

PARLIAMENT OF KENYA



NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – SECOND SESSION (2014)

DIRECTORATE OF COMMITTEE SERVICES (NA)

THE DEPARTMENTAL COMMITTEE ON HEALTH

REPORT

ON

CONSIDERATION OF THE KENYA NATIONAL AIDS AUTHORITY BILL,
2014

PARLIAMENT BUILDINGS

NAIROBI

JULY 2014

Table of Contents

1.0 INTRODUCTION3
2.0 COMMITTEE DELIBERATIONS ON THE BILL.....6
3.0 COMMITTEE AMENDMENTS.....8

1.0 INTRODUCTION

The Departmental Committee on Health is established pursuant to the provisions of Standing Order No. 216(5) of the Kenya National Assembly and in line with Article 124 of the Constitution (2010) which provides for the establishment of the Committees by Parliament. The functions of the Committee are, inter alia, to study and review all legislation referred to it.

The National Assembly Health Committee has its subject matter in line with the provided functions of the National Government as prescribed in the Fourth Schedule of the Constitution.

The Committee comprises:-

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

The Kenya National AIDS Authority Bill, sponsored by Hon. Jared Odhiambo Opiyo, MP was published on 21st February, 2014 and subsequently tabled in the House for First Reading on Thursday, 6th March, 2014 and thus committed to the Departmental Committee on Health for consideration pursuant to Standing Order No. 127 and Article 118 of the Constitution.

Mr. Speaker, Sir,

The principle **Object of the Bill** is to provide a legal framework for the establishment, power and functions of the Kenya National AIDS Authority, which is a successor to the National AIDS Control Council (NACC).

Currently, the Council exists as a non-commercial organization established pursuant to the National AIDS Control Council Order, 1999 published vide Legal Notice No. 170 of 1999. Its mission is to “provide policy and a strategic framework for mobilizing and coordinating resources for the prevention of HIV transmission and provision of care and support to the infected and affected people in Kenya”.

Mr. Speaker, Sir,

The Committee took into account submissions from various stakeholders including the Attorney-General and the National AIDS Control Council in processing of the Bill.

One of the main provisions of the Bill, is the proposal to have the President appoint a Selection Panel that will competitively recommend Board Chair and Members of the Authority for appointment by the President after vetting by Parliament.

Mr. Speaker, Sir,

I would like to point out that the Committee was in agreement with the general contents of the Bill. However, the Committee proposed amendments to some sections as contained in the Committee Amendments Section of the Report.

One of the proposed amendments is the introduction of the HIV/AIDS Trust Fund whose aim will be to provide additional sustainable financing for the control, prevention and management of HIV and AIDS in Kenya.

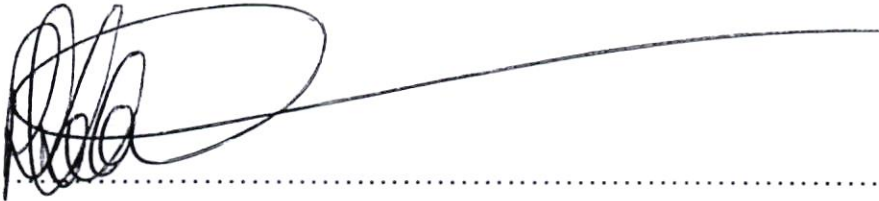
Mr. Speaker, Sir,

In appreciation, 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 and preparation of this Report.

Mr. Speaker, Sir, I also wish to thank the sponsor of the Bill for bringing this proposed legislation that will see better accountability in the management of HIV and AIDS in Kenya. Last but not least, Mr. Speaker, Sir, I want to thank the National AIDS Control

Council secretariat for its efforts in the fight against HIV and AIDS in Kenya and also for facilitating several stakeholder meetings during consideration of this Bill. It is therefore my pleasant duty and privilege, on behalf of the Departmental Committee on Health, to table its report in the House on the consideration of the Kenya National AIDS Authority Bill, 2014 for consideration and adoption pursuant to Standing Order 127 (4).

SIGNED.....



HON. DR. RACHAEL NYAMAI, MP

COMMITTEE CHAIRPERSON

DATE.....

31/07/2024

2.0 COMMITTEE DELIBERATIONS ON THE BILL

The Committee considered the Bill, clause by clause and below is a summary of the Committee deliberations:-

PART I – PRELIMINARY

Clause 1: Agreed to.

Clause 2: Agreed to.

PART II -THE KENYA NATIONAL AIDS AUTHORITY

Clause 3: Agreed to.

Clause 4: Amendment proposed.

Clause 5: Agreed to.

Clause 6: Amendment proposed.

Clause 7: Agreed to

Clause 8: Amendment proposed.

Clause 9: Agreed to.

Clause 10: Agreed to.

Clause 11: Amendment proposed.

Clause 12: Agreed to.

Clause 13: Amendment proposed.

Clause 14: Agreed to.

Clause 15: Agreed to.

Clause 16: Amendment proposed.

Clause 16: Agreed to.

Clause 17: Agreed to.

Clause 18: Agreed to.

Clause 19: Agreed to.

Clause 20: Agreed to.

PART III – FINANCIAL PROVISIONS

Clause 21: Amendment proposed.

Clause 21: Agreed to.

Clause 22: Agreed to.

Clause 23: Agreed to.

Clause 24: Agreed to.

PART IV – MISCELLANEOUS PROVISIONS

Clause 25: Amendment proposed.

Clause 26: Amendment proposed.

PART V – PROVISIONS ON DELEGATED POWERS

Clause 27: Amendment proposed.

Clause 28: Amendment proposed.

FIRST SCHEDULE: Agreed to.

SECOND SCHEDULE: Amendment proposed.

3.0 COMMITTEE AMENDMENTS

The Committee proposed the following amendments to the Bill: -

CLAUSE 4:

THAT, clause 4 be amended—

- (a) in sub clause (2) by inserting expression “parliamentary constituencies” immediately after the word “headquarters”;
- (b) by deleting sub clause (3);
- (c) by deleting sub clause (4).

CLAUSE 6:

THAT, clause 6 be amended by deleting its provisions and substituting therefor the following –

6. (1) The Board of management shall comprise of –

- (a) a chairperson and five other members appointed in accordance with the provisions of this Act.
- (b) the Principal Secretary, Ministry of Health;
- (c) the Principal Secretary, National Treasury; and
- (d) the Principal Secretary, Ministry of Devolution and Planning.

CLAUSE 8:

THAT, clause 8 be amended—

- (a) in sub clause (1) by inserting the expression “is a private practitioner who” immediately before the word “has” appearing in paragraph (a)
- (b) in sub clause (2) by inserting the following new subparagraphs immediately after subparagraph (iv) of paragraph (b)—
 - “(v) resource mobilization;
 - (vi) governance and public administration;
 - (vii) advocacy and communication skills;
 - (viii) community and social development;
 - (ix) planning and devolution;

(x) project management;

(xi) research.”

CLAUSE 11

THAT, clause 11 be amended—

(a) in sub-clause (2) —

(i) by deleting the expression “one person nominated by” appearing immediately after the word “of”;

(ii) by inserting the expression “one person nominated by” immediately before the expression “the President” appearing in paragraph (a);

(iii) by inserting the expression “one person nominated by” immediately before the expression “the Cabinet Secretary” appearing in paragraph (b);

(iv) by inserting the expression “one person nominated by” immediately before the expression “the Public Service” appearing in paragraph (c);

(v) by inserting the expression “one person nominated by” immediately before the expression “the National Council” appearing in paragraph (d);

(vi) by inserting the expression “three persons nominated by” immediately before the expression “a joint forum” appearing in paragraph (e);

(vii) by inserting the expression “one person nominated by” immediately before the expression “the most representative” appearing in paragraph (f);

(viii) by deleting paragraph (g) and substituting therefor the following new paragraph

“(g) one person nominated by the Kenya Private Sector Alliance.”;

(ix.) by inserting the following new paragraph (h)

“ one person nominated by Kenya Medical Association.”

(b) in sub-clause (7) by deleting the word “six” and substituting therefor the word “five”;

- (c) in sub-clause (15) by inserting the expression “and persons living with HIV and AIDS” immediately after the word “disabilities”.

CLAUSE 13

THAT, clause 13 be deleted and replaced with the following new clause—

“Tenure of Office”.

13. (1) The Chairperson and members of the Authority shall be appointed for a term of five years and shall be eligible for reappointment for one further term.

(2) The appointing authority shall ensure that not more than half of the members retire from the Board at any one given time.

CLAUSE 16

THAT, clause 16 be amended in sub-clause (1) by inserting the expression “for a period of 3 years, renewable once” immediately after the word “Authority”.

CLAUSE 21

THAT, clause 21 be amended in sub-clause (2) by deleting the expression “by virtue of paragraph 12 of the National AIDS Control Council Order, 1999” appearing immediately after the word “Parliament”.

NEW CLAUSE

THAT, the following new clause be inserted immediately after clause 24—

The HIV and AIDS Trust Fund.

25A. (1) There is established a fund to be known as the HIV and AIDS Trust Fund which shall be administered by the Board.

(2) The Fund shall be used for purposes of providing additional sustainable financing for the control, prevention and management of HIV and AIDS in Kenya.

(3) The Cabinet Secretary shall, in consultation with the Board, make Regulations to govern the administration of the Fund.

CLAUSE 25

THAT, clause 25 be deleted and replaced with the following new clause—

Declaration by the President.

25. (1) Upon the advise of the Cabinet Secretary responsible for HIV and AIDS or Cabinet Secretary responsible for other disasters, the President may, by notice in the Gazette, declare HIV and AIDS as a national disaster among other disasters.”

(2) Upon a declaration under subsection (1), the national government shall make appropriate and necessary budgetary provisions to fund and support the fight against HIV and AIDS.

CLAUSE 27

THAT, clause 27 be amended by deleting sub clause (1) and substituting therefor the following new sub clause —

“(1) The Cabinet Secretary may, in consultation with the Authority and with the approval of Parliament, make regulations generally for the better carrying into effect of any provisions of this Act.”

CLAUSE 28

THAT, clause 28 be amended in sub clause (2) by deleting the expression “in accordance with Section 21(2) of this Act” appearing immediately after the word “Authority”.

SECOND SCHEDULE

THAT, Section 7 of the Second Schedule be amended by: -

- i. deleting the words “to serve their unexpired term” appearing after the word “Council” in the marginal notes.
- ii. deleting the words “until new members of the Authority are appointed under this Act” appearing after the word “office” and substituting therefor the words “for six months after new members are appointed under this Act.”

MINUTES OF THE 59TH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD IN THE SMALL DINING, MAIN PARLIAMENT BUILDINGS ON TUESDAY, 22ND JULY, 2014 AT 10.00AM

PRESENT HEALTH COMMITTEE

1. **The Hon. Dr. Rachael Nyamai, MP - Chairperson**
2. **The Hon. Dr. Robert Pukose, M.P - V. Chairperson**

- | | |
|--|--------------------------------------|
| 3. The Hon Alfred Agoi, M.P. | 10. The Hon. James Gakuya, M.P. |
| 4. The Hon. Christopher Nakuleu, MP | 11. The Hon. John Nyaga Muchiri, M.P |
| 5. The Hon. David Karithi, M.P | 12. The Hon Joseph Magwanga, M.P |
| 6. The Hon. Dr. Enoch Kibunguchy, M.P. | 13. The Hon. Leonard Sang, M.P |
| 7. The Hon. Dr. James Murgor, M.P | 14. The Hon. Michael Onyura, M.P |
| 8. The Hon. Dr. James Gesami, M.P | 15. The Hon Zipporah Jesang, M.P. |
| 9. The Hon. Dr. Stephen Wachira, M.P | |

ABSENT WITH APOLOGY:

- | | |
|-------------------------------------|---|
| 16. The Hon Dr. Susan Musyoka, M.P. | 17. The Hon. Dr. Dahir D Mohamed, M.P |
| 17. The Hon Mwinga Gunga, M.P. | 18. The Hon. Dr. David Eseli, M.P |
| 18. The Hon. Dr. Naomi Shaban, M.P | 19. The Hon. Dr. James Nyikal, M.P |
| 19. The Hon Dr. Stephen Mule, M.P | 20. The Hon. Fred Outa, M.P. |
| 20. The Hon Hassan Osman, M.P | 21. The Hon. Raphael Milkau Otaalo, M.P |
| 21. The Hon Kamande Mwangi, M.P. | 22. The Hon. Dr. Patrick Musimba, M.P |
| 22. The Hon Mwahima Masoud, M.P. | 23. The Hon. Paul Koinange, M.P |

IN ATTENDANCE:

National Assembly Secretariat

- | | | |
|-----------------|---|-----------------------|
| 1. Nebert Ikai | - | Third Clerk Assistant |
| 2. Hassan Arale | - | Third Clerk Assistant |
| 3. Marale Sande | - | Senior Researcher |
| 4. Vane Akama | - | Legal Counsel |

Ministry of Health

- | | | |
|----------------------|---|--------------------|
| 1. Dr. David Kiima | - | SDM/CMS |
| 2. Dr. Simon Njuguna | - | SADM/ Psychiatrist |

MIN. NO DCH 266/2014:

PRELIMINARIES

The meeting was called to order at 10.00 am followed by a word of prayer from the Hon. Dr. James Murgor, M.P

MIN NO DCH 267/2014:

ADOPTION OF REPORT ON KENYA NATIONAL AIDS AUTHORITY BILL, 2014

The Report on Kenya National AIDS Authority Bill, 2014 was unanimously adopted.

MIN NO DCH 268/2014: ADOPTION OF REPORT ON THE STATUTE LAW (MISCELLANEOUS AMMENDMENT) BILL, 201C

The Committee deferred adoption of the Report and introduced an amendment to include Faith-based Organizations in the NHIF Board.

Hon Sammy Mwaita MP informed the Committee that he intends to move the following amendment to the Statute Law (Miscellaneous Amendment) Bill, 2014:

THAT, the Bill be amended in the Schedule in the proposed amendments to the National Hospital Insurance Fund Act, 1998, by inserting the following new amendments in their proper numerical sequence-

Provision Amendment

s. 18(1) Delete and substitute, therefor the following-

"(1) Subject to the provisions of this section and without prejudice to any other penalty imposed under this Act, if any contribution which any person is liable to pay under this Act in respect of any month, is not paid on or before the day on which payment is due, a penalty equal to-

(a) in the case of micro and small enterprises, forty percent of the amount of that contribution; and

(b) in any other case, two times the amount of that contribution,

shall be payable by that person for each month or part thereof during which the contribution remains unpaid, and any such penalty shall be recoverable as a sum due to the Fund, and when recovered, shall be paid into the Fund".

New Insert the following new subsection immediately after subsection (3)-

"(4) In this section, the expressions "micro enterprise" and "small enterprise" have the meanings assigned thereto respectively in the Micro and Small Enterprises Act, 2012".

MIN NO DCH 269/2014 CONSIDERATION OF MENTAL HEALTH BILL, 2014

The Committee met with officials of the Ministry of Health to give submissions on the Mental Health Bill, 2014.

Moh submissions were as follows:

Part I: Preliminary:

It fails to legally and technically define correctly the key actors and the terminologies as indicated in the Bill.

The objects and purposes fail to state if the Bill amends, repeals or consolidates other existing mental health related laws despite the intent of its miscellaneous provisions.

On the promotion of mental health as a component of primary prevention; the Bill is silent on the legal provisions to enhance a prevailing living environment that ensures protective factors and reduces on risk factors for the enhancement of mental well-being.

Part II: Access to mental health services:

The Bill fails to provide for a legal framework, which ensures access to the highest attainable standard of mental healthcare and emergency treatment by both National and County Governments.

There are no provisions on mental health systems and resources thereof to ensure; quality, availability, affordability, appropriateness, acceptability and equality of services.

Mental health services as an integral part of health services; the Bill negates the spirit and letter of the Constitution especially on the stipulated functions of health services for the National and County Government.

Part III: Determination of mental illness;

The Bill contradict and confuses on the purpose, process and circumstances of the determination of mental illness it's proposes.

The Bill does not recognize mental illness as a disease with evidence based and best practice management highly guided by medical science and ethics.

Part V: Provisions on Admission and treatment;

The Bill fails to technically define; voluntary, involuntary and emergency admission and treatment.

It does not provide for emergency treatment of person with mental illness in a public place whom due to the severity of disease is not capable to express himself and is in danger to self and others.

The Bill has no provisions for treatment of; a foreigner within the country, children and the role of Government as a surrogate mother in such cases of emergency treatment and care of the person with mental illness.

Part VI: Mentally ill offender;

The Bill fails to recognize provisions of other existing laws e.g. Prison act, Penal code, criminal procedure code, sexual offences act, children act e.t.c in regards to treatment and care of mentally ill offenders.

Part VIII: Review, appeal, discharge and transfer of person with mental illness

The Bill excludes significant provisions in the Mental Health Act and the amendments proposed by the Ministry of Health Mental health Bill2014.

Part IX: Care and administration of property of person with mental illness

The Bill excludes significant gains by provisions the Mental Health Act. It's fails to address the judicial power on testamentary and contractual capacity and competencies.

Part X: Mental health Board;

The bills reverses gain achieved by mental health act such as; provision on a Director of Mental Health and an office of the director in the public services as strongly adhered by World Health Organization (WHO) members states to mainstream mental health.

The Bill ignores the place of an important decentralized governance structure provided in the mental health act; such as District mental health councils.

The Bill is silent on roles and functions of the board in a devolved system of Government

The financial provisions contradict the principles of public financial management.

Way Forward:

It was resolved that the Ministry of Health to provide comprehensive stakeholders' participation to review, revise the Bill and amalgamate with Mental Health Act 1989 and amendments proposed on Mental Health Act (1989) by Ministry of Health Bill, 2014.

MIN. NO. DCH 270/2014 ANY OTHER BUSINESS

1. The Hon. Dr. James Gesami, M.P informed the Committee that the Director of National Aids Control Council lost her son and requested the Committee to support the family during the mourning period.
2. The Chair reminded the Members to honour their pledge to support Hon Dr. Stephen Wachira, MP in meeting his sister's medical expenses in India. The Committee had agreed to contribute a minimum of Kshs. 20,000 per member.
3. Clerks to circulate copies of FY 2014/15 printed Budget Estimates in the next sitting.
4. The members were informed of the circular in the newspaper informing them to desist from using CDF funds in constructing hospitals in constituencies.
5. The Committee advised that that the Fiscal Analyst attached to Committee to scrutinize tender documents concerning leasing of medical equipment.

MIN. NO. DCH271/2014 ADJOURNMENT

There being no other business the meeting was adjourned at 12:40PM.

SIGNED.....

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

DATE: 31st July, 2014

MINUTES OF THE 50TH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD ON 11TH FLOOR, PROTECTION HOUSE, MAIN PARLIAMENT BUILDINGS ON TUESDAY, 1ST JULY, 2014 AT 10.30 AM

PRESENT

- 1. The Hon. Dr. Rachael Nyamai, MP-Chairperson**
- 2. The Hon. Dr. Robert Pukose M.P -V. Chairperson**
3. The Hon. Dr. David Eseli, M.P
4. The Hon. Leonard Sang, M.P
5. The Hon. Fred Outa, M.P
6. The Hon. James Gakuya, M.P
7. The Hon. David Karithi, M,P
8. The Hon. Dr. James Nyikal, M.P
9. The Hon. Dr. Stephen Wachira, M.P
10. The Hon. Dr. James Gesami, M.P
11. The Hon Joseph O.Magwanga,M.P
12. The Hon. Dr. James Murgor, M.P
13. The Hon Dr. Dahir Mohamed,M.P
14. The Hon. Christopher Nakuleu, MP
15. The Hon Hassan Osman, M.P
16. The Hon Dr susan Musyoka, M.P
17. Hon. The Michael Onyura, M.P

ABSENT WITH APOLOGY:

18. The Hon. John Nyaga Muchiri, M.P
19. The Hon. Paul Koinange, M.P
20. The Hon. Dr. Patrick Musimba, M.P
21. The Hon. Milkau Otaalo, M.P Raphael
22. The Hon. Dr. Stephen M. Mule, M.P
23. The Hon. Dr. Naomi Shaban, M.P
24. The Hon. Kamande Mwangi, M.P
25. The Hon Mwinga Gunga, M.P.
26. The Hon. Dr. Enoch Kibunguchy, M.P.
27. The Hon Zipporah Jesang ,M.P
28. The Hon Mwahima Masoud,M.P
29. The Hon Alfred Agoi M.P.

IN ATTENDANCE:

National Assembly Secretariat

1. Susan Maritim - First Clerk Assistant
2. Nebert Ikai - Third Clerk Assistant
3. Hassan Arale - Third Clerk Assistant
4. Peter Mwaura - Legal Counsel

MIN. NO DCH 225/2014: PRELIMINARIES

The meeting was called to order at 10.30am with a word of prayer by Hon. Dr. Stephen Wachira M.P.

MIN. NO DCH 226/2014: CONSIDERATION OF KNAA BILL, 2014

The report was adopted as amended to replace APSEA member with KEPSEA member in Board Membership. Board membership to have 9 members including the Chair (from the private sector).

On transition of the Council members, their tenure is determined by Legal Notice 170 of 1999. The legal counsel was tasked to advise further on the matter of transition to the new Board taking into consideration their appointment terms pursuant to Legal Notice 170/1999.

On staff transition, it was resolved that staff, property and liabilities of NACC would automatically transit to the new authority.

MIN. NO DCH 227/2014: CONSIDERATION OF MTRH REPORT.

The Committee considered the first draft of the MTRH Report and observed and recommended as follows:

- i. The Report should make a clear distinction between the adduced evidence vis-à-vis Committee findings and observations.
- ii. That in Committee Observations, it should be made clear that there was no evidence of advertisement for expression of interest and that the procurement process for the project was flawed *ab initio*. The Hospital management therefore flouted provisions of Public Procurement and Disposal Act, 2005.
- iii. Justification for the escalation of costs should also be highlighted.
- iv. That the CEO misled the Committee about the validity of the provisional contract. He indicated 6 months yet the contract indicates 16 months.
- v. That the contract was signed by the hospital without involvement of the MoH, National Treasury and Attorney General's office.
- vi. On the visit to China that was fully paid by CMEC, the Committee observed that it was irregular for the hospital management to accept the offer as it may be construed as a bribe to award the company the contract.
- vii. The legal counsel to advise on the financial implications of terminating the signed contract with CMEC should the Committee recommend its cancellation.

Way Forward:

It was resolved that the Clerk writes to the Director requesting for the following information:

- Current status of the project;
- Copies of all relevant Board Minutes approving the project;
- Copy of the advertisement for Expression of Interest;
- Copies of all correspondence between the Hospital and Finnish and Spanish Governments;
- Copies of all correspondence between the Hospital, Ministry of Health and National Treasury on the said project;
- Project cost as at US\$ 200 million and US\$ 293 million.

Thereafter, the Committee would invite the Director if there is need for him to appear in person to make further clarifications.


MIN DCH 228/2014 ANY OTHER BUSINESS

On the Health Bill, the Committee resolved to write to the Cabinet Secretary, Ministry of Health after the lapse of the two weeks he had indicated that the Bill would be out of the Attorney-General's office.

On the Devolution Report currently before the House for debate, the Committee deliberated at length on Recommendations 2 & 7 and resolved to seek further advise from the Director, Legislative and Procedure on the possibility of amending the two recommendations.

MIN .NO DCH 229 /2014 ADJOURNMENT

There being no other business, the meeting was adjourned at 1.36pm until Thursday, 3rd July, 2014 at 10am.


SIGNED.....

**HON (DR.) RACHEL NYAMAI, M.P
CHAIRPERSON**

DATE..... 24th July, 2014

**MINUTES OF THE 49TH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH,
HELD IN ROOM NO. 7, MAIN PARLIAMENT BUILDINGS ON THURSDAY, 26TH JUNE,
2014, AT 10.30 AM.**

PRESENT

- 1. The Hon. Dr. Rachael Nyamai, MP-Chairperson**
- 2. The Hon. Dr. Robert Pukose M.P -V. Chairperson**
3. The Hon. Dr. David Eseli, M.P
4. The Hon. Leonard Sang, M.P
5. The Hon. Fred Outa, M.P
6. The Hon. James Gakuya, M.P
7. The Hon. Raphael Otaalo, M.P
8. The Hon. David Karithi, M,P
9. The Hon. Dr. Naomi Shaban, M.P
10. The Hon. Stephen M. Mule, M.P
11. The Hon. Dr. James Nyikal, M.P
12. The Hon. Kamande Mwangi, M.P
13. The Hon Mwinga Gunga,M,p
14. The Hon. Dr. Stephen Wachira, M.P
15. The Hon. Dr. Enoch Kibunguchy, M.P
16. The Hon. Dr. James Gesami, M.P
17. The Hon Joseph Magwanga,M.P

ABSENT WITH APOLOGY:

18. The Hon. John Muchiri, M.P
19. The Hon. Paul Koinange, M.P
20. The Hon. Dr. Patrick Musimba, M.P
21. The Hon. Michael Onyura, M.P
22. The Hon. Christopher Nakuleu, MP
23. The Hon. Dr. James Murgor, M.P
24. The Hon Dr. Dahir Mohamed,M.P
25. The Hon Dr. Susan Musyoka ,M.P
26. The Hon Hassan Osman, M.P
27. The Hon Zipporah Jesang ,M.P
28. The Hon Mwahima Masoud, M.P
29. The Hon Alfred Agoi, M.P.

IN ATTENDANCE:

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. Ronald Walala- Legal Counsel
6. Peter Mwaura - Legal Counsel

Ministry of Health Officials

1. Mr. James Macharia - Cabinet Secretary
2. Dr. John Odondi - SDDMS
3. Mr. Thomas Abincha - SAD/SCMS.
4. Peter N. Gachange - CHAO
5. Elkana Onguti - Chief Economist

MIN. NO DCH 219/2014: PRELIMINARIES

The meeting was called to order at 10.30am with a word of prayer by Hon. Dr. Robert Pukose M.P.

MIN. NO DCH 220/2014: CONSIDERATION OF MTRH REPORT

The issue was deferred to next meeting having been Proposed by Hon. Stephen M. Mule M.P and Seconded by Hon. Raphael Otaalo M.P.

MIN. NO DCH 221/2014: MEETING WITH CABINET SECRETARY, MOH

The Cabinet Secretary, Ministry of Health appeared before the Committee to respond to the following issues: -

- i. Proposed leasing of medical equipment for use in Level 4, 5 and 6 hospitals;
- ii. Wajir District Hospital improvement and expansion project co-funded by Kuwaiti government.

Proposed leasing of medical equipment for use in Level 4, 5 and 6 hospitals

The Cabinet Secretary gave the following brief on the proposal by the Ministry of Health to lease medical equipment for use in level 4, 5, @ 6 health facilities at a cost of Ksh. 34 billion over 10 years: -THAT

- ❖ The project was initiated in line with Article 43 of the Constitution of Kenya that guarantees all Kenyans the right to health.
- ❖ The Ministry is in the final stages of developing the health policy framework 2013-2014 with the overall aim of achieving the highest attainable standards of health to a population.

Assessment of facilities/ feasibility study

- i. The proposed project recognizes that health infrastructure development forms one of the key building blocks of strong health system therefore the Ministry is focusing on equipping the existing (294) Public Hospitals (Levels 4, 5 & 6).
- ii. A total of twelve teams visited all counties to assess the needs of the counties and the health facilities. This nationwide exercise was to identify the existing gaps in the public health facilities. As a result of the assessment and consultation, a total of 94 hospitals, two in each county, were selected to be included in the project. (27th February and 7th March 2014)
- iii. The Ministry established a multi- stakeholder Committee consisting of senior ministry officials; representative from International Finance Corporation (IFC) of the World Bank for technical advice; a legal expert on PPP from the National Treasury; and an official from the Directorate of Public Procurement Oversight Authority in April 2014.

Tendering process

- iv. The plan to equip the hospital was structured into two phases:
 - ❖ To involve leasing of the equipment that are of the basic nature, such as ICU, renal, theatre, laboratory and radiology (x-rays); and

- ❖ Application of PPP arrangement for the high end and costly equipment such as magnetic resonance (MRI), CT-scan, Oncology and Medical gases as well as their intended infrastructure.
- v. The Ministerial Tender Committee sitting on 4th June 2014 approved the tendering of Phase 1 through International Competitive Bidding (ICB). The tender was advertised on June 6, 2014 (the Standard) and on June 9, 2014 (the Daily Nation). The tender notice was however cancelled on June 14, 2014 to enable refinement of specification before re-advertisement.

Modalities

- vi. The Ministry will sign Government-to-Government contract with 47 County Governments and seek the Attorney General's consultation to second someone and also allow the ministry to involve an independent lawyer.
- vii. The Ministry is buying service therefor the equipment will remain the property of the contracted company and they will be responsible to changing equipment as technology changes and replace obsolete equipment and training of staff.
- viii. Patients are not charged money for services, the company will be get the money from budgetary allocation and it is anticipated to re-do contract again of buying service to even infinity if the evaluation proves to be the best model.

Committee concerns

i. What happens after the end of the lease period?

- ❖ Companies to decide what to do with the equipment after the end of the lease period.
- ❖ MoH should reconsider the conditions of leasing to allow the equipment to be owned by GoK.
- ❖ Contract to be renewed after 10 years for the 94 facilities.
- ❖ The CS will have to seek Cabinet's approval for lease of each batch of 94 hospitals.

The Ministry will at a later stage, invite the Committee to undertake a due-diligence visit to the HQs of the companies that will provide the equipment.

The CS to report back in two weeks on re-advertisement for the project.

Brief on the Wajir District Hospital Improvement and Expansion project.

The MoH presented a written brief on the Wajir Project (copy attached.)

The Kshs. 600 million project is being undertaken through a loan from Kuwait Fund for Arab Economic Development and not as a grant co-funded by the Bank for Arab Development in Africa (BADEA) as earlier indicated.

Issues raised

- The Committee sought to know why the Ministry continues to allocate funds to the project annually yet to date the construction is yet to commence.
- Wajir Hospital is the only Kuwaiti-funded project under the Ministry of Health.

Way Forward:

The Committee was highly dissatisfied with the information presented by the Ministry officials and deferred deliberations on the project to a later date with the following officials present: the Principal Secretary & Cabinet Secretary MoH and the Chief Finance Officer, MoH.

The Ministry is expected to give more detailed information on the amount spent on the project to date and submit the agreement signed between the Kuwaiti Government and the Kenya Government on the same.

Other issues raised in the meeting:

- Health Bill:** The Cabinet Secretary informed the Committee that the Health Bill was sent to the Attorney General's office and CIC for fine-tuning and pledged to report back to the Committee in two weeks' time.
- The CS further informed the Committee that in FY 2013/14, **Funds for TB drugs** were erroneously devolved to counties and MoH was forced to borrow from Malawi to bridge the shortfall. the position has since changed and the country has adequate TB stocks.
- On the **Statute Law (Miscellaneous Amendment Bill) 2014**, the CS confirmed that he was consulted on the matter and that the proposed amendments were informed by the need to have a lean NHIF Board. The Committee however did not agree with him and will make its position known in its report on the said Bill.
- The Committee discussed a circular by MoH regarding construction of nurses quarters and resolved to request the Ministry to allow for construction using locally available materials as opposed to the prefabricated houses preferred by the Ministry.

MIN. NO DCH 222/2014

CONSIDERATION OF KNAA BILL, 2014

The Committee resolved as follows:

Amend Clause 6 to of KNAA to provide for Chairperson and ten other members one of whom must come from the private sector and;

Amend Clause 81(a) to delete the provision that the Chairperson must have at least 12yrs experience relating to HIV/ AIDS.

Provide for tenure of the Board and transition clause.

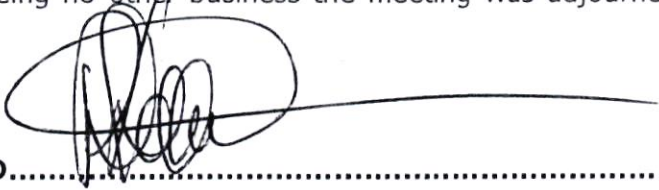
MIN .NO DCH 223 /2014

ANY OTHER BUSINESS

No other business arose.

MIN .NO DCH 224 /2014 ADJOURNMENT

There being no other business the meeting was adjourned at 1pm until Tuesday, 1st July, 2014.



SIGNED.....

HON (DR.) RACHEL NYAMAI, M.P

DATE..... 24th July, 2014

MINUTES OF THE 48TH SITTING OF DEPARTMENTAL COMMITTEE ON HEALTH, HELD IN ON 4TH FLOOR CONTINENTAL HOUSE, PARLIAMENT BUILDINGS ON TUESDAY, 24TH JUNE, 2014 AT 10.30AM.

PRESENT

- | | | |
|---------------------------------------|---|--------------------------------------|
| 1. The Hon. Dr. Rachael Nyamai, M.P | - | Chairperson |
| 2. The Hon. Dr. Robert Pukose, M.P | - | Vice-Chairperson |
| 3. The Hon Dr. Dahir Mohamed, M.P | | 13. The Hon. Joseph O. Magwanga, M.P |
| 4. The Hon Hassan Aden Osman, M.P. | | 14. The Hon. Leonard Sang, M.P |
| 5. The Hon. Alfred Agoi, M.P | | 15. The Hon. Mwahima Masoud, M.P |
| 6. The Hon. Dr. David Eseli, M.P | | 16. The Hon. Mwinga Gunga, M.P |
| 7. The Hon. Dr. James Gesami, M.P | | 17. The Hon. Raphael Otaalo, M.P |
| 8. The Hon. Dr. James Murgor, M.P | | 18. The Hon. Paul Koinange, M.P |
| 9. The Hon. Dr. Naomi Shaban, M.P | | 19. The Hon. Stephen M. Mule, M.P |
| 10. The Hon. Dr. Stephen Wachira, M.P | | 20. The Hon. Kamande Mwangi, M.P |
| 11. The Hon. Fred Outa, M.P | | 21. The Hon. David Karithi, M.P |
| 12. The Hon. James Gakuya, M.P | | |

ABSENT WITH APOLOGY:

- | | | |
|---------------------------------------|--|--|
| 22. The Hon. Dr. Patrick Musimba, M.P | | 27. The Hon. Zipporah Kering, M.P |
| 23. The Hon. Dr. Susan Musyoka, M.P | | 28. The Hon. Dr. Enoch Kibunguchy, M.P |
| 24. The Hon. Michael Onyura, M.P | | 29. The Hon. Christopher Nakuleu, M.P |
| 25. The Hon. Dr. James Nyikal, M.P | | |
| 26. The Hon. John Nyaga Muchiri, M.P | | |

IN ATTENDANCE:

National Assembly Secretariat

- | | | |
|---------------|---|-------------------------|
| Susan Maritim | - | First Clerk Assistant |
| Nebert Ikai | - | Third Clerk Assistant |
| Hassan Arale- | - | Third Clerk Assistant |
| Ronald Walala | - | Legal Counsel |
| Peter Mwaura | - | Legal Counsel |
| Marale Sande | - | Senior Research Officer |

Uganda Health Committee Delegation

- | | | |
|-------------------------------|---|---------------------------------------|
| 1. Hon. Iriama Margdrezi, MP | - | Chairperson, Uganda Health Committee |
| 2. Hon. Dr Bayigga Lulume, MP | - | Member & Shadow Health Minister |
| 3. Hon. Burumba Beatrice, MP | - | Member |
| 4. Hon. Betty Ocan M.P | - | Member |
| 5. Hon. Naoma Kabashaira M.P | - | Member |
| 6. Hon. Ninsima Ronald, M.P | - | Member |
| 7. Hon. Wadada Femiari-M.P | - | Member |
| 8. Ms. Mataka Janet Gladys | - | Senior Economist/Secretary Delegation |
| 9. Ms. Adrine Natukunda | - | Senior Legal Counsel |

MIN. NO DCH 213/2014: PRELIMINARIES

The meeting was called to order at 10.30am with a word of prayer by the Hon. Dr. Robert Pukose, M.P.

MIN. NO DCH 214/2014: ADOPTION OF THE KENYA NATIONAL AIDS AUTHORITY BILL, 2014 REPORT

After lengthy deliberation on the Report, the Committee resolved to unanimously adopt the Report on the KNAA Bill, 2014 with the following amendments;-

THAT;

- i. The provision for TRUST FUND and reference to constituencies as opposed to Counties be retained in the Report as earlier agreed.
- ii. Two Members (one man and one woman) from the private sector be included in the Authority's Board and one of them shall be appointed as the Chairperson of the Board.

MIN. NO DCH 215/2014: CONSIDERATION OF MTRH REPORT

The Committee resolved to defer consideration of the Report to Wednesday morning.

MIN. NO DCH 216/ 2014: MEETING WITH UGANDAN HEALTH COMMITTEE DELEGATION

The meeting started with a round of introductions.

The head of delegation, Hon. Margaret Iriama informed the Committee that Uganda has signed and ratified the WHO Framework Convention on Tobacco Control (FCTC) in 2004 and 2007 respectively. The Ugandan Government therefore is in the process of enacting a Compressive Tobacco Control Bill to domesticate the treaty. It is pursuant to this that the delegation visited Kenya to learn from the Kenyan experience especially in regards to the Tobacco Control Act, 2007.

The delegation further sought clarification on the following issues:

- i. Challenges faced by the MPs in passing the Bill
- ii. Reactions on on the Bill from Members of the public
- iii. Evidence of reduction in smoking after passage of Tobacco Control Act, 2007
- iv. Justification for excluding tobacco industry representative from the TC Board.
- v. Advice on best practices

Plenary

- i. There is bound to be interference from the Tobacco Industry and that the Committee should stay focused and lobby other MPs to support the Bill.
- ii. Political goodwill is also key in seeking support for the Bill.
- iii. Some gains made in control of tobacco use in Kenya include setting up of designated areas for smoking and barring tobacco industries from engaging in CSR activities eg construction of schools or stadiums. There is however a challenge in tobacco funding from the exchequer thus hindering more effective implementation of the tobacco law including research on the harmful effects of tobacco to tobacco factory workers.

- iv. There exists genuine concern about alternative economically viable options for tobacco farmers so as to discourage them from tobacco farming.
- v. There is need for harmonisation of policies and laws passed in the East African Community.

MIN. NO DCH 217/ 2014: AOB

The Chair brought the following letters to the attention of the Committee:

- i. Memorandum by Health Civil Society Organizations on current stock-out of TB drugs in Kenya to the National Assembly Budget and Appropriation Committee and copied to among others, the Health Committee. The matter will be discussed further in a later meeting.
- ii. Letter dated 20th May, 2014 from Kenyatta National Hospital on clearance of insulin vials donation from International Diabetes Federation. The Hospital is seeking the Committee's intervention to have KRA waive duty on the donated insulin and demurrage charges incurred.

The Committee will discuss the matter further in the next meeting.

- iii. The Committee noted with concern that the Ministry of Health sought for additional funding in the Supplementary Budget without reference to it.

MIN. NO DCH 218/2014: ADJOURNMENT

There being no other business, the meeting was adjourned at 13:52pm until Wednesday 25, 2014 at 11.30 am.


SIGNED.....

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

DATE..... 24th July, 2014

MINUTES OF THE 45TH SITTING OF DEPARTMENTAL COMMITTEE ON HEALTH, HELD IN COMMITTEE ROOM ON 2ND FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS ON TUESDAY, 17TH JUNE, 2014 AT 10.00AM.

PRESENT

- | | | |
|---------------------------------------|---|---------------------------------------|
| 1. The Hon. Dr. Rachel Nyamai, M.P | - | Chairperson |
| 2. The Hon. Dr. Robert Pukose, M.P | - | Vice-Chairperson |
| 3. The Hon Hassan Aden Osman, M.P. | | 10. The Hon. Dr. Stephen Wachira, M.P |
| 4. The Hon. Dr. David Eseli, M.P | | 11. The Hon. Dr. Susan Musyoka, M.P |
| 5. The Hon. Dr. Enoch Kibunguchy, M.P | | 12. The Hon. James Gakuya, M.P |
| 6. The Hon. Dr. James Gesami, M.P | | 13. The Hon. Zipporah Kering, M.P |
| 7. The Hon. Dr. James Murgor, M.P | | 14. The Hon. Raphael Otaalo, M.P |
| 8. The Hon. Dr. James Nyikal, M.P | | 15. The Hon. Mwinga Gunga, M.P |
| 9. The Hon. Stephen M. Mule, M.P | | |

ABSENT WITH APOLOGY:

- | | |
|---------------------------------------|---------------------------------------|
| 16. The Hon. Alfred Agoi, M.P | 23. The Hon. John Nyaga Muchiri, M.P |
| 17. The Hon. Christopher Nakuleu, M.P | 24. The Hon. Paul Koinange, M.P |
| 18. The Hon. David Karithi, M.P | 25. The Hon. Kamande Mwangi, M.P |
| 19. The Hon Dr. Dahir Mohamed, M.P | 26. The Hon. Leonard Sang, M.P |
| 20. The Hon. Joseph O. Magwanga, M.P | 27. The Hon. Dr. Patrick Musimba, M.P |
| 21. The Hon. Dr. Naomi Shaban, M.P | 28. The Hon. Michael Onyura, M.P |
| 22. The Hon. Fred Outa, M.P | 29. The Hon. Mwahima Masoud, M.P |

IN ATTENDANCE:

National Assembly Secretariat

- | | | |
|---------------|---|-----------------------|
| Susan Maritim | - | First Clerk Assistant |
| Nebert Ikai | - | Third Clerk Assistant |
| Ronald Walala | - | Legal Counsel |
| Peter Mwaura | - | Legal Counsel |

AFIDEP

Jones Abisi
Rose Oronje
Samson Wasao

MIN. NO DCH 199/2014: PRELIMINARIES

The meeting was called to order at 10.20am with a word of prayer by Hon. James Gakuya, MP. A round of introductions was thereafter conducted.

MIN. NO DCH 200/2014: MEETING WITH AFRICAN INSTITUTE FOR POLICY DEVELOPMENT

The Committee met with AFIDEP, an NGO that had requested to meet the Committee to introduce themselves and share with the Committee, its SECURE Health Programme.

About SECURE Health

SECURE Health is a three year programme running from Nov 2013-Oct 2016, that aims to work with the Parliament and the Ministry of Health to design and implement interventions that optimise the use of data and research evidence in health-related policy decision-making.

SECURE Health, is built on the premise that rigorous data and research evidence are central to Kenya's attainment of the health aspirations and goals set out in the country's 2012-2030 Health Policy, the Vision 2030, and the 2010 Constitution. To support the realization of these aspirations and goals, *SECURE Health* plans to work with both top-level and mid-level policy makers in identifying capacity gaps, challenges, and designing and implementing responsive interventions. Such support will strengthen leadership, motivation, and skills needed to enable data and research evidence utilization in health sector policy formulation, planning and programming.

SECURE Health programme aims to:

- Optimize leadership among high-level policymakers for the use of evidence in health policy.
- Enhance capacity of mid-level policy makers in the health ministry and the legislature in accessing, appraising, adapting, synthesizing, presenting and using evidence.
- Strengthen organizational systems and support for the use of research evidence in policymaking

Issues raised by the Committee

The Committee lauded AFIDEP for its efforts in bridging the gap between research and policy implementation by using evidence in its policy and law making. The Committee however raised the following issues:-

i. Who funds AFIDEP?

The Committee was informed that AFIDEP is funded by international donors e.g DFID

ii. There is indeed a gap between research findings and policy implementation. This is mainly attributed to the evidence being so technical that the implementers are unable to digest the information. The solution therefore lies in packaging the information in a simple, brief format.

iii. Committee Priorities

- Devolution – solutions to challenges facing Devolution of health services in Kenya
- Social Health Insurance
- Other emerging issues in healthcare

- Evidence-based budget making
- iv. On how AFIDEP plans to engage the Committee, it was reported that the organization is seeking for funding with a bid to facilitate Health Committee members of the UK and Malawian Parliaments to conduct exchange visits to share experiences with each other.
 - v. The Committee also expressed concern on the benefits of the Programme and its sustainability.

WAY FORWARD:

It was resolved that there is need for further engagement with AFIDEP for the Committee to fully benefit from its Programme.

MIN. NO DCH 201/2014: CONSIDERATION OF NHIF REPORT – WAY FORWARD FOR KAREN CENTRE OF EXCELLENCE

The Committee proposed an amendment to Recommendation 2 of the Report.

Hon. Dr. James Nyikal, MP proposed deletion of the word "take over" and substitute with the word "take over". This was Seconded by Hon. Dr. Robert Pukose, MP.

Hon. Dr. David Eseli, MP proposed amendment to delete the word "after" and substitute therefore with the word "and". This was Seconded by Hon. Zipporah Kering, MP.

The Report was thus unanimously adopted the NHIF Report on the Way Forward for the Karen Centre of Excellence. This was Proposed by Hon. Stephen Mule, MP and Seconded by Hon. Dr. Robert Pukose, MP.

MIN. NO DCH 202/2014 CONSIDERATION OF KENYA NATIONAL AIDS AUTHORITY BILL, 2014

The Committee considered Memorandum from the Attorney General in relation to the Bill.

The Committee therefore proposed the following amendments to the Bill: -

Clause 11

THAT Clause be amended as follows:

- i. In sub-clause (2), delete the word 'one person nominated by' appearing after the word 'of'
- ii. In paragraph (a) of sub-clause (2) substitute the words 'one person nominated by'
 - immediately before 'the'.
- iii. In paragraph (b) of sub-clause (2) substitute the words 'one person nominated by' immediately before 'the'.

- iv. In paragraph (c) of sub-clause (2) substitute the words 'one person nominated by' immediately before 'the'.
- v. In paragraph (d) of sub-clause (2) substitute the words 'one person nominated by' immediately before 'the'.
- vi. In paragraph (e) of sub-clause (2) substitute the words 'three persons nominated by' immediately before 'a'
- vii. In paragraph (f) of sub-clause (2) substitute the words 'one person nominated by' immediately before 'the'
- viii. In sub-clause (2), delete paragraph (g) and substitute therefor the following new paragraph '(g) one person nominated by the Kenya Medical Association'.
- ix. In sub-clause of (15) of (11) substitute the words 'and persons living with HIV and AIDS' after the word 'disabilities'.

Clause 16

In sub-clause (1) of (16), substitute the words 'for a period of 3 years, renewable once'

Clause 21

THAT Clause 21 be amended by

- i. Deleting paragraph (b) of sub-clause (1).
- ii. Deleting the words 'by virtue of paragraph 12 of the National AIDS Control Council Order, 1999' appearing between the words 'Parliament' and 'for' in sub-clause (2).

Clause 25

THAT Clause 25 be amended by:

- i. Deleting the entire sub-clause (1) and substituting therefor the following new clause 'Upon the advise of the Cabinet Secretary responsible for HIV and AIDS or other disasters, the

President, may by notice in the Gazette, declare HIV and AIDS as a national disaster among other disasters.'

- ii. That Clause 26(2) be amended by deleting the whole sub-clause and substituting therefor the following new sub-clause 'Upon a declaration under subsection (1), the national government shall make appropriate and necessary budgetary provisions to fund and support the fight against HIV and AIDS.'

Clause 27

THAT Clause 27 (3)(a) be amended by deleting the words 'Authority may' appearing immediately after the word 'The' and substituting therefor the words 'Cabinet Secretary in consultation with the Authority may,'

Clause 28

THAT sub-clause (2) be amended by deleting the words 'in accordance with Section 21(2) of this Act'.

The Committee resolved to meet at 4pm same day, to adopt the Report on the Bill.

MIN. NO DCH 203/2014 ADJOURNMENT

1. Statute Law Miscellaneous Amendment Bill, 2014

The Committee resolved to consider amendments to the NHIF Board as proposed in the Statute Law Miscellaneous Amendment Bill, 2014.

KNUT has written to the Committee protesting exclusion of its representative from the Board. CHAK and KMA have also made the same protest.

2. Delegations for Foreign Visits

The Committee nominated Members to travel as follows:-

BAT Visit to the UK (August 2014)

1. Hon. Dr. Robert Pukose, MP
2. Hon. Hassan Osman, MP
3. Hon. James Gakuya, MP
4. Hon. Dr. David Eseli, MP
5. Hon. Zipporah Jesang, MP

Study Visit to Cuba & Canada (TBC but planned for August 2014)

1. Hon. Dr. Rachael Nyamai, MP
2. Hon. Dr. David Eseli, MP
3. Hon. Dr. James Murgor, MP
4. Hon. Dr. Enoch Kibunguchy, MP
5. Hon. Mwinga Gunga, MP
6. Hon. Dr. Naomi Shaban, MP
7. Hon. Stephen Mule, MP
8. Hon. James Gakuya, MP
9. Hon. Zipporah Jesang, MP
10. Hon. Hassan Osman, MP.

The Committee resolved that in response to the BAT Invitation to undertake the visit to the Research and Development Centre in Southampton, UK, it should be made clear that while the Committee supports Tobacco Control Law, it is agreeable to undertake the visit for information purposes only.

MIN. NO DCH 204/;L2014 ADJOURNMENT

There being no other business, the meeting was adjourned at 11.30am.

SIGNED.....

HON (DR.) RACHEAL NYAMAI, M.P
(Chairperson)

DATE..... 18th June, 2014

MINUTES OF THE 25TH SITTING OF THE HEALTH COMMITTEE HELD AT FLAMINGO RESORT, MOMBASA ON FRIDAY, 11TH APRIL, 2014 AT 9.00AM

PRESENT

- | | |
|--|--|
| 1. The Hon. Dr. Rachel Nyamai, M.P. | - Chairperson |
| 2. The Hon. Dr. Robert Pukose, MP | - Vice Chairperson |
| 3. The Hon. Alfred Agoi, M.P. | 13. The Hon. Fred Outa, M.P. |
| 4. The Hon. Christopher Nakuleu, M.P. | 14. The Hon. James Gakuya, M.P. |
| 5. The Hon. David Karithi, M.P. | 15. The Hon. John Nyaga Muchiri, M.P. |
| 6. The Hon. Dr. Dahir Mohamed, M.P. | 16. The Hon. Joseph Magwanga, M.P. |
| 7. The Hon. Dr. David Eseli, M.P. | 17. The Hon. Kamande Mwangi, M.P. |
| 8. The Hon. Dr. James Murgor, M.P. | 18. The Hon. Leonard Sang, M.P. |
| 9. The Hon. Dr. James O. Gesami, M.P. | 19. The Hon. Michael Onyura, MP |
| 10. The Hon. Dr. Stephen Wachira, M.P. | 20. The Hon. Mwinga Gunga, M.P. |
| 11. The Hon. Dr. Susan Musyoka, M.P. | 21. The Hon. Raphael Milkau Otaalo, M.P. |
| 12. The Hon. Eng. Stephen Mule, M.P. | 22. The Hon. Zipporah Jesang, M.P. |

ABSENT WITH APOLOGY

- | | |
|---|--------------------------------------|
| 23. The Hon. Dr. Enoch Kibunguchy, M.P. | 27. The Hon. Hassan Aden Osman, M.P. |
| 24. The Hon. Dr. James Nyikal, M.P. | 28. The Hon. Mwahima Masoud, M.P. |
| 25. The Hon. Dr. Naomi Shaban, M.P. | 29. The Hon. Paul Koinange, MP |
| 26. The Hon. Dr. Patrick Musimba, M.P. | |

IN ATTENDANCE

Hon. Jared Opiyo - Awendo MP & Sponsor KNAA Bill, 2014

National Assembly Secretariat

Florence Abonyo	- Director, Committee Services
Vane Akama	- Principal Legal Counsel
Susan Maritim	- First Clerk Assistant
Leah Wanjiru	- First Clerk Assistant

National AIDS Control Council

Prof. Mary Getui	Chairperson, National AIDS Control Council
Ms. Dorothy Onyango	Director, Women Fighting AIDS in Kenya
Prof. Abdulghafur El-Busaidy	Chairman, SUPKEM
Dr. Charles Wacira Kariuki	Nominated Council Member
Dr. John Kamigwi	Secretary to the Council / Ag. Director
Dennis Kamuren	Deputy Director –Finance & Administration
Edwin Kimutai	Head, Special Programmes
Daniel K'Onyango	Head, Legal Services
Steven Oyugi	Programmes Officer

MIN. NO. DCH/116/2014**PRELIMINARIES**

The meeting was called to order at 10.00am followed by a word of prayer from Mrs. Florence Abonyo and introductions and opening remarks by the Chair, Health Committee and Chair, NACC.

MIN. NO. DCH/117/2014**FUNDING OF CACCS & HIV FUNDING PROGRESS**

Hon. Pukose briefed the Committee on the recent induction workshop for CACCS in Nakuru.

Thereafter Mr. Kamuren, made a presentation on HIV Funding Progress. (copy of presentation available on request).

It was noted that there is need for all CACC coordinators to work closely with area MPs for smooth implementation of HIV/AIDS programmes. The information on composition of CACCS especially in new constituencies also needs to be updated to reflect the correct position.

MIN. NO. DCH/118/2014**CONSIDERATION OF KENYA NATIONAL AIDS CONTROL BILL, 2014 (HON. JARED OPIYO)**

The Committee, after lengthy deliberations, resolved to support the published KNAA, Bill 2014 and incorporate amendments from the Committee's KNAA proposal.

The following amendments were thus proposed:-

Clause 4:

THAT Clause 4 be amended as follows:-

- i. 4 (2) be amended by inserting the words "and parliamentary constituencies" in between the words "headquarters" and "or".
- ii. 4(3) be deleted.

Clause 6:

THAT Clause 6 be amended by deleting the word "six" appearing in the Clause and inserting therefor the word "ten".

Clause 8:

THAT Clause 8 be amended by inserting the following new fields after 8 (2) (b) (iv)

- (v) HIV and AIDS
- (v) Resource mobilization;
- (vi) Governance and public administration;
- (vii) Advocacy and communication skills;
- (viii) Community and social development;
- (ix) Planning and devolution;
- (x) Project management; and
- (xi) Research

Clause 11

THAT Clause 11(15) be amended by inserting the following words "and persons living with HIV/AIDS" after the word "disabilities".

Clause 13

THAT Clause 13 be amended by:-

- i. Deleting the word "three" and inserting therefor the word "five" and number it 13(1)
- ii. Inserting a new 13(2) to read as follows "The appointing authority shall ensure that not more than half of the members retire from the Board at any one given term.

Clause 21

THAT Clause 21 (1)(b) be deleted

New Clause 25

Insert new Clause after 25 after 24 to read as follows:

25. (1) There is established a fund to be known as the HIV and AIDS Trust Fund which shall be administered by the Board.

(2) The Fund shall be used for purposes of providing additional sustainable financing for the control, prevention and management of HIV and AIDS in Kenya.

(3)The Cabinet Secretary shall, in consultation with the Board, make Regulations to govern the administration of the fund.

Clause 25 (new 26)

That Clause 26(2) be amended by deleting the whole sub-clause and inserting therefor the following new sub-clause "Upon a declaration under subsection (1), the national government shall make appropriate and necessary budgetary provisions to fund and support the fight against HIV and AIDS."

***re-number 25, 26, 27, 28 in accordance with new Clause 25.

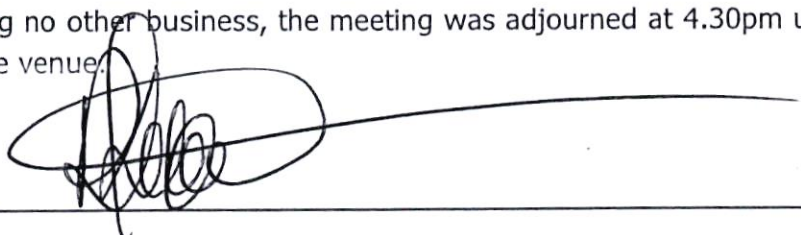
MIN. NO. DCH/119/2014 ANY OTHER BUSINESS

No other business arose.

MIN. NO. DCH/120/2014: ADJOURNMENT

There being no other business, the meeting was adjourned at 4.30pm until 5pm the same day in the same venue.

SIGNED _____



**HON. DR. RACHEAL NYAMAI, MP
(CHAIRPERSON)**

DATE _____

22nd April, 2014

