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REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

THE SENATE

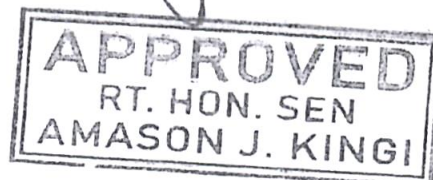
STANDING COMMITTEE ON HEALTH



REPORT ON THE CONSIDERATION OF THE PRESIDENT'S
RESERVATIONS TO THE CANCER PREVENTION AND CONTROL
(AMENDMENT) BILL, 2022 (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)

12.11.2025
CHAIRPERSON
HEALTH
HEALTH
D. NBSAIA

12/11/25



Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

November, 2025

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PRELIMINARIES

Establishment and Mandate of the Committee

The Standing Committee on Health is established pursuant to standing order 228 (3) and the Fourth Schedule of the Senate Standing Orders and is mandated to *consider all matters relating to medical services, public health and sanitation.*

Pursuant to Standing Order 228(4), the Committee is specifically mandated to-

- 1) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of the Ministry of Health and its departments;*
- 2) *study the programme and policy objectives of the Ministry of Health and its departments, and the effectiveness of the implementation thereof;*
- 3) *study and review all legislation referred to it;*
- 4) *study, assess and analyze the success of the Ministry of Health and departments assigned to it as measured by the results obtained as compared with their stated objectives;*
- 5) *consider the Budget Policy Statement in line with the Committee's mandate;*
- 6) *report on all appointments where the Constitution or any law requires the Senate to approve;*
- 7) *make reports and recommendations to the Senate as often as possible, including recommendations for proposed legislation;*
- 8) *consider reports of Commissions and Independent Offices submitted to the Senate pursuant to the provisions of Article 254 of the Constitution;*
- 9) *examine any statements raised by Senators on a matter within its mandate; and*
- 10) *follow up and report on the status of implementation of resolution within its mandate; and*
- 11) *follow up and report on the status of commitments made by the Cabinet Secretaries in their response to questions under Standing Order 51C*

Committee Membership

The Committee is comprised of the following members-

1. Sen. Jackson K. Mandago, EGH, MP	-	Chairperson
2. Sen. Mariam Sheikh Omar, MP	-	Vice-Chairperson
3. Sen. Justice (Rtd.) Stewart Madzayo, EGH, MP	-	Member
4. Sen. Ledama Olekina, MP	-	Member
5. Sen. David Wakoli, MP	-	Member
6. Sen. Richard Onyonka, MP	-	Member
7. Sen. Tabitha Mutinda, MP	-	Member
8. Sen. Hamida Kibwana, MP	-	Member
9. Sen. Joseph Githuku, MP	-	Member

CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Standing Committee on Health on its consideration of the President's Memorandum of Referral of the Cancer Prevention and Control (Amendment)(No.2) Bill, 2022 (National Assembly Bill No. 45 of 2022).

The Bill was passed by the National Assembly on 15th April 2024 and by the Senate on 19th November 2024. The Rt. Hon. Speaker, thereafter, presented the Bill to His Excellency the President for assent pursuant to Article 115 of the Constitution.

In compliance with Article 115(1)(b) of the Constitution, the President, vide a memorandum dated 26th June 2025, referred the Bill back to Parliament for reconsideration with reservations recommending deletion of clauses 2, 3, and 4, being the substantive provisions of the Bill.

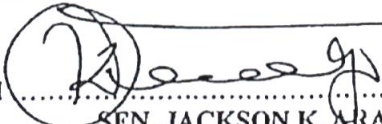
The National Assembly considered the President's reservations on 25th September 2025 and resolved to amend the Bill to fully accommodate the President's reservations by deleting the said clauses. The Deputy Speaker of the National Assembly conveyed this decision to the Senate via Message No. 032 of 2025 dated 8th October 2025.

Pursuant to Standing Order 170 of the Senate Standing Orders, the Speaker of the Senate communicated the National Assembly resolution to the House and subsequently referred the matter to the Standing Committee on Health for consideration.

On behalf of the Standing Committee on Health and pursuant to the provisions of Standing Order 170, it is my pleasant privilege and honour to present to this House the Report of the Standing Committee on Health on its Consideration of the President's Memorandum of Referral of the Cancer Prevention and Control (Amendment)(No.2) Bill, 2022 (National Assembly Bill No. 45 of 2022).

The Committee is grateful to the Offices of the Speaker and Clerk of the Senate for the logistical and technical support accorded to it during its consideration of the President's reservations on the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation of this report.

It is my pleasure to report that the Committee has considered the President's Memorandum of reservations on the Cancer Prevention and Control (Amendment) (No.2) Bill, 2022 (National Assembly Bill No. 45 of 2022) and has the honour to report back to the Senate with the recommendation that the House concurs with the President's reservations.

Signed  Date 12/11/2025
SEN. JACKSON K. ARAP MANDAGO, EGIL, MP,
CHAIRPERSON, STANDING COMMITTEE ON HEALTH

CHAPTER ONE

1. Introduction

1. The Cancer Prevention and Control (Amendment) Bill, 2022 (National Assembly Bills No. 45 of 2022) sought to amend the Cancer Prevention and Control Act, Cap 246B to make provision for the training of health cadres in the specialized medical field of oncology, to include cancer treatment as part of the provision of primary healthcare and to incorporate the use of e-health and telemedicine in cancer management.
2. The Bill also sought to amend section 2 of the Cancer Prevention and Control Act, Cap 246B to introduce the following new definitions –
 - (a) “e-Health” means the combined use of electronic communication and information technology in the health sector; and
 - (b) “telemedicine” means the provision of health care services and sharing of medical knowledge over distance using telecommunications and it includes consultative, diagnostic, and treatment services
3. The Bill further sought to amend section 5 of the Cancer Prevention and Control Act, Cap 246B by expanding the functions of the National Cancer Institute to include the following –
 - (a) promote the use of e-health and telemedicine for the prevention and management of persons with cancer; and
 - (b) promote treatment of persons with cancer as a component of primary healthcare;
4. The Bill also amended section 31 of the Cancer Prevention and Control Act, Cap 246B to empower the National Cancer Institute to collaborate with the national government, universities, colleges and the private sector to promote the training of oncology professionals”.

CHAPTER TWO

2. Consideration of Presidential Reservations to the Cancer Prevention and Control (Amendment) Bill, 2024 (Senate Bills No. 35 of 2024)

1. The Cancer Prevention and Control (Amendment)(No.2) Bill (National Assembly Bills No. 45 of 2022) hereinafter referred to as the “Bill” was passed by the National Assembly on 15th April 2024 and by the Senate on 19th November 2024.
2. The Bill was presented to His Excellency the President for assent on 17th June, 2025.
3. Pursuant to Article 115(1)(b) of the Constitution, the President referred the Bill back to Parliament through a memorandum of referral dated 26th June, 2025 and received by the office of the Clerk of the National Assembly on 30th June, 2025 for reconsideration. In it, the President recommended the deletion of clauses 2, 3, and 4, being the substantive provisions of the Bill.
4. On Thursday, 25th September 2025, the National Assembly considered and passed the Bill a second time with amendments that fully accommodate the President’s reservations by deleting all three substantive clauses.
5. The Deputy Speaker of the National Assembly conveyed this decision to the Senate via Message No. 032 of 2025 dated 8th October 2025.

2.1. The Law Governing Presidential Reservations in the Senate

6. Article 115 of the Constitution provides that within fourteen days of receiving a Bill, the President must either assent or refer it back to Parliament with reservations. In case of reservations, Parliament may then amend the Bill to accommodate the President’s concerns or pass it again without amendment. If the President’s reservations are fully accommodated by Parliament, the Speaker is required to re-submit the Bill for Presidential assent.
7. Standing order 170 of the Senate Standing Orders provides that whenever the Speaker receives the President’s reservations on a Bill, the Speaker shall refer the reservations for consideration to the relevant Committee within seven days. Further, the Committee is required to consider the reservations and table a report within fourteen days with a recommendation to the Senate to either accommodate the president’s reservations, pass the Bill a second time without amendments or pass amendments that do not fully accommodate the president’s reservation.
8. If Parliament amends the Bill fully accommodating the President’s reservations, the appropriate Speaker is required to resubmit the Bill back to the President for assent (Article 115(3)).

9. However, Article 115(4) provides that Parliament can pass the Bill a second time without amendment or with amendments that do not fully accommodate the President's reservations, provided that such variation is supported by two-thirds of the membership in the National Assembly and two-thirds of delegations in the Senate. The Bill is thereafter resubmitted to the President for assent.

2.2. The President's Reservations on the Bill

3. The President declined to assent to the Bill and recommended deletion of the following clauses —

- (a) Clause 2 (Definitions) – The clause introduces the definitions of “e-health” and “telemedicine” into the principal Act. The President's concern is that these terms are already defined in the Digital Health Act, rendering the proposed definitions redundant. The President is of the view that the Bill could instead cross -reference the definition of the two terms as provided for under the Digital Health Act. As such the president recommends that the clause be deleted from the Bill.

- (b) Clause 3 (Functions of the National Cancer Institute) – The clause seeks to amend section 5 of the principal Act by adding the following two functions to the National Cancer Institute —

- (i) Promoting the use of e-health and telemedicine for cancer prevention and management
- (ii) Promoting cancer treatment as a component of primary healthcare.

The president's concern is that these provisions are already covered under section 3 of the Digital Health Act, making them repetitive.

4. Clause 4 (Collaboration and Training) – The clause seeks to amend section 31 of the principal Act to require the National Cancer Institute to collaborate with national government departments responsible for health to promote training of human resources for oncology services. The president's concern is that, under Executive Order No. 1 of 2025, the National Cancer Institute operates under the Ministry of Health, State Department for Medical Services. Nothing currently bars the Institute from such collaboration, making the provision unnecessary.
5. It is important to note that the Bill contains only three substantive clauses which the president is recommending a deletion of all these clauses. The effect of this is that the President has rejected the Bill.

2.3 Consideration of the Presidential Reservations by the National Assembly and its Implications

6. The National Assembly considered the President's reservations on 25th September, 2025 and resolved to amend the Bill to fully accommodate the President's reservations by deleting Clauses 2, 3 and 4. The Bill was subsequently passed for a second time and referred to the Senate for consideration.
7. The effect of the National Assembly's decision is that the National Assembly wholly upheld the President's reservations. By accepting the deletion of all three clauses, the National Assembly effectively agreed with the President that these legislative interventions are unnecessary.

CHAPTER THREE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

Committee Observations

The Committee observed that-

1. The President's reservations on the Bill was transmitted only to the National Assembly, despite both Houses passing the Bill and the requirement under Article 115(4) of the Constitution requiring concurrent action by both Houses when considering the president's reservations on Bills. Given that health is a devolved function, the participation of the Senate remains constitutionally essential to safeguard the interests of county governments and uphold bicameralism.
2. Standing order 154 (6) of the National Assembly Standing Orders provides that for purposes of considering the President's reservations where a Bill was considered by both Houses of Parliament, the National Assembly and the Senate shall constitute a Joint Committee within two days of receipt of the President's reservations in the Senate. However, the Senate Standing Orders do not provide for a reciprocal arrangement. The Senate Standing Orders provide that the Speaker shall refer president's reservations to the relevant committee within seven (7) days of receipt and the Committee is required to table its report within 14 days. There is therefore need for a harmonised procedure by both the Senate and the National Assembly to ensure orderly consideration of president's reservations.
3. The National Assembly considered the President's Reservations on 26th of September, 2025 as per the communication of the National Assembly's Deputy Speaker to the Senate, dated 8th October, 2025, and resolved to amend the Bill to fully accommodate the reservations. It transmitted its resolution on the reservations together with the memorandum by the President to the Senate. The Senate, being seized of the President's reservations\ has a constitutional mandate to consider the same, particularly given the impact that the Bill would have on counties.
4. On the President's reservations with regard to the Bill, the Committee observes as follows—
 - (a) The Cancer Prevention and Control (Amendment) Bill (No. 2) of 2022, was introduced to Parliament prior to the enactment of the Digital Health Act, Primary Healthcare Act, the Facility Improvement Financing Act and the Social Health Insurance Fund Act in the year 2023, which are the cornerstone of universal healthcare in Kenya. In particular, the Digital Health Act, incorporates the definitions of "e-health" and "telemedicine" under section 2 of the Act;



*DLPs -
to final
30/6/22*

THE CONSTITUTION OF KENYA

REFERRAL *of* THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL, 2025

PRESIDENTIAL MEMORANDUM OF REFERRAL

By **HIS EXCELLENCY, THE HONOURABLE
WILLIAM SAMOEI RUTO, Ph.D., C.G.H.**

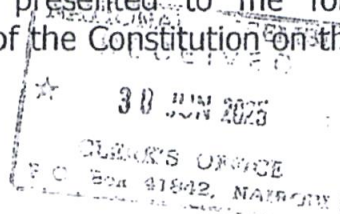
*President and Commander-in-Chief of the
Kenya Defence Forces.*

Submitted to the:

**HON. SPEAKER OF THE NATIONAL
ASSEMBLY.**

WHEREAS a Bill titled "*An Act of Parliament to amend the Cancer Prevention and Control Act and for connected purposes*", the short title of which is "The Cancer Prevention and Control (Amendment) Bill, 2022" was passed by the National Assembly on the 15th April, 2024;

AND WHEREAS the Cancer Prevention and Control (Amendment) Bill, 2022 was presented to me for assent in accordance with the provisions of the Constitution on the 17th June, 2025;





NOW THEREFORE, in exercise of the powers conferred on me by **Article 115 (1) (b) of the Constitution**, I decline to assent to the Cancer Prevention and Control (Amendment) Bill, 2022, and refer the Bill for reconsideration by the National Assembly for the reasons set out hereunder:

CLAUSE 2

Clause 2 of the Bill proposes to introduce the definitions of the terms '**e-health**' and '**telemedicine**' to the principal Act. The two terms are already defined in the Digital Health Act and therefore the Bill may cross reference the terms as defined in the Digital Health Act.

Recommendation

For the foregoing reasons, I recommend that the Bill be amended by deleting clause 2.

CLAUSE 3

Clause 3 of the Bill seeks to amend section 5 of the principal Act by inserting new paragraphs. The two insertions on the functions of the National Cancer Institute are, promoting the use of e-health and telemedicine for the prevention and management of persons with cancer and promoting the treatment of persons with cancer as a component of primary healthcare. These provisions are already covered under section 3 on the objects of the Digital Health Act.

Recommendation

For the foregoing reasons, I recommend that the Bill be amended by deleting clause 3.



CLAUSE 4

Clause 4 of the Bill proposes to amend section 31 of the principal Act by inserting a new subsection to the effect that; the National Cancer Institute shall collaborate with national government departments responsible for health to promote the training of human resource for oncology services. Under Executive Order No. 1 of 2025 on the Organization of Government, the National Cancer Institute is a government agency under the Ministry of Health, State Department for Medical Services AND nothing bars the Institute from collaborating with national government departments to promote oncology training.

Recommendation

For the foregoing reasons, I recommend that the Bill be amended by deleting clause 4.

IN WITNESS THEREOF, I hereunto have set my Hand and caused the Public Seal of the Republic to be affixed on this 26th day of June, in the Year of

Our Lord **TWO THOUSAND AND TWENTY-FIVE.**



WILLIAM SAMOEI RUTO,
PRESIDENT.