



PARLIAMENT
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KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – THIRD SESSION

THE DEPARTMENTAL COMMITTEE ON HEALTH

REPORT ON THE CONSIDERATION OF THE IN-VITRO FERTILIZATION
BILL, 2014

PARLIAMENT BUILDINGS
NAIROBI

FEBRUARY, 2015

1.0 PREFACE

Mr. Speaker, Sir

The Committee on Health is one of the Departmental Committees of the National Assembly established under Standing Order 216 and mandated to, inter alia; ‘... study and review all legislations referred to it’.

1.2 Membership of the Committee

The Committee was constituted by the House on Thursday 16th May, 2013 comprising of the following Members:-

1. The Hon. Dr. Racheal Nyamai, M.P. (Chairperson)
2. The Hon. Dr. Robert Pukose, M.P. (Vice Chairperson)
3. The Hon. David Karithi, M.P.
4. The Hon. Dr. James Murgor, M.P.
5. The Hon. Dr. James Nyikal, M.P.
6. The Hon. Dr. James O. Gesami, M.P.
7. The Hon. Dr. Naomi Shaban, M.P.
8. The Hon. Dr. Stephen Wachira, M.P.
9. The Hon. Dr. Susan Musyoka, M.P.
10. The Hon. Hassan Aden Osman, M.P.
11. The Hon. James Gakuya, M.P.
12. The Hon. John Nyaga Muchiri, M.P.
13. The Hon. Michael Onyura, M.P.
14. The Hon. Paul Koinange, M.P.
15. The Hon. Stephen M. Mule, M.P.
16. The Hon. Zipporah Jesang, M.P.
17. The Hon. Alfred Agoi, M.P.
18. The Hon. Christopher Nakuleu, M.P.
19. The Hon. Dr. Dahir D. Mohamed, M.P.
20. The Hon. Dr. Eseli Simiyu, M.P.
21. The Hon. Dr. Enoch Kibunguchy, M.P.
22. The Hon. Dr. Patrick Musimba, M.P.
23. The Hon. Alfred Outa, M.P.
24. The Hon. Joseph O. Magwanga, M.P.
25. The Hon. Kamande Mwangi, M.P.
26. The Hon. Leonard Sang, M.P.
27. The Hon. Mwahima Masoud, M.P.
28. The Hon. Mwinga Gunga, M.P.
29. The Hon. Raphael Milkau Otaalo, M.P.

1.3 Committal and consideration of the In-Vitro Fertilization Bill, 2014

On 17th June, 2014, the In-Vitro Fertilization Bill, 2014 was forwarded to the Departmental Committee on Health from the Director of Legal Services (National Assembly) for pre-publication scrutiny. The Committee processed the legislative proposal within the provisions of Standing Order 114. However, the Bill was published before the Committee could table its Report on the pre-publication scrutiny. The Bill was published on 29th August, 2014.

Mr. Speaker, Sir,

On 14th October, 2014, the In-Vitro Fertilization Bill, 2014 was read a first time and thereafter committed to the Departmental Committee on Health for Consideration pursuant to Standing Order Number 127 (1). The Committee pursuant to the requirements of Article 118 and Standing Order 127 (3) placed advertisements in the Local Dailies calling for views from the general public on the Bill that were to be received on or before Wednesday 5th November, 2014. Only the Kenya Christian Professionals' Forum (KCPF) responded.

Views by the Kenya Christian Professionals' Forum

In its comments, the Kenya Christian Professionals' Forum expressed concerns that there were a plethora of health related Bills being presented to Parliament by interested parties before conclusion of the Health Bill that is driven by the Ministry of Health. They observed that the Health Bill should be concluded before any such Bills are dealt with. The forum also proposed that the Ministry of Health should develop the national guidelines and policies on the specialized areas that the other health related Bills seek to cover. The forum further raised serious ethical issues that must be considered before commencing formulation of a Bill on the subject.

Objectives of the In-Vitro Fertilization Bill, 2014

Mr. Speaker, Sir,

The main object of the Bill is to provide for the regulation of in-vitro fertilization; to prohibit certain practices in connection with in-vitro fertilization; to establish an In-vitro Fertilization Authority and make provision in relation to children born of in-vitro fertilization.

1.4 Acknowledgment


Mr. Speaker, Sir,

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its Sittings.

I also wish to express my appreciation to the Honourable Members of the Committee who sacrificed their time to participate in the activities of the Committee including the preparation of this report.

Mr. Speaker, Sir,

It is therefore my pleasure and privilege, on behalf of the Departmental Committee on Health, to table its report in the House on the consideration of the ~~In-Vitro Fertilization Bill, 2014~~ for consideration Pursuant to Standing Order 127 (4).

Signed.......... Date.....17/2/2015.....

HON. DR. RACHEAL NYAMAI, M.P.
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON HEALTH

1.0 INTRODUCTION

1. The objective and purpose of the Bill is to provide for the regulation of in-vitro fertilization; to prohibit certain practices in connection with in-vitro fertilization; to establish an In-vitro Fertilization Authority and make provision in relation to children born of in-vitro fertilization.
2. The Bill generally seeks to provide for the regulation of In Vitro Fertilization-by providing for:
 - a. The well-being of the child;
 - b. Circumstances under which In Vitro Fertilization can be undertaken and excluded;
 - c. Access to information in relation to the role of the Authority;
 - d. Consent of parties;
 - e. Indicates when In Vitro Fertilization is allowed;
 - f. Prohibited practices.
3. The In Vitro Fertilization Bill, 2014 also proposes to establish an Authority whose functions shall be among others:
 - a. Develop standards, regulations and guidelines for In Vitro Human Fertilization;
 - b. Advise the Cabinet Secretary on matters relating to the treatment and care of person undergoing IVF;
 - c. Undertake research on the control and treatment of In Vitro Fertilization;
 - d. Licensing etc;

2.0 SITUATIONAL ANALYSIS

4. The rights to sexual and reproductive health are generally recognized as an integral part of the right to health. This stems from the 1994 International Conference on population and Development (ICPD) in Cairo and the 4th World Conference on Women held in Beijing in 1995. The implication of the above forums is that it was important to recognize the rights to sexual and reproductive health such as freedom to control one's body, the right to an efficient health system an easy access to information on sexual and reproductive health issues. As such states are obligated to guarantee adequate services and information on Medically Assisted Reproduction.

5. This has therefore been domesticated, where Article 43 of the Constitution provides for the right to the highest attainable standard of health, which included the right to health care services, including reproductive health care.
6. *Draft Kenya Health Policy, 2014-2030*: The broad health policy framework in its policy objective four of providing essential health care recognizes reproductive health services and as such offers the policy strategy of ensuring a comprehensive maternal, neonatal and reproductive health services.
7. The Draft Health Bill 2014 in Part XI (Human organs, human blood, blood products, other tissues and Gametes) in Article 69 provides for the Cabinet Secretary to make regulations regarding the following among others:
 - i. Tissue transplant
 - ii. The artificial fertilization of persons
 - iii. The returns and reports, including extracts from registers, to be submitted to specified persons and institutions
 - iv. The acquisition, storage, harvesting, utilization or manipulation of tissue, blood, blood products, organs, gametes, oocytes or human stem cells for any purpose
 - v. The appointment and functions of inspectors of progenitor cell transplant institutions
 - vi. The bringing together outside the human body of male and female gametes for research with regard to the product of the union of those gametes
8. In Vitro Fertilization is one of the Assisted Reproductive Technologies (ART). The implication for the foregoing is that In-Vitro Fertilization is duly provided for and recognized in the National Health System. However, the policy direction of Government does not envision the creation of an Authority to regulate a single technology (in this case IVF) but through a single regulatory body to regulate health products and technologies)
9. In-Vitro Fertilization is one of the Assisted Reproductive Technologies (ART). **WHO defines ART as** 'All treatments or procedures that include the vitro handling of both human oocytes and sperms, or embryo, for the purpose of establishing a pregnancy. This includes but not limited to, in vitro fertilization and embryo transfer, gamete intra-fallopian transfer,

zygote intra-fallopian transfer, tubal embryo transfer, gametes and embryo cryopreservation, oocyte and embryo donation, and gestational surrogacy.

10. Further, Medically Assisted Reproduction (MAR) is defined by the World Health Organization (WHO) as *“reproduction brought about through ovulation induction, controlled ovarian stimulation, ovulation triggering, ART procedures and intrauterine, intracervical and intravaginal insemination with semen of a partner or donor.”*

3.0 COMPARATIVE ANALYSIS OF MEDICALLY ASSISTED REPRODUCTION LEGISLATION

11. Examples of national legislations on ARTs (Legislation of each country varies according to socio-economic, historical, political, religious and cultural background). As such there are important regulatory and legal divergences among nations in the provision of ART services.

| Country | MAR Legislation |
|--------------|---|
| Austria | Tissue safety law |
| Belgium | Regulation of IVF Centers law, law on embryo research; Law on conditions reimbursement laboratory; Tissue and cell directives |
| Brazil | Assisted Human Reproduction Act |
| Bulgaria | MAR covered under general law |
| Cyprus | MAR covered under general law |
| China | IVF is allowed not clear whether legislation exists |
| Denmark | Law exists |
| Estonia | Assisted Fertilization and protection of the Embryo law |
| Finland | Act of Assisted Reproduction; Act of Medical Use of human organs, Tissue and cells |
| France | Statute exists, not specific |
| Hungary | MAR covered by the general Health law |
| Ireland | MAR covered by the general health law |
| South Africa | Fertility law |
| Latvia | MAR covered by the general health law |
| Lithuania | MAR covered by the general health law |
| Luxembourg | MAR covered by the general health law |
| Malta | MAR covered by the general health law |
| Poland | MAR covered by the general health law |

| Country | MAR Legislation |
|-------------|--|
| Netherlands | Act on Invitro-fertilization; Embryo Act; Law on data from donors for Artificial Reproduction; Law on safety and quality of human tissues |
| Romania | No specific legislation in place, statute on cell and tissue directive |
| Slovakia | Act on infertility treatment and procedure of biomedical assisted procreation; Act for quality and safety of tissues and cells |
| UK | The Human Fertilization and Embryology Act; The Human Reproductive Cloning Act |
| USA | 3 different levels of ARTs regulation, state, federal and professional self-regulation. Monitoring is by the American Society or the Reproductive Medicine and Society for the Assisted Reproductive Technologies. |

Adopted from Minieri, A (2003)

4.0 COMMENTS FROM THE KENYA CHRISTIAN PROFESSIONALS FORUM

12. In its submission dated 3rd November, 2014, the forum makes the following comments:

- a) That the Bill raises serious ethical issues that must be carefully considered before commencing on formulating a Bill on the subject. The ethical concerns include but are not limited to:
 - i. Right to life – it would be vital to adequately cater for life that comes into existence in these conditions pursuant to article 26 of the Constitution.
 - ii. Potential for abuse through research.
 - iii. Laying the ground for abortion.
 - iv. Increased health risk to female donors
 - v. Age of consent- need to begin it at 23-25 as opposed to the legal age of maturity, 18
 - vi. Legal responsibilities of the parties involved (parental responsibility)
 - vii. Position of the Bill vis-a-a-vis homosexual partners – the service should not be available to gay couples and sexual offenders.
 - viii. Position of the Bill vis-à-vis unmarried people seeking IVF treatment.
 - ix. Regulating unethical experimentation and commercial use.

- x. Regulating of sperms and egg donation from commercial abuse.
 - xi. Regulation on use of donations from deceased donors.
- b) That the Bill should be withdrawn to await the finalization of the Health Bill and development of policies and guideline's on in-vitro fertilization by the Ministry of Health.

5.0 COMMITTEE OBSERVATIONS

- a) IVF is one of the ART procedures among others like embryo transfer, gamete intra-fallopian transfer, zygote intra-fallopian transfer, tubal embryo transfer, gametes and embryo cryopreservation, oocyte and embryo donation, and gestational surrogacy. Further the ART procedures are among the several Medically Assisted Reproduction brought about through ovulation induction, controlled ovarian stimulation, ovulation triggering, ART procedures and intrauterine, intra-cervical and intra-vaginal insemination with semen of a partner or donor.

It would be more useful if the Bill incorporated and regulated the entire MAR as opposed to a component. This is informed by the fact that research in these areas is encompassing, specialists tend to overlap and that IVF is a microcosm of the entire process of ART.

With the foregoing, the proposed authority would then be encompassing and justified since it would monitor development in ART techniques in the area of human medicine.

- b) The Bill is not clear on the following issues:
- i. Selection of reproductive Cells
 - ii. There should be an elaborate Article on Penalties
 - iii. Reproduction issues are emotive and are ethical; as such counseling and extent of confidentiality ought to be addressed in law
 - iv. There is need to have provisions on handling of Reproductive materials
 - v. The aspects of sperm donation - How the bill would it regulate in relation to IVF and the broader ART

- c) The financial provisions of the Bill contravene the Public Finance Management Act (Funds of the Authority) – The National Treasury is the only institution expected to borrow on behalf of Government.

6.0 COMMITTEE RECOMMENDATION

Having extensively considered the Bill, the Committee recommends that the Sponsor of the Bill to consider proposing a broader bill on maternal and child health that incorporates assisted reproductive technologies of which in vitro fertilization is among them and align it to the proposed Health Bill, 2014.

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MINUTES OF THE 74TH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD IN HARAMBEE HOUSE 9th FLOOR, PARLIAMENT BUILDINGS ON THURSDAY, 28TH AUGUST 2014 AT 10.00AM.

PRESENT:

- | | |
|--|--|
| 1. The Hon. Dr. Rachael Nyamai, MP (Chairperson) | 10. The Hon. Dr. David Eseli, M.P. |
| 2. The Hon. Dr. Robert Pukose, M.P (Vice Chairperson) | 11. The Hon. Dr. Enoch Kibunguchy, M.P |
| 3. The Hon. James Gakuya, M.P. (Chaired Meeting) | 12. The Hon. Dr. James Gesami, M.P |
| 4. The Hon Dr. Susan Musyoka, M.P. | 13. The Hon. Dr. James Murgor, M.P |
| 5. The Hon Eng. Stephen Mule, M.P | 14. The Hon. Dr. Stephen Wachira, M.P. |
| 6. The Hon Mwinga Gunga, M.P. | 15. The Hon. John Nyaga Muchiri, M.P. |
| 7. The Hon. Alfred Agoi, M.P. | 16. The Hon. Kamande Mwangi, M.P. |
| 8. The Hon. David Karithi, M.P | 17. The Hon. Leonard Sang, M.P. |
| 9. The Hon. Dr. Dahir D Mohamed, M.P | 18. The Hon. Michael Onyura, M.P |
| | 19. The Hon. Paul Koinange, M.P. |
| | 20. The Hon. Raphael Otaalo, M.P. |
| | 21. The Hon. Zipporah Jesang, M.P |

ABSENT WITH APOLOGY:

- | | |
|---------------------------------------|---------------------------------------|
| 22. The Hon Joseph Magwanga, M.P | 26. The Hon. Dr. Patrick Musimba, M.P |
| 23. The Hon. Christopher Nakuleu, MP. | 27. The Hon. Fred Outa, M.P. |
| 24. The Hon. Dr. James Nyikal, M.P . | 28. The Hon. Hassan Osman, M.P |
| 25. The Hon. Dr. Naomi Shaban, M.P. | 29. The Hon. Mwahima Masoud, M.P. |

Other MPs

Hon. Millie Odhiambo – Sponsor, In-vitro Fertilization Bill

National Assembly Secretariat

- | | | |
|------------------|---|-----------------------|
| 1. Susan Maritim | - | First Clerk Assistant |
| 2. Nebert Ikai | - | Third Clerk Assistant |
| 3. Hassan Arale | - | Third Clerk Assistant |
| 4. Marale Sande | - | Senior Researcher |
| 5. Peter Mwaura | - | Legal Counsel I |

MIN. NO DCH 331/2014: PRELIMINARIES

The meeting was called to order at 9.00 am followed by a word of prayer said by the Hon James Gakuya MP.

MIN NO DCH 332/2014: LEGISLATIVE BUSINESS BEFORE THE COMMITTEE

The Committee deliberated on the following legislative business before the health committee as at 28th August 2014: -

| S/No | Business | Committal Date | Timeline | Due Date | Status |
|------|---|----------------|----------|------------|--------------------------------------|
| | Pending Statements | | | | |
| 180 | Statement by Hon. Priscilla Nyokabi regarding non-payment of medical expenses in regard to orthopedic appliances by the NHIF | 25.06.2014 | 2 weeks | 9.07.2014 | Awaiting response from MOH |
| 228 | Statement by Hon. Joseph Lekuton on the current alarming maternal deaths in the country and specifically in slum areas | 30.07.2014 | 2 weeks | 13.08.2014 | Awaiting response from MOH |
| 232 | Statement regarding the adherence to the National Infection Prevention and Control Guidelines for Healthcare | 05.08.2014 | 2 weeks | 19.08.2014 | Awaiting response from MOH |
| 249 | Statement by Hon. Francis Mwangangi regarding the status of health workers in the health sector | 13.08.2014 | 2 weeks | 27.08.2014 | Awaiting response from MOH |
| 267 | Statement by Hon. Robert Mutemi regarding release of orthopedic materials and equipment donated to the Association for the Physically Disabled of Kenya by a Dutch Organization | 20.08.2014 | 2 weeks | 03.09.2014 | Awaiting response from MOH |
| | PENDING BILLS | | | | |
| 1. | Pharmacy & Poisons (Amendment Bill), 2014 (Hon Dr. R. Pukose) | 12.3.2014 | 21 days | 01.04.2014 | Report adopted on 28.08.2014 |
| 2. | Mental Health Bill, 2014 | 3.6.2014 | 21 days | 24.06.2014 | Under consideration by the Committee |
| 3. | Traditional Practitioners Health Bill, 2014 (Hon. R. Nyamai) | 3.6.2014 | 21 days | 24.06.2014 | Under consideration by the Committee |
| 4. | Diabetes Management Bill, 2014 (Hon. R. Nyamai) | 3.6.2014 | 21 days | 24.06.2014 | Under consideration by the Committee |
| | Pre-Publication Scrutiny of Bills | | | | |

| S/No | Business | Committal Date | Timeline | Due Date | Status |
|------|--|----------------|----------|------------|---|
| 1. | Malaria Prevention Bill, 2014 (Hon. Diriye) | 04.06.2014 | 14 days | 18.06.2014 | Awaiting Committee Report on the matter |
| 2. | In-Vitro Fertilization Bill, 2014 (Hon Millie Odhiambo) | 17.06.2014 | 14 days | 01.07.2014 | Awaiting Committee Report on the matter |
| | Petitions | | | | |
| 1. | Petition by Members of Kenya Medical Laboratory Technicians and Technologists Board regarding the Pharmacy and Poisons (Amendment) Bill, 2014 (Request presented by Speaker) | 3.06.2014 | 60 days | 03.08.2014 | Report adopted on Thursday, 28 August, 2014 |
| 2. | Petition on behalf of Barnabas Bargarora on importation of substandard drugs (Hon. Hellen Chepkwony) | 1.07.2014 | 60 days | 01.09.2014 | Under consideration by the Committee |
| 3. | Petition by the Union of Clinical Officers interns (conveyed by the Hon. Deputy Speaker of the National Assembly) | 24.07.2014 | 60 days | 24.09.2014 | Awaiting consideration by the Committee |

Way forward

1. Secretariat was tasked to write to the Cabinet Secretary ministry of health informing him of delays by his Ministry in responding to Statements before the Committee.
2. Secretariat to plan for conclusion of consideration of the Bills during the recess.

MIN.NO.DCH 333/2014: ADOPTION OF REPORT ON PETITION BY THE KENYA MEDICAL LABORATORY TECNHNOLOGISTS AND TECHNICIANS BOARD IN REGARD TO THE PHARMACY AND POISONS (AMENDMENTS) BILL, 2014.

Report on the Petition by the Kenya Medical Laboratory Technologists and Technicians Board in regard to the Pharmacy and Poisons (Amendments) Bill, 2014 was unanimously adopted having been proposed by Hon Dr. James Murgor MP and seconded by Hon Zipporah Kering MP.

It was further reported that Hon Dr. Robert Pukose, MP, will sponsor the Pharmacy Practice Bill as a Committee Bill.

The Senior Researcher took the Committee through analysis of the In-vitro Fertilization Bill (copy attached).

Hon Millie Odhiambo's Presentation

Hon Millie Odhiambo, sponsor of the Bill was present during the deliberations and informed the Committee as follows:

- i. That the Bill was introduced in the 10th Parliament but was not passed before the House was dissolved. The Bill intends to create a legal and regulatory framework for the practice of In-vitro fertilization.
- ii. Currently, Kenya lacks legal framework on In-vitro fertilization thereby creating legal hurdles for women/couples intending to undertake the procedure. It is also a very expensive procedure.
- iii. That Budget & Appropriations Committee approved the Bill for publishing as a money bill albeit with recommendations that the sponsor considers working with the Kenya Medical Practitioners and Dentists Board or Kenyatta University, a public institution to host the IVF public clinic and secretariat as opposed to creating a new authority that will occasion additional spending from the exchequer. The Member indicated that she is willing to work with an already existing public institution to host IVF secretariat.

Plenary on the Bill

The Committee made the following observations and comments on the Bill:

1. That In-vitro fertilization is a small aspect of maternal health and does not necessarily need its own regulatory body. The Committee was opposed to the creation of a new authority to oversee operations of IVF if passed into law. The sponsor was implored upon to consider working with already existing public institutions to host IVF activities.
2. That the issues of In-vitro fertilization are well captured in the Clause 69 of the proposed Health Bill. This will however not adequately address the larger issues of maternal and child health. The Committee therefore proposes to introduce a Maternal and Child Health Bill to address maternal of reproductive health amongst other issues affecting mothers and children.

WAYFORWARD.

Hon Millie Odhiambo agreed to consult further (including looking at provisions of the Health Bill) during recess and report back to the Committee on her decision on whether to proceed with the Bill or not.

MIN.NO.DCH335/2014: ANY OTHER BUSINESS

Visit to Athi River Mining Company & Bamburi Co. Ltd on health impact of cement mining operations on the local community:

As resolved during the meeting in Mombasa, the Committee will proceed to Athi River Mining Company (Kilifi Plant) and Bamburi Company (Mombasa Plant) on 3rd& 4th September, 2014.

The following delegation will represent the Committee during the visit:-

1. Hon. Dr. Robert Pukose, MP
2. Hon. David Karithi, MP
3. Hon. Dr. Eseli Simiyu, MP
4. Hon. Dr. Stephen Wachira, MP
5. Hon. James Gakuya, MP
6. Hon. Mwinga Gunga, MP
7. Hon. Nyaga Muchiri, MP
8. Hon. Stephen Mule, MP

Petition by Mr Barbanas Bargoria

On the Petition by Barnabas Bargoria, the Secretariat was tasked to establish details of the court case with the view of determining whether the matter is sub-judice or not. The Legal Counsel informed the Committee that he is analyzing the written submission by Mr. Bargoria and will report to the Committee in the coming week.

Leasing of medical equipment

Members reiterated its position to divide into three groups to undertake fact-finding visits to countries both developed and developing countries, which have leased medical equipment. The secretariat was tasked to coordinate the activity.

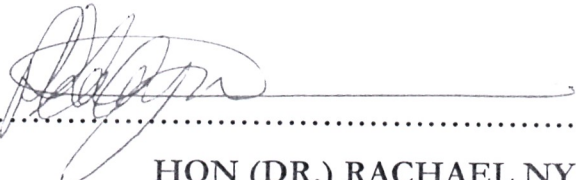
Foreign Travel

It was confirmed that Hon. Christopher Nakuleu MP is listed as part of the delegation traveling to New York for UN General Assembly scheduled for September, 2014. Hon Pukose was requested to step down for Hon Nakuleu should the Speaker/Clerk not approve delegation list of 8 MPs.

MIN. NO. DCH 336/2014

ADJOURNMENT

There being no other business the meeting was adjourned at 1.10 pm.

SIGNED.....

HON (DR.) RACHAEL NYAMAI, M.P

CHAIRPERSON

DATE:.....

MINUTES OF THE 77TH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD IN COMMITTEE ROOM ON 2NDFLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS ON TUESDAY, 9TH SEPTEMBER, 2014, AT 10.00AM.

PRESENT:

- | | |
|--|---------------------------------------|
| 1. The Hon. Dr. Rachael Nyamai, MP (Chairperson) | 9. The Hon. Dr. Stephen Wachira, M.P. |
| 2. The Hon. Dr. Robert Pukose, M.P (Vice Chairperson) | 10. The Hon. Dr. Susan Musyoka, M.P. |
| 3. The Hon. David Karithi, M.P. | 11. The Hon. James Gakuya, M.P. |
| 4. The Hon. Alfred Agoi, M.P. | 12. The Hon. John Nyaga Muchiri, M.P. |
| 5. The Hon. Christopher Nakuleu, M.P. | 13. The Hon. Leonard Sang, M.P. |
| 6. The Hon. Dr. Dahir Mohamed, M.P. | 14. The Hon. Michael Onyura, M.P. |
| 7. The Hon. Dr. David Eseli, M.P. | 15. The Hon. Paul Koinange, M.P. |
| 8. The Hon. Dr. Enoch Kibunguchy, M.P. | 16. The Hon. Eng. Stephen Mule, M.P. |
| | 17. The Hon. Ziporah Jesang, M.P. |
| | 18. The Hon. Dr. James Nyikal, M.P. |

ABSENT WITH APOLOGY:

- | | |
|--|-------------------------------------|
| 19. The Hon. Dr. Patrick Musimba, M.P. | 25. The Hon. Dr. James Murgor, M.P. |
| 20. The Hon. Mwahima Masoud, M.P. | 26. The Hon. Dr. Naomi Shaban, M.P. |
| 21. The Hon. Fred Outa, M.P. | 27. The Hon. Hassan Osman, M.P. |
| 22. The Hon. Kamande Mwangi, M.P. | 28. The Hon. Joseph Magwanga, M.P. |
| 23. The Hon. Dr. James Gesami, M.P. | 29. The Hon. Mwinga Gunga, M.P. |
| 24. The Hon. Raphael Otaalo, M.P. | |

National Assembly Secretariat

- | | | |
|-----------------|---|-------------------------|
| 1. Nebert Ikai | - | Third Clerk Assistant |
| 2. Hassan Arale | - | Third Clerk Assistant |
| 3. Marale Sande | - | Senior Research Officer |

MIN. NO DCH 348/2014: PRELIMINARIES

The meeting was called to order at 10.15am followed by a word of prayer.

MIN NO DCH 349/2014: CONFIRMATION OF PREVIOUS MINUTES.

Confirmation of Minutes of 68th – 76th Sitting was deferred to the next sitting.

MIN.NO.DCH 350/2014: ADOPTION OF REPORT ON PRE-PUBLICATION SCRUTINY OF IN-VITRO FERTILIZATION BILL, 2014

The Committee made the following amendments to the draft Report on pre-publication scrutiny of In-vitro Fertilization Bill, 2014 Paragraph 15c:

- i. The phrase 'vitro-fertilization' was corrected to read as 'in-vitro fertilization'.
- ii. Recommendation (i) and (ii) were deleted and replaced with the following recommendation:

“The sponsor of the bill to consider proposing a broader bill on maternal and child Health that incorporates assisted reproductive technologies of which in-vitro fertilization is among them and aligned to proposed Health Bill 2014.”

Thereafter, the Report was unanimously adopted having been proposed by Hon. Alfred Agoi, M.P and seconded and Hon. Zipporah Jesang, M.P:

**MIN.NO.DCH 351/2014: ADOPTION OF REPORT ON PRE-PUBLICATION
SCRUTINY OF MALARIA BILL, 2014**

The Committee introduced the following changes to the Report:

1. Paragraph 6(2):the phrase 'Malaria Strategy 2017' was corrected to read 'Malaria Strategy 2009- 2017'.
2. Paragraph 11: the phrase 'Lymphatic' and 'Chikunguya' was corrected to read as 'Lymphatic filariasi'and 'Chikungunya' respectively.

Thereafter the Committee unanimously adopted the Report having been proposed by Hon. Dr. Robert Pukose M.P and seconded and Hon. Dr. James Nyikal, M.P.

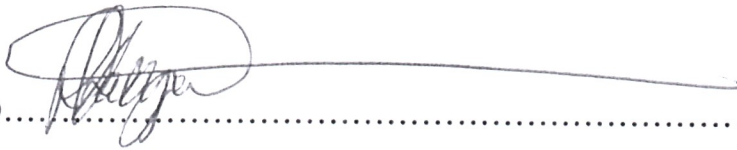
MIN.NO.DCH352/2014: ANY OTHER BUSINESS:

1. The Committee acknowledged the request by Kiambu County Assembly's Committee on Health to benchmark with the Committee,provided they informed Senate's departmental Committee on Health.
2. The Committee also acknowledged with pleasure, the appreciation letter from Tobacco Control Board.
3. The Committee nominated the following delegation to attend the2014 session of Network of African Parliamentary Committee of Health (NEAPACOH) to be held from 2nd-3rd October, 2014 at Speke Resort Munyonyo, Kampala, Uganda:-
 - i. The Hon. Dr. Robert Pukose, M.P -V. Chairperson
 - ii. The Hon. Dr. Enoch Kibunguchy, M.P.
 - iii. The Hon. Michael Onyura, M.P
 - iv. The Hon. Dr. James Nyikal, M.P.

MIN. NO. DCH 353/2014 ADJOURNMENT

There being no other business the meeting was adjourned at 11:58 pm.

SIGNED.....



HON (DR.) RACHAEL NYAMAI, M.P
CHAIRPERSON

DATE:.....

20/11/2014

MINUTES OF THE 5TH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD IN MEMBERS' LOUNGE, PARLIAMENT BUILDINGS ON TUESDAY 17TH FEBRUARY, 2015, AT 10.00 AM.

PRESENT

1. The Hon. Dr. Racheal Nyamai, M.P. (Chairperson)
2. The Hon. Dr. Robert Pukose, M.P. (Vice Chairperson)
3. The Hon. Dr. James Murgor, M.P.
4. The Hon. Christopher Nakuleu, M.P.
5. The Hon. David Karithi, M.P.
6. The Hon. Dr. Dahir D. Mohamed, M.P.
7. The Hon. Leonard Sang, M.P.
8. The Hon. Mwinga Gunga, M.P.
9. The Hon. Dr. James O. Gesami, M.P.
10. The Hon. Dr. Stephen Wachira, M.P.
11. The Hon. Hassan Aden Osman, M.P.
12. The Hon. James Gakuya, M.P.
13. The Hon. Raphael Milkau Otaalo, M.P.
14. The Hon. Kamande Mwangi, M.P.
15. The Hon. Michael Onyura, M.P.
16. The Hon. Zipporah Jesang, M.P.
17. The Hon. John Nyaga Muchiri, M.P.
18. The Hon. Stephen M. Mule, M.P.
19. The Hon. Alfred Agoi, M.P.
20. The Hon. Dr. James Nyikal, M.P.
21. The Hon. Joseph O. Magwanga, M.P.

ABSENT WITH APOLOGY

1. The Hon. Paul Koinange, M.P.
2. The Hon. Dr. Patrick Musimba, M.P.
3. The Hon. Alfred Outa, M.P.
4. The Hon. Dr. Naomi Shaban, M.P.
5. The Hon. Mwahima Masoud, M.P.
6. The Hon. Dr. Eseli Simiyu, M.P.
7. The Hon. Dr. Enoch Kibunguchy, M.P.
8. The Hon. Dr. Susan Musyoka, M.P.

IN ATTENDANCE

National Assembly Secretariat

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| 1. Esther Nginyo | - | Third Clerk Assistant |
| 2. Dennis Mogare | - | Third Clerk Assistant. |
| 3. Hassan A. Arale | - | Third Clerk Assistant. |

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| 4. Peter Mwaura | - | Legal Counsel |
| 5. Reyhan Mohammed | - | Research Officer |
| 6. Moses Kariuki | - | Sergeant at Arms. |

MIN. NO. DCH 20/2015: PRELIMINARIES

The Chairperson called the meeting to order at 10:28 am and a prayer was said by Hon. Dr. Robert Pukose, M.P. The Chairperson then welcomed Members to the meeting and the agenda for the meeting was adopted as proposed by Hon. Dr. Robert Pukose, M.P. and seconded by Hon. Dr. James Murgor, M.P.

MIN. NO. DCH 21/2015: CONFIRMATION OF MINUTES

Minutes of the 4th Sitting that was held on 12th February, 2015 were confirmed as a true record of the proceedings having been proposed by Hon. Kamande Mwangi, MP and seconded by Hon. Raphael Milkau Otaalo, MP.

MIN. NO. DCH 22/2015: MATTERS ARISING

Under MIN. DCH 17/2015 (2) On the victimization of Ministry of Health officers who provided information to the Committee Members during a visit to the Malaba Border, it was resolved that the Committee be furnished with the employees' details including their names and the where they were transferred to.

Under MIN. DCH 17/2015(6) on the Joint Tetanus Vaccine tests, it was resolved that the Members of the Joint Committee be invited to appear before the Committee on Tuesday, 24th February, 2015 to brief it on its report findings.

Under MIN. DCH 17/2015(7) on the payment of the Clinical Officers interns, it was resolved that the Committee to meet with the Kenya Medical Training Centre to agree on a sustainable solution for the interns.

MIN. NO. DCH 23/2015: BRIEFING BY THE LEGAL COUNSEL ON THE PETITION ON THE NON-PAYMENT OF THE CLINICAL OFFICER INTERNS

The Committee was informed that the Petition presented to Parliament by the Kenya Union of Clinical Officers on the non-payment of the clinical officers interns did not meet the threshold of a petition in line with Standing Order 220. It was noted that the Petition did not contain the subject matter and that it had not been signed. The Committee however resolved that since the petitioners had been invited to appear before it on Thursday, 19th February, 2015, the petitioner to be

informed on the same, and that the issues raised by the petitioners to be addressed in the said meeting.

MIN. NO. DCH 24/2015: CONSIDERATION OF THE REPORTS ON : MENTAL HEALTH BILL, 2014 AND IN VITRO FERTILIZATION BILL, 2014

The Committee considered the report on the Mental Health Bill, 2014 and unanimously adopted it after being proposed by Hon. Dr. Robert Pukose, MP and seconded by Hon. Raphael Milkau Otaalo, MP.

The Committee also considered the report on In Vitro Fertilization Bill, 2014 and unanimously adopted it after being proposed by Hon. Dr. Robert Pukose, MP and seconded by Hon. Dr. Nyikal, MP.

MIN. NO. DCH 25/2015: ANY OTHER BUSINESS

The following matters were raised under this agenda item;

1. Hon. Shakeel Shabbir, MP had petitioned the Committee to consider the matter of Irregular registration of a private eye centre – eye and U-Kenya. It was resolved that Hon. Shakeel appears before Thursday, 19th February, 2015 to brief the Committee on the same.
2. It was agreed that the Committee report writing retreat in Mombasa be held from Thursday, 26th February, 2015 to 1st March, 2015.

MIN. NO. DCH 26/2015 ADJOURNMENT

There being no other business the meeting was adjourned at 12.05 pm.

SIGNED.....

HON (DR.) RACHAEL NYAMAI, M.P

CHAIRPERSON

DATE:.....

