “medicines” appearing in paragraph (a) and substituting therefor the words, “health products or technologies”;

- (ii) deleting the word “medicine” appearing in paragraph (b) and substituting therefor the words, “health product or technology”; and
- (iii) deleting the word “medicine” appearing in paragraph (c) and substituting therefor the words, “health product or technology”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 23 of the Bill be amended in sub-clause (2) by—

- (i) deleting the words “one million” appearing in paragraph (a) and substituting therefor the words “two million”; and
- (ii) deleting the words “two million” appearing in paragraph (b) and substituting therefor the words “five million”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 23 of the Bill be amended in sub-clause (2) by—

- (i) deleting the words “one million” appearing in paragraph (a) and substituting therefor the words “two million”; and
- (ii) deleting the words “two million” appearing in paragraph (b) and substituting therefor the words “five million”.

(Hon. Irene Mayaka on behalf of Hon. Anthony Oluoch)

Proposed withdrawn on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Clause 23 as amended - agreed to

Clause 24 - amendment proposed

THAT, Clause 24 of the Bill be amended—

- (a) in the marginal note by deleting the word “medicines” and substituting therefor the words “health products and technologies”;
- (b) in sub-clause (1) by deleting the word “medicine” wherever it appears and substituting therefor the words “health product or technology”;
- (c) by deleting sub-clause (2) and substituting therefor the following new sub-clause (2)–

“(2) If a standard has not been prescribed for a health product or technology but a standard for the health product or technology is contained in any of the publications specified in the Fifth Schedule, any person who manufactures, labels, packages, sells or advertises any other substance or article in such a manner that is likely to be mistaken for the health product or technology having met any of the standards contained in any of the publications specified in the Fifth Schedule, commits an offence.”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 24 of the Bill be amended in sub-clause (3) by—

- (i) deleting the word “medicine” wherever it appears in the opening sentence and substituting therefor the words “health product or technology”; and
- (ii) deleting the word “drug” appearing in paragraph (b) and substituting therefor the words “health product or technology”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 24 of the Bill be amended in sub-clause (3) by inserting the following new paragraph (c)—

“(c) is a herbal medicine”;

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Further amendment proposed—

THAT, Clause 24 of the Bill be amended in sub-clause (4) by—

- (i) deleting the phrase “one hundred thousand shillings or to imprisonment for a term not exceeding three months” appearing in paragraph (a) and substituting therefor the phrase “one million shillings or to imprisonment for a term not exceeding three years”; and
- (ii) deleting the words “two hundred thousand” appearing in paragraph (b) and substituting therefor the words “two million”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 24 of the Bill be amended in sub-clause (4) by—

- (i) deleting the words “one hundred” appearing in paragraph (a) and substituting therefor the words “five hundred”; and
- (ii) deleting the words “two hundred thousand shillings or to imprisonment for a term not exceeding five years” appearing in paragraph (b) and substituting therefor the words “one million shillings or to imprisonment for a term not exceeding three years”.

(Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 24 as further amended - agreed to.

Clause 25 - amendment proposed

THAT, the Bill be amended by deleting Clause 25.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Clause 25 - deleted.

Clause 26 - amendment proposed

THAT, Clause 26 of the Bill be amended by—

- (a) deleting the word “medicine” appearing in the marginal note and substituting therefor the words “health product or technology”; and
- (b) deleting the word “medicine” and substituting therefor the words “health product or technology”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Clause 26 as amended - agreed to.

Clause 27 - amendment proposed

THAT, Clause 27 of the Bill be amended by—

- (a) inserting the following new sub-clause (1)—

“(1) The Authority may issue product licences as provided under this Act.”

- (b) renumbering the existing sub-clause (1) as sub-clause (2).

(Hon. Irene Mayaka on behalf of Hon. Millie Oluoch)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Further amendment proposed—

THAT, Clause 27 of the Bill be amended by—

- (a) deleting the words “medicinal products” appearing in paragraph (a) and substituting therefor the words “health products or technologies”;
- (b) deleting the words “medicinal products” appearing in paragraph (b) and substituting therefor the words “health products or technologies”; and
- (c) deleting paragraph (c) and substituting therefor the following new paragraph (c)—

“(c) the quality of the health products or technologies of such description, according to the specification and the method or proposed method of manufacture of the health products or technologies, and the provisions proposed for securing that the health products or technologies as sold or supplied shall be of that quality; and”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Clause 27 as further amended - agreed to.

Clause 28 - amendment proposed

THAT, Clause 28 of the Bill be amended—

- (a) in the marginal note by deleting the words “medicines register” and substituting therefor the words “health products and technologies register”;
- (b) in sub-clause (1) by deleting the words “medicines register” and substituting therefor the words “health products and technologies register”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 28 of the Bill be amended in sub-clause (1) by inserting the words “and herbal medicines” immediately after the word “medicines”;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed withdrawn on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Further amendment proposed—

THAT, Clause 28 of the Bill be amended in sub-clause (2) by deleting the words “medicines register” and substituting therefor the words “health products and technologies register”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 28 of the Bill be amended in sub-clause (2) by inserting the words “and herbal medicines” immediately after the word “medicines”.

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed withdrawn on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Clause 28 as amended - agreed to.

Clause 29 - amendment proposed

THAT, Clause 29 of the Bill be amended in the marginal note by deleting the words “medicines and medical devices” and substituting therefor the words “health products and technologies”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended by inserting the following new sub-clause (1)—

“(1) Any pharmacist may apply for the registration of a medicine, herbal medicine or medical device as provided for under this Act.”

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause (1)—

“(1) Every application for registration of a health product or technology shall be submitted to the Registrar in the prescribed form and shall be accompanied by the prescribed particulars and samples of the relevant health product or technology and by the prescribed registration fee.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in the existing sub-clause (1) by inserting the words “herbal medicine” immediately after the word “medicine”;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed withdrawn on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Further amendment proposed—

THAT, Clause 29 of the Bill in sub-section (2) by deleting the phrase “Essential Medicines List or Essential Veterinary Medicines List” and substituting therefor the phrase “Kenya Essential Medicines List, Kenya Essential Diagnostics List, Kenya Essential Medical Supplies List and Kenya Essential Veterinary Medicine List”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (3) by deleting the word “medicine” wherever it appears and substituting therefor the words “health product or technology”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (3) by inserting the words “or herbal medicine” immediately after the word “medicine” wherever it appears;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed withdrawn on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (4) by—

(i) deleting the word “medicine” appearing in the opening sentence and substituting therefor the words “health product or technology”;

(ii) deleting paragraph (b) and inserting the following new paragraph—

“(b) that the applicant may, within a period of three months after the date of the notification, furnish the Registrar with the comments on the Authority’s reasons for not being so satisfied.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (4) by inserting the words “or herbal medicine” immediately after the word “medicine”;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed withdrawn on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Further amendment proposed—

THAT, Clause 29 of the Bill be amended by deleting sub-clause (6) and substituting therefor the following new sub-clause (6)—

“(6) Where the Authority has approved the registration of any health product or technology if it is satisfied of the safety, efficacy, quality, performance and economic value of the health product or technology, the Registrar shall register that health product or technology and shall enter in the register such particulars in regard to the health product or technology as are required by this Act to be so entered and shall issue to the applicant a certificate of registration in the prescribed form in respect of that health product or technology.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (6) by inserting the words “or herbal medicine” immediately after the word “medicine” wherever it appears;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed withdrawn on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (7) by deleting the word “medicine” and substituting therefor the words “health product or technology”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (7) by inserting the words “or herbal medicine” immediately after the word “medicine”;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed withdrawn on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (8) by deleting the word “medicine” wherever it appears and substituting therefor the words “health product or technology”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (8) by inserting the words “and herbal medicine” immediately after the word “medicine” wherever it appears;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed withdrawn on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Further amendment proposed—

THAT, Clause 29 of the Bill be amended by deleting sub-clause (9).

(Hon. Irene Mayaka on behalf of Hon. Anthony Oluoch)

Question of the amendment proposed;

Debate arising;

Amendment withdrawn;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (9) by inserting the words “and herbal medicine” immediately after the word “medicine”;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Amendment withdrawn;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (9) by inserting the words “under this Act or any other written law” immediately after the words “already registered”;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (9) by—

deleting the word “medicines” and substituting therefor the words “health products and technologies”

deleting the word “five” and substituting therefor the word “ten”;

(Chairperson, Departmental Committee on Health)

(Moved in amended form – amendment in bold)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended —

(i) in sub-clause (10) by deleting the word “medicine” and substituting therefor the words “health product or technology”;

(ii) in sub-clause (11) by deleting the word “medicine” and substituting therefor the words “health product or technology”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (12) by deleting the word “medicine” appearing in the opening sentence and substituting therefor the words “health product or technology”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (12) by inserting the words “and herbal medicine” immediately after the word “medicine”;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed withdrawn on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Further amendment proposed—

THAT, Clause 29 of the Bill be amended—

(i) by inserting the following new sub-clauses immediately after sub-clause 12

—
“(12A) The Authority may reject any application if the applicant fails to meet the standards as required by this Act or any other written law.

(12B) A person dissatisfied with the decision of the Registrar may appeal to the Board within sixty days.

(12C) Where a person is dissatisfied with the decision of the Board, the applicant may appeal to the High Court within thirty days from the date of the decision being communicated to him or her.”

(ii) in the existing sub-clause (13) by deleting the words “appropriate period referred to in sixty days” and substituting therefor the words “ appropriate period of appeal”.

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 29 of the Bill be amended in sub-clause (14) by—

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

“(a)Kenya Essential Medicines List, Kenya Essential Diagnostics List and Kenya Essential Medical Supplies List means the list of essential medicines, diagnostics and medical supplies included in the latest editions of the official publications relating to guidelines for standard treatment which is compiled by the state department responsible for Health;”

(ii) inserting the word “Kenya” immediately before the phrase “Essential Veterinary Medicines List” appearing in paragraph (b).

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 29 as further amended - agreed to.

Clause 30 - amendment proposed

THAT, Clause 30 of the Bill be amended in sub-clause (1) by deleting the word “medicine” wherever it appears and substituting therefor the words “health product or technology”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 30 of the Bill be amended in sub-clause (1) by inserting the words “or herbal medicine” immediately after the word “medicine” wherever it appears;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed withdrawn on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Further amendment proposed—

THAT, Clause 30 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

“(2A) A person who makes an application under this section shall provide reasons for the proposed amendments to the register.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 30 of the Bill be amended in sub-clause (3), by deleting the word “medicine” wherever it appears in paragraph (b) and substituting therefor the words “health product or technology”—

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 30 of the Bill be amended—

(i) in sub-clause (3) by inserting the words “or herbal medicine” immediately after the word “medicine” wherever it appears in paragraph (b);

(ii) by inserting the following new sub-clause (3)—

“(3) The applicant shall provide reasons for the proposed amendments.”

(iii) renumbering the existing sub-clause (3) as sub-clause (4).

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed withdrawn on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Clause 30 as further amended - agreed to.

Directive from the Chair: All amendments by the Hon. Peter Kaluma WITHDRAWN

Clause 31 - amendment proposed

THAT, Clause 31 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “medicine” and substituting therefor the words “health product or technology”; and

(b) in sub-clause (3), by deleting the word “medicine” appearing in paragraph (c) and substituting therefor the words “health product or technology”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 31 of the Bill be amended in sub-clause (1) by inserting the words “or herbal medicine” immediately after the word “medicine”.

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed amendment dropped on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Clause 31 as amended - agreed to.

Clause 32 - amendment proposed

THAT, Clause 32 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause (1)–

“(1) The Authority shall cancel the registration of a health product or technology if—

- (a) a licensee has failed to comply with a condition subject to which a particular health product or technology has been registered;
- (b) a particular health product or technology does not comply with a prescribed requirement; or
- (c) it is not in the public interest to make a particular health product or technology available to the public.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 32 of the Bill be amended in sub-clause (1), by inserting the words “herbal medicine” immediately after the word “medicine” wherever it appears;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed amendment dropped on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Further amendment proposed—

THAT, Clause 32 of the Bill be amended in sub-clause (2) by deleting the phrase “medicine or medical device” wherever it appears and substituting therefor the phrase “health product or technology”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 32 of the Bill be amended in sub-clause (2), by inserting the words “herbal medicine” immediately after the word “medicine” wherever it appears;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed amendment dropped on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Further amendment proposed—

THAT, Clause 32 of the Bill be amended in sub-clause (4)–

- (i) by deleting the words “medicine or medical device” appearing in the opening sentence and substituting therefor the words “health product or technology”; and
- (ii) by deleting the words “medicine or medical device” appearing in paragraph (b) and substituting therefor the words “health product or technology”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 32 of the Bill be amended in sub-clause (4) by inserting the words “herbal medicine” immediately after the word “medicine” wherever it appears;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed amendment dropped on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Further amendment proposed—

THAT, Clause 32 of the Bill be amended by deleting the words “medicine or medical device” wherever it appears in sub-clause (5) and substituting therefor the words “health product or technology”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 32 of the Bill be amended in sub-clause (5) by inserting the words “herbal medicine” immediately after the word “medicine” wherever it appears;

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed amendment dropped on account of approval of amendment by the Chairperson, Departmental Committee on Health.

Clause 32 as further amended - agreed to.

Clause 33 - amendment proposed

THAT, Clause 33 of the Bill be amended in sub-clause (1) by deleting the words “medicine or medical device” and substituting therefor the words “health product or technology”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 33 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “herbal medicine” immediately after the word “medicine” wherever it appears;

- (b) in sub-clause (2) by inserting the words “herbal medicine” immediately after the word “medicine” wherever it appears;
- (c) by inserting the following new sub-clause immediately after sub-clause (2)—
“(2A) In the case of cancellation of registration of a herbal medicine, the Registrar shall in such case specify-
 - (a) the name under which the herbal medicine is registered;
 - (b) the active components of the herbal medicine;
 - (c) the name of the applicant;
 - (d) the name of the person who has propriety rights over the herbal medicine;
 - (e) the registration number allocated to the herbal medicine; and
 - (f) the conditions if any, subject to which that medicine is registered.

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed withdrawn.

Clause 33 as amended - agreed to.

Clause 34 - amendment proposed

THAT, Clause 34 of the Bill be amended—

- (a) by deleting the words “medicines” and “medicine” wherever they appear and substituting therefor the words “health product or technology”; and
- (b) in the marginal note by deleting the words “medicines” and substituting therefor the words “health products and technologies”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 34 as amended - agreed to.

Clause 35 - amendment proposed

THAT, Clause 35 of the Bill be amended—

- (a) by deleting the word “medicine” wherever it appears and substituting therefor the words “health product or technology”;
- (b) by deleting sub-clause (1) and substituting therefor the following new sub-clause (1)—

“(1) A pharmacist or an enrolled pharmaceutical technologist may, in consultation with the person prescribing the health product or technology and the patient, dispense an interchangeable multi-source health product or technology instead of the health product or technology prescribed by a medical or dental practitioner, nurse or other person registered under the relevant statutes regulating health professionals.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 35 of the Bill be amended in sub-clause (2) by inserting the words “or an enrolled pharmaceutical technologist” immediately after the word “pharmacist”;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 35 of the Bill be amended in sub-clause (2) by inserting the word “registered” immediately after the words “may prohibit a”.

(Hon. Irene Mayaka on behalf of Hon. Anthony Oluoch)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 35 of the Bill be amended—

(i) in sub-clause (3) by inserting the words “or an enrolled pharmaceutical technologist” immediately after the word “pharmacist”; and

(ii) in sub-clause (4) by inserting the word “or an enrolled pharmaceutical technologist” immediately after the word “pharmacist”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 35 of the Bill be amended in sub-clause (4) by inserting the following new paragraph (d)—

“(d) unless the purchaser or patient is first informed of the same and agrees to the change”.

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 35 as further amended - agreed to.

Clause 36 - amendment proposed

THAT, the Bill be amended by deleting Clause 36.

(Hon. Irene Mayaka on behalf of Hon. Anthony Oluoch)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 36 of the Bill be amended—

(a) in sub-clause (1) by inserting the words “or products” immediately after the words “herbal medicine”; and

- (b) in sub-clause (3) by inserting the phrase “and shall, on conviction be liable to a fine not exceeding one million shillings or imprisonment for a term not exceeding one year, or to both” immediately after the phrase “commits an offence”.

(Chairperson, Departmental Committee on Health)

Proposed amendment dropped on account of deletion.

Further amendment proposed—

THAT Clause 36 of the Bill be amended by deleting the words “on a commercial scale” appearing after the words “A person who” in sub-clause (1).

(Hon. Millie Odhiambo)

Proposed amendment dropped on account of deletion of the clause.

Clause 36 - deleted.

Clause 37 - amendment proposed

THAT, Clause 37 of the Bill be amended—

- (a) in sub-clause (2) by deleting the words “and dealers in mining, agricultural or horticultural accessories” appearing in paragraph (a);
- (b) by inserting the following new sub-clause (3) immediately after sub-clause (2)—
 - “(3) The Cabinet Secretary shall publish in the *Gazette* the list of scheduled substances prepared under subsection (1).”
- (c) by renumbering sub-clause (3) as sub-clause (4);
- (d) by deleting sub-clause (4) and substituting therefor the following new sub-clauses —
 - “(5) The Authority shall at least once every two years, review the lists under subsection (3), or whenever necessary in the interest of public health and safety.
 - (6) Any modification of the list of scheduled substances prepared under this section shall be subject to the procedure provided in subsections (1), (2) and (3).”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 37 as amended - agreed to.

Clause 38 - amendment proposed

THAT, Clause 38 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the phrase “the Limitations prescribed by this sub-section” and substituting therefor the phrase “the following limitations”;
 - (ii) deleting paragraph (c)
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause (2)—
 - “(2) A person who is in possession of a scheduled substance otherwise than in accordance with the provisions of this section 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 three years; or to both.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Clause 38 as amended - agreed to.

Clause 39 - amendment proposed

THAT, Clause 39 of the Bill be amended—

- (a) in sub-clause (4) by inserting the word “and” immediately after the words “distribution of the Scheduled Substances”;
- (b) by deleting sub-clause (5) and substituting therefor the following new sub-clause (5)—

“(5) A licence issued under this section shall be valid for a period of one year, renewable annually.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Further amendment proposed—

THAT, Clause 39 of the Bill be amended in sub-clause (4) by inserting the words “or pharmaceutical technologists” immediately after the words “a Registered Pharmacist”.

(Hon. Irene Mayaka on behalf of Hon. Anthony Oluoch)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Clause 39 as further amended - agreed to.

Clause 40 - amendment proposed

THAT, the Bill be amended by deleting Clause 40.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Further amendment proposed—

THAT, Clause 40 of the Bill be amended—

- (a) in sub-clause (4) by deleting the words “whose decision thereon shall be final”;
- (b) in sub-clause (7) by deleting the words “two hundred thousand shillings or to imprisonment for a term not exceeding two years” and substituting therefor the words “one million shillings or to imprisonment for a term not exceeding three years”.

(Hon. Millie Odhiambo)

Proposed amendment dropped on account of deletion of the clause.

Clause 40 - deleted.

Clause 41 - amendment proposed

THAT, Clause 41 of the Bill be amended in sub-clause (1) by inserting the words “or pharmaceutical technologists” immediately after the words “a pharmacist” appearing in paragraph (b)”.

(Hon. Irene Mayaka on behalf of Hon. Anthony Oluoch)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Further amendment proposed—

THAT, Clause 41 of the Bill be amended in sub-clause (1) by deleting paragraph (c);

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 41 of the Bill be amended in sub-clause (1) by inserting the words “enrolled pharmaceutical technologist and registered pharmacist” immediately after the word “practitioner” appearing in paragraph (d);

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed amendment withdrawn;

Further amendment proposed—

THAT, Clause 41 of the Bill be amended—

(a) in sub-clause (1) by deleting paragraph (e);

(b) in sub-clause (2) —

(i) by deleting paragraph (b)

(ii) by deleting paragraph (c); and

(c) by deleting sub-clause (3).

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 41 as further amended - agreed to.

Clause 42 - amendment proposed

THAT, Clause 42 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause (1)—

“(1) An authorized seller shall enter a record of such particulars of the scheduled substance before delivery of the scheduled substance under this Act.”

(Hon. Irene Mayaka on behalf of Hon. Anthony Oluoch)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further proposed amendment—

THAT, Clause 42 of the Bill be amended in sub-clause (1) by deleting the expression “paragraph (b) of Section 53(2)” appearing in paragraph (a) and substituting therefor the expression “section 41(2)(b)”;

(Chairperson, Departmental Committee on Health)

Question dropped;

Further amendment proposed—

THAT, Clause 42 of the Bill be amended by—

- (i) inserting the following new sub-clause (2) immediately after the new sub-clause (1)—

“(2) A record under subsection (1) shall be in the format prescribed by the Authority and shall indicate —

- (a) the date of the sale;
- (b) the name and address of the purchaser;
- (c) the quantity of the scheduled substances sold; and
- (d) the purpose for which it is stated by the purchaser to be required.”

- (ii) renumbering sub-clause (2) as sub-clause (3); and

- (iii) renumbering sub-clause (3) as sub-clause (4).

(Hon. Irene Mayaka on behalf of Hon. Anthony Oluoch)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 42 of the Bill be amended in sub-clause (3) by deleting the words “three years” and substituting therefor the words “one year”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 42 as further amended - agreed to.

Clause 43 - amendment proposed

THAT, Clause 43 of the Bill be amended in sub-clause (1)—

- (a) by deleting the opening sentence and substituting therefor the following new opening sentence—

“(1) A qualified healthcare professional may supply or dispense a Scheduled Substance with therapeutic value for the purpose of medical, dental or veterinary treatment, as the case may be, subject to the following provisions—

- (b) in paragraph (b) by—

- (i) inserting the word “and” immediately after the word “supplied” appearing in sub-paragraph (iii); and
- (ii) deleting the word “and” appearing in sub-paragraph (iv);

- (c) by deleting paragraph (c).

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Further amendment proposed—

THAT, Clause 43 of the Bill be amended in sub-clause (3) by deleting the words “one hundred thousand” and substituting therefor the words “one million”.

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Clause 43 as further amended - agreed to.

Clause 44 - amendment proposed

THAT, Clause 44 of the Bill be amended in sub-clause (3) by deleting the words “two hundred thousand” and substituting therefor the words “one million”.

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Further amendment proposed—

THAT, Clause 44 of the Bill be amended in sub-clause (3) by deleting the words “two hundred thousand” and substituting therefor the words “five hundred thousand”.

(Chairperson, Departmental Committee on Health)

Proposed amendment dropped;

Clause 44 as amended - agreed to.

Clause 45 - amendment proposed

THAT, the Bill be amended by deleting Clause 45 and substituting therefor the following new clause 45—

Automatic machines. **45.** (1) An authorized seller may use an automatic machine to dispense over-the-counter scheduled substances.

(2) The Authority shall develop regulations on the—

- (a) classes of substances permitted;
- (b) quantities of substances to be dispensed;
- (c) records of substances dispensed;
- (d) location of automatic machines; and
- (e) registration of automatic machines.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Further amendment proposed—

THAT, Clause 45 of the Bill be amended by deleting the words “five hundred thousand” and substituting therefor the words “one million”.

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 45 as amended - agreed to.

Clause 46 - amendment proposed

THAT, the Bill be amended by deleting Clause 46 and substituting therefor the following new clause 46—

Electronic **46.** (1) The Authority shall prescribe regulations to provide for the sale of electronic supply and dispensing of scheduled substances including health through e-pharmacy, telemedicine, medication therapy management products and online pharmacy.

and (2) The regulations made under subsection (1) shall provide for—
technologies. (a) licensure of e-pharmacies;

(b) safety of patients;

(c) verification of the identity and traceability of patients;

(d) verification of the identity and traceability of prescribers;
and

(e) integrity, legitimacy and authenticity of prescriptions including avoidance of multiple use of the same prescription.

(3) The electronic supply and dispensing of scheduled substances shall be permitted provided that the supply of such health products and technologies conforms with all requirements for the particular health product or technology in terms of its scheduling status and any other requirements as may be specified in regulations in relation to such supply or dispensing.

(4) In the case of a prescription-only medicine, the required prescription shall have been obtained as a result of at least one physical interaction between an authorised practitioner and the patient within a period of at least six months.

(5) A person who contravenes this section shall be guilty of an offence, and shall on conviction, be liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding one year, or to both.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed—

THAT, Clause 46 of the Bill be amended by deleting the word “This” and substituting therefor the words “The electronic supply of medicine”.

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed amendment dropped;

Clause 46 as amended - agreed to.

Clause 47 - amendment proposed

THAT, Clause 47 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “medicinal substance” and substituting therefor the words “health product”;
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause (2)—
 - “(2) A manufacturing licence issued under this section shall be valid for a period of one year, renewable annually.”
- (c) in sub-clause (3) by deleting the words “medicinal substance” and substituting therefor the words “health product”;
- (d) in sub-clause (4) by deleting the words “medicinal substance” and substituting therefor the words “health product”;
- (e) by inserting the following sub-clauses immediately after sub-clause (5)—
 - “(6) The Authority shall prescribe regulations setting out conditions for the qualifications of personnel involved in the production processes of a health product regulated under this Act.
 - (7) The personnel qualified to conduct lot release of vaccines and batch release of health products shall submit their qualifications to the Authority.
 - (8) A person who commits an offence under this section shall on conviction, be liable to a fine not exceeding ten million shillings, or to imprisonment for a term not exceeding ten years, or to both.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 47 as amended - agreed to.

Clause 48 - amendment proposed

THAT, Clause 48 of the Bill be amended by—

- (a) renumbering the existing provision as sub-clause (1); and
- (b) inserting the following new sub-clauses immediately after the renumbered sub-clause (1)—
 - “(2) The Authority shall have power to enter and inspect manufacturing premises to confirm compliance with prescribed good manufacturing practices and issue a certificate of compliance in the prescribed format upon payment of prescribed fees.
 - (3) The Cabinet Secretary shall make regulations for the better carrying out of the provisions of this section.
 - (4) Without prejudice to the generality of subsection (3), the Cabinet Secretary shall make regulations on—
 - (a) revocation and suspension of manufacturing licences;
 - (b) withdrawal of revocation of manufacturing licences upon request; and
 - (c) transfer of manufacturing licences.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Clause 48 as amended - agreed to.

Clauses 49 and 50 - agreed to.

Clause 51 - amendment proposed

THAT, Clause 51 of the Bill be amended by inserting the phrase “and shall on conviction be liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or to both” immediately after the word “offence”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Further amendment proposed—

THAT, the Bill be amended in clause 51 by inserting the words “and, on conviction, shall be liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or to both” immediately after the word “offence”.

(Hon. Irene Mayaka on behalf of Hon. Anthony Oluoch)

Proposed amendment dropped;

Clause 51 as amended - agreed to.

Clause 52 - amendment proposed

THAT, Clause 52 of the Bill be amended by deleting the phrase “have a therapeutic effect or value shall be treated as a medicine” and substituting therefor the phrase “treat, diagnose or prevent disease, or affect the structure or functions of the body shall be treated as a health product or technology”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;
Debate arising;
Question put and agreed to;

Clause 52 as amended - agreed to.

Clause 53 - agreed to.

Clause 54 - amendment proposed

THAT, the Bill be amended in clause 51 by inserting the words “and, on conviction, shall be liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or to both” immediately after the word “offence”.

(Hon. Irene Mayaka on behalf of Hon. Millie Odhiambo)

Proposed amendment dropped;

Further amendment proposed—

THAT, Clause 54 of the Bill be amended by deleting sub-clause (3) and substituting therefor the following new sub-clause (3)—

“(3) A person who manufactures, sells, supplies, imports or exports a therapeutic cosmetic which contains a prohibited ingredient commits an offence and, shall on conviction, be liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding two years, or to both.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 54 as amended - agreed to.

Progress on the Bill to be reported with amendments

14. HOUSE RESUMED - The Fifth Chairperson of Committees in the Chair

The Kenya Drugs Authority Bill (National Assembly Bill No. 54 of 2022)

Progress on the Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report.

(Chairperson, Departmental Committee on Health)

Question deferred.

And the time being four minutes past Seven O'clock, the Fifth Chairperson adjourned the House without Question put pursuant to the Standing Orders.

15. HOUSE ROSE - at four minutes past Seven O'clock.

M E M O R A N D U M

The Speaker will take the Chair on,
Wednesday, 5th June 2024 at 9.30 a.m.

--X--