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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Tuesday, 4th June 2024

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, you may ring the Quorum Bell.

(The Quorum Bell was rung)

Order, Hon. Members. We now have quorum to transact business. Clerk-at-the-Table.

COMMUNICATION FROM THE CHAIR

(Hon. Ruku GK spoke off the record)

(Loud consultations)

Hon. Speaker: Order, Hon. Ruku. Take your seat. You are grossly out of order. I have known you as a young man who keeps order. If you want to degenerate, I will treat you as such. Hon. Members, I have a Communication.

RESUMPTION OF SITTINGS AND PRIORITY BUSINESS FOR THE SECOND PART OF THE THIRD SESSION

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

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

Hon. Members, as I welcome you back, let me bring to your attention that part of the business that is before the House during this month of June has statutory timelines. It is noteworthy that the finalisation of consideration of the Division of Revenue Bill, 2024, Supplementary Estimates II for the Financial Year 2023/2024 and the Estimates for the Financial Year 2024/2025 have prescribed statutory timelines. In addition, the House is also expected to consider the

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attendant Budget-related Bills, including the Appropriation Bill, 2024, the Supplementary Appropriation Bill, 2024, and the Finance Bill, 2024. Further, the House is scheduled to consider the County Allocation of Revenue Bill, 2024 upon receipt from the Senate.

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

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

I thank you.

MESSAGES

(Several Members walked into the Chamber)

Hon. Speaker: Hon. Members, take your seats. Take the nearest seats.

(Hon. Farah Maalim stood in the Gangways)

(Hon. Jared Okello walked into the Chamber)

Hon. Farah Maalim, take the nearest seat. Hon. Jared Okello, what is your idea of the nearest seat?

(Laughter)

APPOINTMENT OF SENATORS TO THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE BILL (National Assembly Bill No.14 of 2024)

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

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

1. Sen. Kathuri Murugi, MGH, MP;
2. Sen. (Dr) Boni Khalwale, CBS, MP;
3. Sen. Fatuma Dullo, CBS, MP;
4. Sen. Jackson Mandago, EGH, MP;
5. Sen. Mohamed Chute, MP;

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6. Sen. Edwin Sifuna, MP;
7. Sen. Moses Kajwang', CBS, MP;
8. Sen. Agnes Muthama, MP; and,
9. Sen. Eddy Oketch, MP.

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

You will recall that *vide* a Communication issued on 13th May 2024, I appointed nine Members to represent the National Assembly in the Mediation Committee. The appointment of Senators to the Mediation Committee, therefore, concludes the Committee's composition.

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

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

(Several Members walked into the Chamber)

Hon. Members at the back, take the nearest seats. The nearest seat Hon. Lelmengit. Hon. Owen Baya, what is your idea of nearest seat?

(Laughter)

PASSAGE OF THE NATIONAL RATING BILL
(National Assembly Bill No.55 Of 2022)

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

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

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

PASSAGE OF THE CONFLICT OF INTEREST BILL
(National Assembly Bill No.12 of 2023)

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

You will also recall that on 30th November 2023, this House passed the said Bill with amendments, following which I referred the Bill to the Senate for consideration, pursuant to Article

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110(4) of the Constitution. The House is, therefore, required to consider the Senate amendments to the Bill.

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

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

The House is accordingly guided.

PAPERS

Hon. Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. Before I lay the Papers, allow me to welcome back all Members after the working recess they had. As you said in your Communication, they are much energised to continue with very important businesses before the House in this Second Session.

Hon. Speaker, I beg to lay the following papers on the Table:

1. Legal Notice No.84 of 2024 relating to the Climate Change (Carbon Markets) Regulations, 2024, and the Explanatory Memorandum from the Ministry of Environment, Climate Change and Forestry.
2. The following Statutory Instruments from the Ministry of Mining, Blue Economy and Maritime Affairs:
 - (a) Legal Notice No.90 of 2024 relating to the Merchant Shipping (Maritime Labour) Regulations, 2024, and the Explanatory Memorandum;
 - (b) Legal Notice No.91 of 2024 relating to the Merchant Shipping (Prevention of Collision) Regulations, 2024, and the Explanatory Memorandum;
 - (c) Legal Notice No.92 of 2024 relating to the Merchant Shipping (Maritime Transport Operators) Regulations, 2024, and the Explanatory Memorandum;
 - (d) Legal Notice No.93 of 2024 relating to the Merchant Shipping (Load Lines) Regulations 2024, and the Explanatory Memorandum;
 - (e) Legal Notice No.94 of 2024 relating to the Merchant Shipping (Tonnage Measurement) Regulations 2024, and the Explanatory Memorandum; and,
 - (f) Legal Notice No.95 of 2024 relating to the Merchant Shipping (Recognised Organisations) Regulations 2024, and the Explanatory Memorandum.
3. Draft Supplies Practitioners Management (Continuous Professional Development Programmes) Guidelines 2024, from Kenya Institute of Supplies Management.
4. Treaty establishing the Inter-Governmental Authority on Development (IGAD) from the Prime Cabinet Secretary and Cabinet Secretary, Foreign and Diaspora Affairs.
5. Report to Parliament on all new loans contracted by Government from 1st February 2024 to 30th April 2024 from the National Treasury.
6. Report of the Third Quarter of the National Government Constituencies Development Fund Board for the Financial Year 2023/2024.
7. Report of the Auditor-General for the National Government Funds for the Financial Year 2022/2023.

8. The Quarterly Economic and Budgetary Review Reports for the Financial Year 2023/2024 for the period ending 31st March 2024 from the National Treasury.
9. Reports of the Auditor-General and Financial Statements for the Year ended 30th June 2023, and the certificates therein in respect of the following institutions:
 - (a) Coast Development Authority;
 - (b) Kenya Maritime Authority;
 - (c) National Social Security Fund;
 - (d) Micro and Small Enterprises Authority;
 - (e) National Council for Persons with Disabilities;
 - (f) Kabete National Polytechnic;
 - (g) Kenya National Examinations Council;
 - (h) Kenya Institute of Curriculum Development; and,
 - (i) National Commission for Science, Technology and Innovation.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Leader of the Majority Party. The Chairperson, Budget and Appropriation Committee.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Speaker, I beg to lay the following Papers: Reports of the Budget and Appropriations Committee on its consideration of:

1. The Second Supplementary Estimates for Financial Year 2023/2024 and the compendium of Departmental Committee Reports on the consideration of the Supplementary Estimates; and,
2. The Equalisation Fund Appropriation (No.2) Bill, 2023, (Senate Bill No.3 of 2023).
3. Report of the Mediation Committee on Division of Revenue Bill, (National Assembly Bill No.14 of 2024).

Thank you very much, Hon. Speaker.

Hon. Speaker: Chairperson, Departmental Committee on Trade, Industry and Co-operatives. Is that Hon. Gakuya? Who is the Vice-Chair? Hon. Marianne, do you have a brief from your Chairman?

Hon. Marianne Kitany (Aldai, UDA): I do.

Hon. Speaker: Go ahead.

Hon. Marianne Kitany (Aldai, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

The Report of the Departmental Committee on Trade, Industry and Co-operatives on its inquiry into the illegal and irregular release of condemned sugar.

Hon. Speaker: Thank you. The Chairperson Public Debt and Privatisation Committee. Hon. Shurie, is that you?

Hon. Abdi Shurie (Balambala, JP): Yes. Hon. Speaker, I beg to lay the following Paper on the....

(Hon. Abdi Shurie referred to his phone)

Hon. Speaker: You want to lay your phone on the Table?

(Laughter)

While we embrace technology, laying a Paper means laying a physical one.

Hon. Abdi Shurie (Balambala, JP): I am well guided. Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Public Debt and Privatisation Committee on its consideration of the Consolidated Fund Services for the Supplementary Estimates II for the Financial Year 2023/2024, and the Budget Estimates for Financial Year 2024/2025.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Next Order.

NOTICES OF MOTION

Hon. Speaker: The Chairperson, Budget and Appropriation Committee.

ADOPTION OF REPORT ON THE SECOND SUPPLEMENTARY ESTIMATES FOR FY 2023/2024

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Speaker, I beg to give notices of the following Motions:

That this House adopts the Report Budget and Appropriation Committee...

Hon. Speaker: Order, Hon. Ndindi. Each Motion stands on its own. You cannot give notice of Motions.

Hon. Ndindi Nyoro (Kiharu, UDA): I am well guided. Hon. Speaker, I beg to give notice of the following Motion:

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

1. Approves an increment of the total current expenditure for Financial Year 2023/2024 by Ksh51,113,484,433 in respect of the Votes as contained in the First Schedule.
2. Approves a decrease of the total capital expenditure for Financial Year 2023/2024 by Ksh73,290,535,117 in respect of the Votes as contained in the First Schedule.
3. Approves an overall decrease in the total Budget for Financial Year 2023/2024 by Ksh24,117,050,684 in respect of the Votes as contained in the First Schedule.
4. Approves Ksh23,667,017,803 spent under Article 223 of the Constitution in respect of the Votes outlined in the Third Schedule.
5. Resolves that the First Schedule forms the basis for the introduction of the Supplementary Appropriation Bill, 2024.

I, thank you, Hon. Speaker.

Hon. Speaker: The Chairperson, Mediation Committee. That is, you, as well.

ADOPTION OF REPORT ON MEDIATED VERSION OF THE DIVISION OF REVENUE BILL (National Assembly Bill No.14 of 2024)

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provision of Article 113(2) of the Constitution and Standing Orders 153, that this House adopts the Report of the Mediation Committee on the Division of Revenue Bill, (National Assembly Bill No.14/2024) laid on the table of the House on Tuesday, 4th June 2024, and approves the mediated version of the Division of Revenue Bill, (National Assembly Bill No.14 of 2024).

I, thank you, Hon. Speaker.

Hon. Speaker: The Chairperson Departmental Committee on Trade, Industry and Cooperatives.

ADOPTION OF REPORT ON INQUIRY INTO ILLEGAL AND IRREGULAR
RELEASE OF CONDEMNED SUGAR

Hon. Marianne Kitany (Aldai, UDA): Hon. Speaker, I beg to give notice of the following Motion:

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

I, thank you, Hon. Speaker.

Hon. Speaker: The Chairperson, Public Debts and Privatisation Committee.

ADOPTION OF REPORT ON THE CONSOLIDATED FUND SERVICES FOR THE SECOND SUPPLEMENTARY
ESTIMATES FOR FY 2023/2024 AND THE BUDGET ESTIMATES FOR FY 2024/2025

Hon. Abdi Shurie (Balambala, JP): Hon. Speaker, I beg to give notice of the following Motion:

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

I, thank you, Hon. Speaker.

Hon. Speaker: Next Order. Before we call out the first Statement, allow me to acknowledge the following institutions in our galleries. In the Speaker's Gallery, we have:

1. Chogoria Boys High School, Maara Constituency, Tharaka-Nithi County.

In the Public Gallery, we have:

2. Huruma Girls High School, Makadara Constituency, Nairobi County.
3. Gatura Girls High School, Gatanga Constituency, Murang'a County.
4. Ngong Huruma Mixed Secondary School, Kajiado North Constituency, Kajiado County.

I have been requested by the Nairobi County Women Representative to be given an opportunity to welcome Huruma Girls' Secondary School, Makadara Constituency. In doing so, welcome all the other schools. Go ahead Hon. Passaris.

Hon. Esther Passaris (Nairobi City, ODM): Thank you, Hon. Speaker. I stand here as the Nairobi County Women Representative to welcome all the visitors here and especially my girls from Huruma Girls' Secondary School, who are accompanied by their teachers, Mr Peter Mbathi,

Mr N. Gichohi and Mr Kevin Mutueni. We have 170 girls that have accompanied the teachers from the History Class. The school was founded in 1964 and so this year, we both share a birthday for turning 60 years old. The school was founded by the Sisters of Mercy to help the needy children and it currently accommodates 1,400 students and their performance is very good.

I also want to acknowledge that the school is in Makadara Constituency where Hon. George Aladwa is the area MP, and I thank you for giving me this opportunity to welcome the girls. I want to assure them that as a Parliament, we are fighting to ensure that we provide sanitary towels not just for primary schools, but also for secondary schools. It is all a question of budgeting and it is also a question of the Finance Bill providing enough money for sanitary towels. So, your Government is working and your Parliament is working tirelessly to ensure that we give you an enabling environment. What we ask from all of you, especially my young girls, is to focus on your education. We need to see a drop or a complete elimination or zero tolerance to teenage pregnancies. I met you outside and I told you that no one ever remembers their childhood sweetheart. I do not even remember the boy who ‘tuned’ me in secondary school and what his name was, and I have no idea where he is. So, focus on your studies and do well. The time for boys will come in the future. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Gitonga Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much Hon. Speaker for giving me this opportunity to speak on behalf of my colleague from Maara Constituency, Hon. Kareke Mbiuki, who is not here now. As a leader from Tharaka Nithi County, allow me to welcome Chogoria Boys’ High School who are seated in the Hon. Speaker’s Gallery and the rest of the schools who have come to observe the proceedings this afternoon. I want to remark to them that, it is vitally important that after observing what happens here, they actually need to have the ambition so that one day, they can become the leaders of this country and be able to emulate what these Hon. Members are doing for them. Chogoria Boys’ High School is one of the best schools in Tharaka Nithi County. It has produced the who is who, not just for the county, but for the entire country. Therefore, it is the pride of the county to be here today. I sincerely welcome them to see what we do here on their behalf and on behalf of the parents who have elected us to come and represent Kenyans.

I thank you very much Hon. Speaker.

Hon. Speaker: Yes. The Hon. Leader of the Minority Party.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you very much Hon. Speaker for your indulgence. I join my two colleagues, Hon. Murugara and Hon. Esther Passaris, in welcoming the students who are seated at the galleries. Hon. Speaker, having said that, I want to equally seek your indulgence and I am trying to look around to see if the Chair of the Departmental Committee on Education is around. Neither can I see Hon. Melly nor the Vice-Chair. That notwithstanding, there is a matter that has arisen that would require very urgent intervention. At the very least, some guidance from the Chair of the Departmental Committee on Education.

Hon. Speaker, the famous Kenya Universities and Colleges Central Placement Services (KUCCPS) has just announced that they are opening their portals for university applications to students to apply for various changes, including changing university courses and so forth. Yet, I am privy to information that the Departmental Committee on Education of this House has already made some declarations or some directive that the Ministry of Education withdraws all university admissions on account of conflicts or anomalies in the amount of fees that students are supposed to pay for various courses. This state of affairs obviously paints a picture of serious confusion in the universities and colleges education sector. It is a matter that cannot wait for the normal

statements, Hon. Speaker, if you agree with me. It is a matter that will require immediate clarification from the Chair of the Departmental Committee on Education and, if possible, it will require an intervention or a position being taken by the whole House, so that this issue is addressed at the earliest possible opportunity Hon. Speaker. Thank you.

Hon. Speaker: Hon. Melly, you were not here. Look at *The Hansard* and respond to that tomorrow morning. You can find the details of the concerns of the Hon. Leader of the Minority Party in the *Hansard* and then tomorrow morning, the Deputy Speaker will give you an opportunity to respond.

Next Order.

RESPONSES TO STATEMENTS

ALLEGED DUMPING OF TOXIC AND NUCLEAR WASTES IN THE NORTH EASTERN REGION

Hon. Speaker: Now we go a response to a statement request by Hon. Mohamed Adow, MP Wajir South. Chairman, Departmental Committee on Environment, Forestry and Mining. Who is the Chairman? Is that Hon. Gikaria. Hon. Owen Baya, who is the Chairperson of the Departmental Committee on Environment, Forestry and Mining?

Hon. Owen Baya (Kilifi North, UDA): Hon. Gikaria Sir.

Hon. Speaker: Where is he?

Hon. Owen Baya (Kilifi North, UDA): Probably, he is still stuck in Nakuru, but will be obliged by you to do what you want us to do.

Hon. Speaker: Is Hon. Mohamed Adow in the House? Yes, Major Bashir.

Hon. Abdullahi Sheikh (Mandera North, UDM): Hon. Speaker, thank you very much. I stand in for Hon. Mohamed Adow. I have his consent on the matter and I am shocked that the Statement is not yet ready. Remember that matter is of immense concern to the residents of Northern Kenya and the matter was about the toxic waste that has been dumped in parts of Northern Kenya. I am shocked that the statement is not available. So, I would rather request that probably you rule when that statement will be available so that we can make further inputs on the same.

Hon. Speaker: Hon. Owen Baya, you inform Hon. Gikaria to bring the Statement on Tuesday afternoon.

Next, Chairperson, Departmental Committee on Transport and Infrastructure. Hon. GK. Is he here? Yes, Hon. Member for Gichugu. Is it Gichugu or Ndia?

DILAPIDATED STATE OF ROADS IN TANA RIVER COUNTY

Hon. George Kariuki (Ndia, UDA): Ndia! Yes. Hon. Speaker, sorry I got a bit distracted by my neighbour. I have three Statements.

Hon. Speaker, I rise to give the following Statement in response to the statement requested by Hon. Yakub Adow, MP.

Hon. Speaker, on Tuesday, 16th...

Hon. Speaker: Is the Member here? Hon. Yakub Adow? Is Hon. Yakub Adow here? If he is not here, go to the second one.

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Speaker.

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STATE OF ALLOCATION OF FUNDS TO
KENYA RURAL ROADS AUTHORITY

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Speaker. I rise to make the following Statement in response to the request by Hon. (Eng.) Paul Nzengu.

Hon. Speaker: Is Hon. Paul Nzengu here? Yes, go ahead.

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Speaker. On Thursday, 18th April 2024, the Member for Mwingi North, Hon. (Eng.) Paul Nzengu requested for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the current state of allocation to roads maintenance under Kenya Rural Roads Authority (KeRRA) development fund for April to June this year. Hon. Nzengu specifically requested for details on the following issues:

1. Explanation on the criteria used to allocate funds, leading to huge discrepancies and leaving other counties without any allocation.
2. Measures the Government is taking to alleviate unnecessary discrepancies in funding and ensure there is equitable development of the country.

The Committee has since received response from the Ministry of Roads and Transport and I now wish to make that Statement. In regard to the criteria used to allocate funds, the Ministry submitted that prioritisation of roads and drainage structures for construction is premised on the principle of equity and needs and taking into consideration the following factors:

1. National economic blueprints and strategies.
2. Availability of resources, factoring in existing commitments and fiscal liabilities, that is, pending bills.
3. Overall project impact and socio-economic benefits.
4. Stakeholder inputs and needs.
5. Criticality of the project, including emergency considerations.
6. Regional priority considerations.
7. Comparative cost of projects based on similarity or location.
8. Government policy directives.

Further, the Ministry submitted that upon identification of projects, costs and estimates, an annual priority list is generated for budgetary allocation. In compliance with the law, the list is presented before Parliament for consideration and appropriation as necessary. Following parliamentary approval, the Ministry implements the projects in line with the appropriated provisions through respective roads agencies.

In addition, the Ministry submitted that roads financing under the fuel levy is governed by the allocation as stipulated under Section 6(d) and (e) of the Kenya Roads Board Act, 1999 - (revised in 2023) - which states as follows:

1. 22 per cent for maintenance of constituency roads equally allocated to the 290 constituencies.
2. 10 per cent for maintenance of link roads between constituencies.
3. 40 per cent for maintenance of national trunk roads.
4. 15 per cent for maintenance of urban roads.
5. 1 per cent for maintenance of rural roads in national parks.
6. A maximum of 2 per cent for Kenya Roads Board operations.

7. 10 per cent in accordance to the road sector investment programme administered by the Cabinet Secretary for Roads and the Cabinet Secretary for Finance.

The Ministry submitted that all counties have an equal opportunity for consideration in road works funding as appropriated through Parliament and as per the Road Maintenance Levy Fund provisions.

With regard to measures the Government is taking to alleviate unnecessary discrepancies in funding and ensure equitable development of the country, the Ministry submitted that there are several interventions the Government has put in place towards uplifting marginalised areas of the country with regard to roads infrastructure. Amongst the key interventions along this line is the implementation of the Equalisation Fund through which currently 90 contracts worth Ksh948 million have been awarded in 15 counties and are at various stages of implementation.

The Ministry assured the House that the attainment of equity and regional parity in development is a huge strategic objective of the Government of Kenya, with Parliament playing a critical role in roads works prioritisation and budgetary appropriation. The Ministry expressed appreciation for the support it continues to receive from Parliament towards the attainment of equitable development, alongside other critical development objectives.

Hon. Speaker, thank you. I submit.

Hon. Speaker: Thank you. Hon. Nzengu, you have listened to the Statement.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Thank you, Hon. Speaker. Yes, indeed, I have listened to the Statement and I was served with an advance copy, but I am not satisfied with it. My question was based on a specific budget of Ksh3.58 billion that was unfairly and inequitably distributed. Certain counties had received zero funding while other counties got Ksh280 million plus. I gave the officers in the Table Office all the details, but they summarised my request into a few words which denied me the opportunity to express myself on that matter. When I was invited by the Chairman of the Departmental Committee on Roads and Infrastructure...

(Loud consultations)

Hon. Speaker: Order, Hon. Members. The conversations are too loud. Those Members holding a *mini kamukunji*, take your seats. Hon. Wamuchomba and Hon. Kiborek, take your seats. Go on, Hon. Nzengu.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Thank you, Hon. Speaker. When I was invited to the Committee by the Chairman, people from the Ministry tried to imply that the list I had, had been approved by Parliament. Members of the Committee also agreed with me that certain things are being done under cover and they were not aware. What I am asking is that you direct that this matter be investigated by the Committee and instruct that before those projects are done, a list is sent to Parliament so that Members can approve them. One of the reasons why I brought this matter is that there was a road indicated as Bagalboka in Kitui County and yet, there is no place like that in Kitui County.

Hon. Speaker: Hon. Nzengu, you listened to the response to your request for statement. What is expected of you is to seek clarifications on matters that are not clear. You are now engaging in debate and it is not right.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Hon. Speaker, I was just clarifying that I gave the Table Office a big document out of which they produced a tiny document. I also submitted to the Ministry officials, through the Chairman of the Departmental Committee on

Transport and Infrastructure, that the information they were giving was contrary to what was available. So, I ask that you direct the Chairman to do an inquiry. No one knows how the 10 per cent that is left to the Cabinet Secretary for allocation is spent. It is at the discretion of whoever is in that office. No one also knows how the Appropriations-in-Aid money is spent. Money goes to certain places and not to other places. I submit.

Thank you.

Hon. Speaker: Hon. Lelmengit, did you want to speak to this?

(Hon. Josses Lelmengit spoke off the record)

Hon. GK, you have the protestations of the Member.

Hon. George Kariuki (Ndia, UDA): Hon. Speaker, I have heard the sentiments raised by the Hon. Member. If he wishes to visit the Committee again and seek further clarification, we are happy to welcome him.

Thank you, Hon. Speaker.

Hon. Speaker: Okay. Next Statement.

PROPOSED FUEL LEVY ALLOCATION TO KERRA FOR FINANCIAL YEAR 2023/2024

Hon. George Kariuki (Ndia, UDA): Hon. Speaker, I rise to read the following Statement in response to concerns raised by Hon. Members of this House regarding 32 per cent fuel levy. Today mid-morning, we had a meeting with the Principal Secretary for Roads, Engineer Joseph Mbugua. We asked him to clarify the matter. The following is his Statement.

Following reduced fuel levy consumption for the Financial Year 2023/2024, the fuel levy provisions were projected to reduce by Ksh11.2 billion. The second Supplementary Budget for the Financial Year 2023/2024 was subsequently reduced to conform to the new fuel levy collections. Under the reduced collection, Kenya Rural Roads Authority (KeRRA) allocation will further have a reduction of Ksh2 billion in the Financial Year 2023/2024.

After that sitting, I am sure many Members will ask me about 22 and 10 per cent of fuel levy. So, I really plead with them to listen to my Statement. The indications are that June 2024 may experience enhanced collections as analysed below. The actual collection in the period between 1st July 2023 to 31st May 2024 was Ksh74.2 billion. It is projected that the Board will collect Ksh6.5 billion in June 2024 bringing the total for the year to Ksh80.7 billion against a revised budget of Ksh78.7 billion. This difference of Ksh2 billion may be applied to fund the budget deficit of KeRRA of Ksh2 billion. Arising from the above analysis, this is to confirm to Members that the 32 per cent allocation to constituencies under the fuel levy collection for the Financial Year 2023/2024 will be maintained at the original estimate of Ksh23.2 billion. Therefore, it will not be affected by the reduced fuel levy collection of the current Financial Year 2023/2024.

Thank you, Hon. Speaker.

Hon. Speaker: Members, you were all up in arms when this issue was raised and now nobody seems to pay attention. We will move on. Hon. Mwago.

REQUESTS FOR STATEMENTS

DEMOLITION OF BUILDINGS ON RIPARIAN LAND

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Hon. Amos Maina (Starehe, JP): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Lands and the Chairperson of the Departmental Committee on Administration and Internal Affairs regarding the ongoing demolitions targeting buildings that are constructed on riparian land in Starehe Constituency within areas of Landimawe Ward, Nairobi South Ward, Gikomba and other areas in Nairobi City County, including City Carton in Embakasi West and Kariobangi South, Ruaraka, Mathare and other constituencies.

In May 2024, the Government of Kenya directed that all structures built on riparian land should be demolished, following the heavy rainfall that adversely affected tracts of land across the country. However, the manner in which those demolitions are carried out is deeply concerning and raises serious questions about the respect for human rights. Firstly, the Government provided a stringent timeline for vacating the affected areas without proper issuance of notice to the residents or offering alternative places to reside in.

Secondly, the ongoing demolitions reveal a distressing picture of inhumane treatment. Houses are being demolished without regard for the well-being of the residents. Some of them have lived on the same land for over 50 years and possess legitimate title deeds issued by the Government. Regrettably, mothers and children are being left to sleep in the cold without any alternative accommodation or support from the Government. The demolitions are marred by use of excessive force with unfortunate incidents of people being tragically shot by security agencies during the process.

Lastly, it is particularly alarming that those demolitions take place without a clear and transparent compensation plan in place. The Government's purported compensation plan appears to be limited to a few individuals, leaving many rightful land owners in state of uncertainty and despair. It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Lands on the following:

1. What measures has the Ministry put in place to ensure a fair and transparent compensation process for land owners affected by those demolitions?
2. Outline the specific plans for providing resettlement options for the displaced families.
3. What steps has the Ministry taken to ensure that future demolitions are conducted in a humane manner, with adequate notice provided to affected citizens and adherence to the due process?

Hon. Speaker, I seek a response within the shortest time possible because the demolitions are on-going and our people are languishing in confusion by the actions of the Government.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Which Chairman did you request the statement from?

Hon. Amos Maina (Starehe, JP): Chairman of the Departmental Committee on Lands.

Hon. Speaker: That is Hon. Nyamoko. Is he in the House?

Hon. Mark Mwenje (Embakasi West, JP): On a point of order, Hon. Speaker.

Hon. Speaker: Hold on, Hon. Nyamoko. Yes, Hon. Mwenje. What is it? Do you want to be a joyrider?

Hon. Mark Mwenje (Embakasi West, JP): I want to do both. I rise on the same Standing Order 44(2)(c). The matter has been raised to the Departmental Committee on Lands. However, the people who are implementing this issue on the ground are from the Ministry of Interior and National Administration. We are in a dire situation right now because we are creating Internally

Displaced Persons (IDPs), as we speak. We have demolitions that are on-going within our constituencies in Nairobi City County, as it has been mentioned by Hon. Mwago.

We do not know where the boundaries of riparian lands are. They are six metres in certain areas and 60 metres in others. The people who are demolishing houses are going back to demolish further in areas that were initially marked as the boundaries. It seems somebody somewhere is revising those riparian lands and increasing those portions. This will lead to massive loss of property and many people will become homeless. We should halt those demolitions for a moment, until we have a bipartisan agreement and discussion within the multi-agencies that are concerned with this matter here in Nairobi City County. Otherwise, the destruction will be on a devastating level.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Ruaraka.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Speaker, Hon. Mwago has spoken for many of us from Nairobi City County. I do not know which Standing Order to apply when a statement is couched in a way that can be expanded. I do not know whether there is an amendment to a request for statement.

Hon. Speaker: Order, Hon. Kajwang'. I will allow you to joyride on the request for statement for a minute.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Speaker, some of us will also write the same statements but in an expanded manner. Hon. Mwago has done a very good job. However, with a lot of respect, he has left certain core issues that we need to prosecute in this whole matter.

Hon. Speaker: Hon. Kajwang', in a situation like this, you simply say:

“In addition to what Hon. Mwago is seeking, can the Chairman also look at the following?”

Hon. T.J. Kajwang' (Ruaraka, ODM): This is it. Hon. Speaker, you are seasoned. That is why wisdom without measure has been dispensed from your mouth. One of the troubling issues is that there is this Gazette Notice No. 14891, that is signed by the President of the Republic of Kenya, establishing something called the Nairobi Rivers Commission. It purports to act under the Climate Change Act, and the National Environment Management Authority Act. We know that the President has no power to make law in this country. A gazette notice is law. That delegated legislation must be brought to the House. Even if it does, those pieces of legislation have given the Cabinet Secretary powers to make delegated legislation. It is not for the President to make that decision.

The issues that Hon. Mwago is talking about are spearheaded by that Commission, whose constitutionality and the legality by which it moves we want to establish.

Hon. Speaker: You have made your point.

Hon. T.J. Kajwang' (Ruaraka, ODM): The only point I beg to make is that when you closed this campus, it struck us that people can do things unlawfully.

The Kenya Defence Forces (KDF) is managing and controlling the demolitions in Eastern and all the parts of Nairobi. Why would the KDF, which is concerned with issues in Baringo and Turkana, come to demolish things in Nairobi? This issue traverses Westlands and goes all the way to Eastlands. Only those of us in the *ghettos* are suffering.

Hon. Speaker, I know that you do not come from Runda. People in Lavington and Runda are not affected. My whole constituency has been obliterated. I do not know whether I am a Member of any constituency as I stand here. The whole of Ruaraka will be gone if people demolish 60 metres. I will not have anybody to represent in this House.

Hon. Speaker: You have made your point. Hon. Beatrice Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Speaker. I also wish the Chairman looked at the two things the President said. One, there was compensation. He said that money would be put into the phones of those people as they move. What is very sad to me is how inhumanely they are doing the demolitions. You cannot just come to demolish without even giving notice to a screaming *shosho* the way she was doing yesterday. They did not say they were coming to demolish. Nobody was removing her stuff. I think that is where the issue is.

Remember the other side as you demolish. I repeat that some people in Lavington and Kileleshwa built on riparian land. I want to see whether we will also demolish those in Runda and Kileleshwa on riparian land. People have taken the riparian land along the whole of Kileleshwa River. They have built skyscrapers. Those demolishing should also come there so that we know there is fairness and that everyone will be removed from riparian land.

I want the Chairman to bring us a list of all those who are being compensated and indicate how much they were promised.

Hon. Speaker: Hon. Josses Lelmengit, is it on the same issue? Hold your horses if it is unrelated. Go ahead.

Hon. Josses Lelmengit (Emgwen, UDA): Apart from compensation, I also want the Chairman to tell us what the Government is doing through the same Ministry to avoid the same menace in the future. Can we employ ways like river tunnelling? We know all those riparian lands are buffer zones for water. What solutions do we need to put in place right now so that we can prevent that menace from happening in the future?

Thank you.

Hon. Speaker: Hon. Nyamoko, you have heard the request. Can you bring a response on Thursday? Are you able to do so this week or next week?

Hon. Joash Nyamoko (North Mugirango, UDA): I think next week will do. That is fourteen days from now.

Hon. Speaker: Next week on Thursday is the Budget Day. You will do it on Wednesday.

Hon. Joash Nyamoko (North Mugirango, UDA): Thank you, Hon. Speaker.

Hon. Speaker: Hon. Lelmengit, what did you want to say?

Hon. Josses Lelmengit (Emgwen, UDA): The Chair of the Departmental Committee on Transport and Infrastructure spoke on a very important issue. I seek clarification. We know we have many rumours going round about the 22 per cent allocation to the Kenya Rural Roads Authority (KeRRA).

Hon. Speaker: Hon. Josses Lelmengit, I called out the House but you were all agitated when this matter was brought to the House. Nobody was listening. Nobody raised an issue. Being a first timer, I will indulge you to say what you want to say. Be alert next time, to respond to issues contemporaneously as they come.

(Laughter)

Hon. Josses Lelmengit (Emgwen, UDA): Okay. Thank you, Hon. Speaker. I wanted a clarification from the Chair.

Hon. Speaker: Is the Chairman of the Departmental Committee on Transport and Infrastructure still here? That is Hon. GK. The Chairman is still here. Go ahead.

Hon. Josses Lelmengit (Emgwen, UDA): I want the Chair to affirm or clarify whether the 22 per cent savings allocation to the KeRRA in constituencies are still in place. There is hearsay or allegations that the said amount has been taken back to the Treasury.

Hon. Speaker: Hon. GK, what of the 22 per cent? Hold on, Hon. GK. Hon. Jared Okello, wait until you are given authority to speak.

Hon. Jared Okello (Nyando, ODM): Thank you very much, Hon. Speaker. My friend, Member for Emgwen, the rumour out there does not really touch on the 22 per cent in its entirety. There are two sets of pricing when we gravel roads in our constituencies. The first pricing relates to the engineers' estimates. The second is the lowest bidder, which commonly gets the tenderer to do the work. The difference between the two is called savings. This saving is the constituency's saving. It does not belong to anybody else. The saving is subjected to another round of tendering when everything is done, out of which certain roads that were not properly done, or new roads; benefit from the savings. What we have heard is that KeRRA – and I think the Kenya Urban Roads Authority (KURA) – have issued a directive to the effect that KeRRA will absorb back the savings for reasons that are beyond the Members of this House.

Hon. Speaker, I think you have made a pronouncement over and over again to the effect that no one can unilaterally change any law in this country without the participation of Kenyans, the involvement of the Members of this House, our constituents and our constituencies alike. Therefore, we need the clarification. It is not a small or laughing matter so to speak. Are we losing the savings? If so, why? On which law has this been premised? We make laws for a reason.

Finally, floods have swept away most of our roads at the moment. We do not know how to handle issues to do with roads in our constituencies if somebody is going to meddle with this matter. However, most importantly, all these Members of Parliament will tell you that KeRRA is the only body that makes roads in the constituencies even without the involvement of devolved functions. Anybody messing up with KeRRA is messing up with Members of Parliament. By extension, Members of Parliament know when and how to strike the most.

Thank you.

Hon. Speaker: Hon. GK.

Hon. George Kariuki (Ndia, UDA): Hon. Speaker, indulge me to read out again the short Statement I had pleaded with Members to listen. If you allow me to read it out a second time, it goes as follows:

Following the reduced fuel levy consumption...

Hon. Speaker: Hon. GK, you do not have to re-read the response. The issues raised are easy. You can respond to them in a minute without reading.

Hon. George Kariuki (Ndia, UDA): Hon. Speaker, following the reduced fuel consumption, the actual collection from 1st July 2023 to 31st May 2024 was Ksh74.2 billion. It is projected that the Board will collect Ksh6.5 billion in the month of June 2024, bringing the total for the year to Ksh8.7 billion against a revised budget of Ksh78.7 billion. The difference of Ksh2 billion may be applied to fund the budget deficit for Kenya Rural Roads Authority (KeRRA).

Hon. Speaker, arising from the above analysis, this is to confirm that the 32 per cent allocation to constituencies under the Fuel Levy collection for the current financial year will be maintained at the original estimate of Ksh23,255,072,653 and will, therefore, not be affected by the reduced fuel levy collection for the Financial Year 2023/2024.

I believe I have responded to the concerns of the Member for Emgwen. We will not incur any reductions. Concerning savings, no law allows KeRRA to reverse money from regional offices to the head office. All the saved money and balances are supposed to be utilized within the constituencies as has always been the case.

Thank you.

Hon. Speaker: Hon. Ruku.

DEVELOPMENT OF MASS RAPID TRANSIT CORRIDORS IN NAIROBI METROPOLITAN

Hon. Ruku GK (Mbeere North, DP): Hon. Speaker, pursuant to the provisions of Standing Order 44 (2) (c), I rise to request for a statement from the Chairperson of the Departmental Committee on Roads and Transport regarding the development of Mass Rapid Transit Corridors in the Nairobi Metropolitan Area (NMA) and the role of the Nairobi Metropolitan Area Transport Authority (NaMATA).

NaMATA was established vide the Nairobi Metropolitan Area Transport Authority Order, 2017 to oversee the establishment of an integrated, efficient and sustainable public transport system within the Nairobi Metropolitan Area. The Nairobi Metropolitan Area Council gazetted the declaration of a Mass Rapid Transport System Corridor comprised of five Bus Rapid Transit (BRT) networks and seven Commuter Rail Networks.

However, there appears to be disjointedness and lack of conciseness in the implementation of that infrastructure due to the involvement of multiple agencies, including NaMATA, Kenya Urban Roads Authority (KURA), Kenya National Highways Authority (KeNHA) and the Kenya Railway Corporation (KRC). It is imperative to recognize that for a mass rapid transit system to be sustainable, it must be integrated and further have an operational plan that will generate positive system revenues and minimize the need for exchequer support on operation expenditure. The involvement of multiple agencies also raises concern as to why NaMATA, being the agency responsible for planning and implementing devolved transport functions in the NMA, cannot oversee the entire process, as mandated in the NaMATA Order, 2017.

Hon. Speaker, it is against this background that I seek a statement from the Chairperson of the Departmental Committee on Roads and Transport on the following—

1. Why are multiple agencies involved in the development of Mass Rapid Transit Corridors in the NMA, and how is this impacting the coordination of the system?
2. What measures are being taken to ensure that the existing projects, that were formulated before the creation of NaMATA, are integrated with NaMATA's mandate as the agency responsible for implementing devolved transport functions in the NMA region?
3. What steps are being taken to ensure that the mass rapid system investments in the NMA are being packaged optimally and are guided by a sustainable plan to minimize the future need for reliance on exchequer releases?

Thank you, Hon. Speaker. I would also like to add something on *Muguka*. We have a big problem...

Hon. Speaker: Order, Hon. Ruku. I only gave you an opportunity to request for one statement. You know you have already written to me about the other issue. I have also received several requests on the same.

Hon. Melly, you have two minutes. However, the Leader of the Minority Party, who raised the issue, is gone. So, you had better do it when he is in the House tomorrow.

Chairperson of Departmental Committee on Roads and Transport, you have listened to Ruku. When will you bring a response?

Hon. George Kariuki (Ndia, UDA): In two to three weeks' time.

Hon. Speaker: Two weeks is agreed. Next Order.

MOTION

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CONSIDERATION OF REPORT ON THE NATIONAL
DISASTER RISK MANAGEMENT BILL

(Several Members stood along the Aisle)

Hon. Speaker: Hon. Members, take your seats. Hon. Bowen and Hon. DK, please; take your seats.

(Question put and agreed to)

BILLS

Third Reading

THE NATIONAL DISASTER RISK MANAGEMENT BILL
(National Assembly Bill No. 24 of 2023)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move:

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

I request Hon. Owen Baya to second.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, I would like to second this important Bill.

Parliament diligently engaged with all stakeholders to discuss and develop this legislation. This legislation not only delves into how we handle disasters, but also how we manage the risks associated with disasters. I thank all the Members who have contributed to it. As the Senate takes over the consideration of the Bill, I hope they will expedite it so that we have it assented to within the shortest time possible. We need to mitigate disasters like the excess rains that we have experienced lately and many other issues in the country.

Hon. Speaker, I beg to support.

(Hon. Rahim Dawood stood up in his place)

Hon. Speaker: Order, Hon. Dawood. Take your seat.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: I confirm that we have quorum in the House.

(Question put and agreed to)

*(The Bill was accordingly read
a Third Time and passed)*

Hon. Speaker: Next Order.

First Reading

THE COUNTY BOUNDARIES BILL
(Senate Bill No. 6 of 2024)

(The Bill was read a First Time and referred to the relevant Committee)

Hon. Speaker: Thank you. Next Order.

MOTION

ADOPTION OF REPORT ON SECOND REPORT ON INQUIRY INTO MAIZE
FLOUR SUBSIDY PROGRAMME FOR FY 2022/2023

Hon. Speaker: Chairperson, Departmental Committee on Agriculture and Livestock.

Hon. (Dr) John Mutunga (Tigania West, UDA): Hon. Speaker, I beg to move the following Motion:

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

Hon. Speaker, the Departmental Committee on Agriculture and Livestock tabled a preliminary Report on the same inquiry in the House on Wednesday, 7th June 2023. The Committee's Report was adopted by the House on Thursday, 3rd August 2023.

In order to get further clarifications on some of the outstanding issues, the Committee held meetings with the Ministry of Agriculture and Livestock Development, the Cereal Millers Association (CMA) and the millers who participated in the programme independently and not necessarily the Grain Millers Owners Association (GMOA), whose Report we had already concluded. The Committee observed several things from the meetings, and I wish to inform the House accordingly.

Hon. Speaker, there was a disconnect between the President's Speech and the adopted implementation framework of the Subsidy Programme. According to the presidential directive, the subsidy programme was supposed to be implemented through a waiver of Import Duty. However, the Ministry decided to reduce the price of maize flour from Ksh220 per two-kilogram packet to Ksh100.

The second issue we observed is that there was failure by the Ministry of Agriculture and Livestock Development to make changes on the contract as proposed by the Office of the Attorney-General. The Attorney-General clearly proposed that there should be provision for suspension of contract because that provision was not in the contract. The Attorney-General also proposed that there should be provision for termination of contract should there be inadequate exchequer release, according to Article 14(2) of that particular contract. The other issue that he noted is the failure to deal with the provision on the account should there be no provision.

There was also exoneration of millers from any form of blame through the contract that the Ministry gave out for signing. In this particular respect, the millers were supposed to be free of blame, whether the maize meal reached the consumers or not. Post-milling responsibility was not given to them. There was no report on delivery of the subsidised maize flour to the consumers. The Ministry of Interior and National Administration was supposed to monitor the last mile consumption, but they did not give us any report. As a Committee, we believe that they may have given it to the Ministry, but the Ministry did not provide this report to us. So, they were charged with that responsibility.

There was no report on surveillance of distribution of the maize flour itself to ascertain the selling of the two-kilogram packet of sifted maize meal at Kshs100. There is no such report that was submitted to the Committee by the Ministry. There was also no discussion on the quantities to be supplied at the contractual level. The millers were supposed to produce as much as they could – and sell as much as they could – and submit the invoices to the Ministry for payment. Therefore, there was no specific quantitative contract. It was more or less open.

Upon assessment, we discovered that 95.1 per cent of the maize flour that was sold by the Grain Mill Owners' Association (GMOA) under the subsidy programme could be traced to the consumer and it was sold at the market price of Ksh100 per two-kilogram packet. We went further to find out what exactly happened. We discovered that the farm gate sales from small millers was 93.06 per cent and the volume that was sold through the van sales was 2.94 per cent.

On the other hand, only 17.85 per cent of the maize flour that was produced by the CMA was sold directly to the consumers. This is what the Committee was able to trace. Only 9.8 per cent was sold through the marked van sales or branded van sales and only 8.05 per cent was sold through the farm gates or walk-ins.

We also noted that a total of Ksh1,337,050,526.28 was paid out to the GMOA while the outstanding balance on account of that particular maize flour subsidy to this association's membership was Ksh432,751,316.30. On the other hand, we also established that the membership of the CMA that participated in the subsidy programme changed from the initial 27 at the initial presentation to 29. The explanation was that the extra two members had been omitted from the initial list.

We also noted that the total invoiced amount by the CMA was Ksh4,495,356,547.10 billion out of which Ksh1,905,845,377.07 had been paid and there was an outstanding balance of Ksh2,589,511,170.05.

Hon. Speaker, we also noted that members of the CMA approached the Nairobi Centre for International Arbitration (NCIA) seeking for arbitration to pursue payments of the pending bills arising from the maize flour subsidy programme of the Financial Year 2022/2023.

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

[The Deputy Speaker (Hon. Gladys Boss) took the Chair]

Hon. Deputy Speaker, from the above observations, the Committee recommended that in future related interventions where the Government has to intervene in form of subsidies, there should be a clear interpretation layout of the Executive Order and the implementation arrangements clearly laid out for information to the actors as well as for those who may have questions to get the correct answers. We also concluded that the Cabinet Secretary for Agriculture

and Livestock Development should submit a report to the National Assembly within three months of adoption of this Report by the House, explaining the following:

1. The departure from what is interpreted as the President's focus on subsidising maize flour prices through duty waivers to what the Ministry decided to do by paying off the millers to produce and sell the maize flour.
2. How the decision to implement the programme for a period of one month was arrived at.
3. Why the programme was implemented a month to the general elections.
4. The actions that the Ministry took after several prompts by Cereal Millers' Association (CMA) on the maize and wheat situation in the country and globally, and the reasons for inaction. This is because there were quite a number of inactions.
5. Why a certain group of millers appeared to have been favoured in terms of payment compared to other millers.
6. Why the Ministry did not adopt the proposals made by the Attorney-General on the contract.
7. Why CMA was given preference over other millers with regard to the introductory engagements and meetings prior to implementation of the maize flour subsidy programme for Financial Year 2022/2023.
8. Why the Ministry prefers not to clear subsidy-related debts as pending bills that accrue interest from those processes. We note with concern that there is a pending bill for Financial Year 2017/2018 maize subsidy programme and another pending bill for Financial Year 2022/2023, among others.

We also recommend that the Auditor-General conduct an audit of the Maize Flour Subsidy Programme for Financial Year 2022/2023 to ascertain whether there was prudent use of public resources and submit a report to the National Assembly within three months of the adoption of this Report by the House.

In addition, the Directorate of Criminal Investigations (DCI) should conduct investigations on the following:

1. Whether the Subsidy Programme achieved the intended objective.
2. Quality and quantity of the maize flour produced under the programme, the price of the flour and where it was sold.
3. If the Ministry of Interior and Coordination of National Government submitted a report to the Ministry of Agriculture and Livestock Development and Co-operatives on the delivery of subsidised maize flour to the last mile.
4. That the National Cereals and Produce Board (NCPB) was paid Ksh100 million as monitoring and evaluation fee, but did not submit the report to the Committee on the market surveillance they made. An investigation should be conducted on whether NCPB conducted their role in the Subsidy Programme as expected, and how that money was used.
5. Investigate the milling companies as they were to establish whether the flour that was said to have been supplied under the Subsidy Programme was actually milled, and how much of it was milled.

In its preliminary Report on the Maize Flour Subsidy Programme 2022/2023, the Departmental Committee on Agriculture and Livestock recommended that the Ministry of Agriculture, Livestock Development and Fisheries should proceed to pay the Grain Mill Owners' Association (GMOA) their dues - a balance of around Ksh432 million they were owed. We

recommended that this amount should be put in the subsequent national budget because some of the millers are collapsing as a result of debts they are unable to pay.

Further, 82.17 per cent of the total maize flour that was produced under the Subsidy Programme by CMA could not be traced to the consumers based on the distribution channels, despite passing through the normal distribution channels. The Committee recommends that the DCI conducts an investigation into this matter and present their findings to the National Assembly within three months of the adoption of this Report by the House. The National Assembly will make recommendations on whether or not the money owed to CMA should be paid, and whether to ratify or regularise payments made to the association through use of Article 223 of the Constitution or not.

We also recommend that the independent millers who participated in that programme be investigated by the DCI to find out why they participated without going through an association if they ever milled any maize flour at all, and what processes they passed the maize flour through. This will help us regularise the payments that were made through Article 223 of the Constitution.

Hon. Deputy Speaker, I thank the Offices of the Speaker and the Clerk of the National Assembly for the logistical support they accorded to this Committee during its many days sittings and travels across the country to collect this information and produce a Report. The Committee further wishes to thank the Ministry of Agriculture and Livestock Development, the CMA, the GMOA and the independent millers for making this inquiry feasible through their submissions.

Finally, I express my appreciation to Members of the Committee on Agriculture and Livestock for the work they have done to come up with this Report.

With those few remarks, I wish to move that this House adopts the Report and call upon my Vice-Chairman, Hon. Brighton Yegon, Member for Konoin Constituency, to second.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Have you got a Seconder? Okay, proceed.

Hon. Brighton Yegon (Konoin, UDA): Hon. Deputy Speaker, I rise to second the Motion.

During the consideration of Supplementary Estimates I of Financial Year 2023, members of the Departmental Committee on Agriculture and Livestock observed that Ksh7.267 billion had been spent on the maize flour subsidy programme, out of which Ksh4 billion was paid under Article 223 of the Constitution, while Ksh3.267 billion was yet to be paid. The Ksh4 billion was spent in July 2022 and presented to the Committee for regularisation through the Supplementary Estimates as required by Article 223 of the Constitution. The Committee did not approve the expenditure on account of non-disclosure of information on who the maize flour suppliers were, the quantity of maize flour supplied, the areas in which the subsidised flour was supplied, and the retail outlets that sold the maize flour.

Hon. Deputy Speaker, it is for the above reasons that the Committee resolved to conduct an inquiry into the maize flour subsidy program to find out whether the program achieved its objectives, establish whether the identification process of the millers was free and fair, and whether there was value for money in the execution of the program.

Hon. Deputy Speaker, the Departmental Committee on Agriculture and Livestock tabled a preliminary Report of the inquiry in the House on Wednesday, 7th June 2023. The Committee's Report was adopted by the House on Thursday, 3rd August 2023 with the following recommendations:

1. The Ksh500 million owed to members of the Grain Mill Owners Association (GMOA) should be factored in the budget estimate for the Financial Year 2023/2024 and paid because their computation was clear. The membership of the

association that participated in the program was static and they did not participate in maize flour subsidy program for Financial Year 2017/2018.

2. The Ksh841,784,292 paid to GMOA under Article 223 of the Constitution was regular. The Committee established that there was value for money on the part of the association.
3. The Ministry of Agriculture and Livestock Development should come up with a policy on how to engage future subsidy programs within three months of adoption of this Report and submit a copy of the same to the Committee.

It is also sad to note that none of the above recommendations have been implemented by the Ministry of Agriculture and Livestock Department.

Hon. Deputy Speaker, with those few remarks, I second.

Hon. Deputy Speaker: Thank you. Hon. Members, allow me to now propose the question.

(Question proposed)

Hon. Members, I would like you to note that the time allotted for this debate is five minutes for each member, including the Leader of the Majority Party. The total amount of time allocated is two and a half hours.

Hon. DK, do you have a point of order?

Hon. David Kiplagat (Soy, UDA): No. Thank you, Hon. Deputy Speaker. As a member of the Departmental Committee on Agriculture and Livestock, I rise to support the Report that has been tabled by our able Chairman.

Firstly, regarding the maize subsidy program that was implemented just before elections, our investigations, which took more than six months, revealed quite a lot of inconsistencies. We felt that right from start, there was no value for money.

Secondly, you realise from the Report that we have categorised the millers into two types. They are the large-scale millers who constitute the Cereal Millers Association (CMA), and the small-scale millers who constitute the GMOA. At the outset, the meeting that took place at State House involved the CMA, whose members are the large-scale millers. They are the ones who designed the architecture of the program. If you look closely, by the time they met, the large-scale millers were owed about Ksh500 million.

From the design, they were paid before the project began. That means the whole architecture was to ensure that, at least, the flour reached the consumer. Upon auditing the process, we could not know whether the subsidised flour reached the consumers. There was no mechanism that stopped a miller from releasing the flour in between for auditing purposes.

From our investigations, we believe that the designers of the program, comprising of the Ministry of Agriculture and Livestock Development, and other State actors, together with the large-scale millers; colluded to defraud this country of over Ksh7.6 billion. Looking at the payment that was already made under Article 223 of the Constitution, they spent about Ksh4 billion and Ksh500 million went to payment of arrears of Financial Year 2017/2018. The GMOA, who are the small-scale millers, were very forthright. They were only factored in when the entire architecture had been done. When they appeared before the Committee, they said they had not seen a mechanism for delivering to consumers. Instead, they milled the flour and distributed it to the many people outside their gates.

We felt that we could not punish the millers who did not know the architecture of what was going on. Instead, they milled and sold the flour to whomever was outside their gate. So, the

culprits are the Ministry of Agriculture and Livestock Development, the CMA and other State actors. That is why we felt that there was no value for money. Hence, the money that the CMA are asking for should be referred to the DCI for further investigations.

Hon. Deputy Speaker: Member for Kitui Central, the Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Deputy Speaker, for giving me this opportunity. I want to thank the Chairperson of the Departmental Committee on Agriculture and Livestock and its Members for this Report, which has taken a lot of time before it was presented to this House.

The matter of maize subsidy was a very serious one during the 12th Parliament. I remember one of the key issues that became a hot potato was the use of Article 223 of the Constitution to pay some of those bills. Even though the recommendations are very good, I am very disappointed with the timing. The maize subsidy program was designed to steal public funds. In such a situation, there is need to fast-track the recommendations so that action can be taken.

Looking at this Report, a number of gaps have been identified. The first one is that according to the contracts signed, it was not clear what needed to be done. Looking at what the President had in mind in terms of this program, there was a lot of distortion. The implementers did not adhere to the policy issues. The issue of payments caught my eyes. Some millers were favoured as opposed to others. Why would one favour a particular miller in terms of payment in a public arrangement and fail to pay others? To me, those are the issues.

Another important thing that has been brought out in this Report, which is criminal, is that the Committee is not sure whether the millers milled the flour. That means some millers might have been paid for flour that was never distributed or produced. Therefore, from the word ‘go’, there must have been people who planned that this program would be used to steal public funds. It is coming too late in the day, but I agree with the proposal that we need a special audit for that program. The Auditor-General should take up this matter and do a thorough audit of the program. On that basis, we should see some people being taken to court. The other recommendation relates to the Director of Criminal Investigations needing to do further investigation on a number of issues. We must learn our lessons from that program which did not have timelines; for example, how long it will be implemented. It was done for a month as we approached the elections which means that all said and done, people were looking for money to fund their campaigns. There is no law in this country which allows politicians to use public funds to finance their campaigns. This is against the law and action must be taken against all those who were involved.

The worst bit of it is that most of the large-scale millers were paid their money. However, the small-scale millers or those who were trying to get into the market were not paid. Why were the small-scale millers not paid and yet, the large-scale millers were paid? It is because the small-scale farmers were not able to give kickbacks in advance like the large-scale millers. Up to now, they have not been paid and the Departmental Committee on Agriculture and Livestock is pleading with the Budget and Appropriations Committee to factor in a budget for them. As a House, we must ensure that this time round, the money for the small-scale millers is in the Budget and, more so, in the Supplementary Budget so that they can get their money and continue with their lives to enable them to do their businesses.

I support and insist that we fast-track this Report in terms of recommendations.

Hon. Deputy Speaker: Thank you. Hon. Member for Kwanza, Hon. Ferdinand Wanyonyi.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Speaker, I am equally disappointed and as clearly stated by the Chairman of the Departmental Committee on Agriculture and Livestock, who is sitting in front of me, there is something that we have to do. Some people

did not do their homework, and particularly, in the Ministry. The recommendation by the Committee is very clear that the Ministry of Agriculture and Livestock, within three months, should come up with a report and tell us exactly what happened. We oversight the Ministry and there is no doubt that there is a problem.

As stated by the Chairman of the Departmental Committee on Agriculture and Livestock, the auditors should also conduct an audit of the maize flour program. That way, we will see whether the resources were used properly or not. As mentioned by the previous speaker, something must have happened because this was the time we were going to elections. They may have found a loophole to get money from the Government to do things that are not right. There was also a preference of the millers, as stated by the Chairman. They preferred certain millers and, therefore, we need to test the integrity of the Ministry on the whole exercise.

People are looking at us to find out whether what the Ministry did is the right thing or not. I am concerned about the consumers because maize flour is the main ingredient of the real meal that we eat every time. I also eat it every time. Anybody who says they have not eaten; means they have not eaten *ugali*. We want it to be as recommended; a two-kilogramme packet of maize flour for Ksh100. When you go out there, you may find it is not. The whole exercise is as explained by my Chair here. We need to look at it very critically, and come up with solutions on what happened in that case.

I support the Report and look forward to getting a proper one from the Ministry of Agriculture and Livestock.

I support the Motion.

Hon. Deputy Speaker: The Nominated Member, Hon. Dorothy Ikiara. It seems like she pressed her button and left. The Member for Central Imenti, Hon. Moses Kirima.

Hon. Moses Kirima (Central Imenti, UDA): Hon. Deputy Speaker, thank you for giving me this opportunity to contribute to this important Motion as per the investigation by the Departmental Committee on Agriculture and Livestock that is led by my colleague, Hon. (Dr) Mutunga.

The findings of the Committee have been much awaited by Kenyans. At the time when that subsidy product was given out to the people, there was no structure *per se*. There was no accountability, a source, or a laid down procedure and method of how acquisition, distribution and payments were being done. The Committee has investigated this properly and those who are culpable of what had taken place should not be ignored. Action should be taken against them because a lot of taxpayers' money was used in a non-structured way. One cannot tell if it was corruptly pocketed by a few individuals or if it fed the people or not.

When the Government acts to distribute subsidy flour to the people, they should have laid down the procedure to show they are accountable. They should be exposed to the Auditor-General's investigation and the culpable or those who could not account for the Ksh7.6 billion in one way or the other should be brought to book. In no certain terms should one tell if the money was used properly by the public who pay taxes.

I, therefore, want to congratulate the Committee for a commendable job. Those people should be held accountable so that it can be a lesson for others in future not to misuse taxpayers' money.

Hon. Deputy Speaker: Member for Navakholo, Hon. Emanuel Wangwe.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Deputy Speaker.

I rise to support this Report by the Departmental Committee on Agriculture and Livestock. Looking at this Report, what comes to our mind is the clever way of cheating on basic human

needs. The perpetrators of that subsidy program who misbehaved in terms of not delivering the items to the needy cheated on the basic human need of food. This is a very unfortunate scenario where one person or so, can get away with such a big error.

I would like to single out four issues, including the observation that has been made by the Committee, that there was failure to make changes in the contract as proposed by the Office of the Attorney-General. If a Committee can overlook a decision by the Attorney-General to make various amendments to the contract, that, in itself, is a violation of the rule of law. Those people must, therefore, face the law as it is supposed to be.

The second observation that caught my eye is the acquisition of money by millers. The Committee has noted that millers were put to acquire money from financial institutions to fund the subsidy programme. They were enticed to go out and look for money without looking at the issue of the interest rate. Who is going to fund the interest rates? We are not just looking at the issue of the subsidy programme, but also the financial undertone that comes along with the borrowing which is not factored in. It distorts the money market. It distorts the economy. That is as good as a destruction of a whole country's economy.

The other Committee's observation that I want to agree with is that there are no reports of delivery of the subsidised maize flour to the last mile by the Ministry of Interior. Whatever they do must have a report. That was not somebody's pocket change. A report must come out showing where the delivery was made and who received the items. If there is no such a report, it automatically means somebody choreographed a scheme with an intention to defraud the Kenyan people.

The last observation I want to rely on is that there was no surveillance report for the distribution of the milled maize flour. If we do not have information of where the maize flour was milled, where was the maize flour itself? There was no source of milling and no miller came out to own up that he actually milled the maize flour. So, who were they paying?

I agree with the recommendations of my colleagues in the Committee on Agriculture and Livestock that the Ministry of Agriculture should explain why it did not adopt the proposals made by the Attorney-General on the contract. As I said earlier, that is very important. Immediately these reports are adopted, the Ministry must tell us why... That comes along with so many other issues that they have to explain.

Finally, whereas the Committee has proposed that the Directorate of Criminal Investigations (DCI) should look into this Report, I want to request that the Office of the Attorney-General also looks at it and gives us their own independent opinion so that they can share with us how much money was lost in the whole process and not just in terms of the milling and its distribution.

Now that they went and poked into Article 223 of the Constitution, they violated the Constitution of Kenya. That was an abuse of Article 223, a very noble Article that supports any administration to pay for any needy programs that arise and have not been budgeted for. Otherwise, this Report is very good. Let all of us support it. I support the Report.

Thank you.

Hon. Deputy Speaker: Thank you. Member for Moiben, Hon. Prof. Phyllis Bartoo.

Hon. Phyllis Bartoo (Moiben, UDA): Thank you, Hon. Deputy Speaker, for giving me this opportunity. On behalf of the people of Moiben Constituency, I also want to add my voice on this Report. I want to thank the Members of the Committee on Agriculture and Livestock for coming up with this very elaborate Report on the maize flour subsidy. It is very clear that from the outset, the intention of that subsidy was a scam. It seems that the intention of the entire arrangement was

to get money out of the exchequer. Possibly – who knows – it was to support the 2022 campaigns. It is also very interesting that most of the millers who participated in that exercise were those moneyed, large-scale millers. Those who were left out were the small-scale millers, who would also have benefited from the subsidy program if its intention was to actually transform the lives of the people. In that case, the rich millers were the people who had money and could sponsor campaigns, and later claim their money from the Government. So, that begs the question: Were the large-scale millers more efficient than the small-scale millers?

When you look at the Report, it is very clear from the payments that the millers were paid after submission of records. It is not clear who consumed the maize flour. Personally, I did not come across anybody or a household that consumed that subsidised maize flour. Possibly, it was just a scam. One got a tender, filed records and they got paid. So, somebody must take responsibility because it was actually a scam.

It is also very clear from the Report that, possibly, some millers did not do anything. They were just briefcase millers. They got the tender, submitted the records and then they went up to the tail-end to collect money and then they disappeared. There was no evidence. We cannot follow a clear route to find out if a particular person supplied and milled maize flour. We cannot trace that exercise.

I want to thank the Committee for taking their time to dig deeper and come out with a very comprehensive Report. It is an eye-opener. Those people who were paid without milling any maize flour should be prosecuted and the hard-earned Kenyan Exchequer money should be returned. They should be punished for the illegality of duping Kenyans on maize flour. It was a flawed process. I can see my time is over.

Hon. Deputy Speaker: Thank you very much.

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Owen?

(Hon (Dr) James Nyikal raised his hand)

Hon. Nyikal, I have seen you.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Deputy Speaker. Hon. Boss, you know at a time like this when everybody seems to be agreeing with whatever is said – the voice and the content are the same – we should move to the next Order of business. So, I want to humbly request that you find it within your heart to allow us to move to the next Bill by calling upon the Mover to reply, so that we can finish on the drugs issue. Please, I beg and request you.

Hon. Deputy Speaker: Are Members in agreement?

Hon. Members: Yes.

Hon. Deputy Speaker: I can allow Hon. Nyikal to close. I think it is just Hon. Nyikal and Hon. Toroitich. I can see that Hon. Toroitich is not here.

All right. Proceed, Hon. Nyikal. Thereafter, we will have Hon. Toroitich and then, we shall close.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker for that consideration. I stand to support this Report. It is a sad Report because it demonstrates very fundamental issues on how we handle our public affairs. One, it clearly indicates a poor implementation of a Presidential Directive. Public officers, particularly professionals and technical people should realise that the President gives general directives and it is upon them to look at the technical and procedural issues, so that the implementation of the Presidential Directive gives

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results that the President desires. I see this in many areas. I am even concerned that I see the same thing in the implementation of the Junior Secondary Schools (JSS) in the education sector, where technical people do not seem to give proper consideration to what the President desires to be done.

Two, is the propensity of the private sector to defraud the public. This country is of the opinion that when we talk of integrity and corruption, it resides in the public sector. Far from it! The truth is that many times it is the private sector that dreams up schemes that are then sold to the public sector through officers who make themselves vulnerable to orchestrate fraud.

Hon. Deputy Speaker, in this case the millers, particularly CMA, made proposals which sound very nice. There is no maize. We can use tax processes and subsidy. Eventually, when that is brought, they are the same people who abuse the system and use it to defraud the people mercilessly. That is an indication that we must put emphasis on the relationship between the private sector and the public sector in the fight against corruption.

The third issue that comes up is the reluctance of public officers to heed to professional advice, particularly when it is a Presidential Directive. There is a propensity to say that a directive is presidential and that the President wants it to be done in a certain way. However, if you go into details of what is being quoted, even the private sector also enjoins in this narrative. They put very sharp time limits which makes it impossible to manage things. For instance, in this case, where did this issue of one month come from? You cannot give subsidy to a whole nation in one month. You need time to work out the processes and procedures. That is another lesson that we have learnt from this.

In this particular case, they were advised by the Attorney-General, but they did not heed that advice. In my view, there was some collusion between the private sector and the public officers who were involved. There is no known remedy for a perfect collusion. All the people that are meant to guard the system are defrauding it. They give fake data on whatever is required and defraud the measures that are put in place. In this case, I think there was a great collusion whose impact was the loss of public money. The Committee has said that we lost up to Ksh7 billion, but worse still, people suffered. None of us can recall a single person who got that maize and yet, the money was spent. Apparently, the maize was milled and distributed, but where did it go? If we go by the general principles that are indicated in this Report, it will guide us. I, therefore, support the recommendations that have been put in place, particularly refusing to pay those who we suspect were overpaid or were part of the collusion.

Hon. Deputy Speaker: Thank you. Next is the Member for Marakwet West, Hon. Toroitich.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Deputy Speaker, for giving me this opportunity to comment on this very important Report. I thank Hon. (Dr) Mutunga's Committee for such a comprehensive Report. It is unfortunate that this country lost close to Ksh7 billion in the maize flour subsidy. The subsidy was as a result of a presidential directive. As a country, we must sit down and analyse how to handle presidential directives. In my reading of the Statutory Instruments Act, a presidential directive is somehow delegated law. We must look for a way for the Committee on Delegated Legislation to review presidential directives. In the past, presidential directives have been a subject of misuse by many State departments. At times, presidential directives are not clear on how it will affect our budgets or how they must be handled. It is incumbent upon this House to review how we handle presidential directives so that they do not become conduits for corruption and impunity. For instance, in this Report, there was a Presidential Directive on the maize flour subsidy. The same was misused by a few cartels and corrupt elements to swindle Kenyan taxpayers' money. As much as we must comply with

presidential directives, we must ensure that it does not affect our country and that there is proper oversight. The subsidy was a consumption subsidy, but I thank the current President because when he came to office, he did away with consumption subsidies and introduced production subsidies like the subsidised fertiliser. Production subsidies will help this country.

Finally, if you read this Report, what you see is impunity and corruption. This House must support this Report to fight impunity and corruption. The only way we can do this is through strong parliamentary oversight. Members of Parliament, irrespective of the side of the isle they sit and who it affects, must look at this Report and stand firm to say no to impunity. We must say no to the misuse of public funds to enable us to slay the dragon of corruption and fraud that we have seen in the maize flour subsidy.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Hon. Chairperson, you have an opportunity to reply.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Deputy Speaker, in replying, I agree with most of the Members who have spoken. They have highlighted the issues in this particular Report. I do not need to summarise any of those issues. This is a clear case of corruption and a misuse of resources, and I beg to reply.

Pursuant to Standing Order 53, I request that you defer the putting of the Question to tomorrow.

Hon. Deputy Speaker: The matter is hereby deferred.

(Putting of the Question deferred)

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

IN THE COMMITTEE

[The Chairlady (Hon. Martha Wangari) in the Chair]

THE KENYA DRUGS AUTHORITY BILL
(National Assembly Bill No.54 of 2022)

(Resumption of consideration interrupted on 24.10.2023)

The Temporary Chairlady (Hon. Martha Wangari): Order, Members. We are now in the Committee of the whole House to consider the Kenya Drugs Authority Bill, (National Assembly Bill No. 54 of 2022). We shall resume from Clause 23.

Clause 23

The Temporary Chairlady (Hon. Martha Wangari): Mover.

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Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Chairlady. You remember the Speaker ordered that we do winnowing. I confirm that we did winnowing. For all Members that came, we carried out their amendments as agreed during the process. Therefore, the amendments that I will move are as per the acceptance in the winnowing process.

The Temporary Chairlady (Hon. Martha Wangari): That is well noted, Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you. I beg to move:

THAT, Clause 23 of the Bill be amended—

(a) in sub-clause (1) by—

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

(b) in sub-clause (2) by—

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

In this case, we are substituting health products or technologies wherever they appear for medicines because nowadays we do not talk of medicines, but health products and technologies. In Clause 23(2), we are raising the fines.

Thank you, Hon. Temporary Chairlady.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Kindly note that if you intend to speak, press the Intervention Button.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): Before I put the global Question, there is a proposed amendment by Hon. Tom Oluoch, which was to be moved by Hon. Irene Mayaka. But it is similar to the Chairman’s amendment.

(Hon. Irene Mayaka spoke off-record)

Yes, Hon. Anthony Tom Oluoch. He has two names. You know where he comes from, Hon. Mayaka.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, when we went for winnowing, we agreed. I think it is the Table Office that has brought those amendments back

in the Order Paper. After winnowing, since we had agreed, we expected that those amendments should not appear as they are.

The Temporary Chairlady (Hon. Martha Wangari): If you have already met and agreed with the Members who had proposed amendments, especially the ones that were similar to yours, they should then be dropped automatically.

Hon. (Dr) Robert Pukose (Endebess, UDA): It is the Table Office that has put those amendments in the Order Paper. Once we agreed, they should not appear in the Order Paper.

The Temporary Chairlady (Hon. Martha Wangari): I will allow Members who are still interested in this specific amendment to speak.

Hon. (Dr) Robert Pukose (Endebess, UDA): But the amendment is similar to that of Hon. Mayaka.

The Temporary Chairlady (Hon. Martha Wangari): It is similar to the Committee's and so, I will put the global Question.

(Clause 23 as amended agreed to)

Clause 24

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 24 of the Bill be amended—

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

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

The Temporary Chairlady (Hon. Martha Wangari): Hold on, Chairman. We will prosecute the marginal notes, subclauses (1) and (2). There is an interest in subclause (3) by Hon. Millie Odhiambo-Mabona. We will separate them. You have moved subclauses (1) and (2). Then we will deal with subclause (3).

Hon. (Dr) Robert Pukose (Endebess, UDA): As you have ordered, Hon. Temporary Chairlady.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): Now move the amendment to the next subclause, Chairman. You have an amendment to subclause (3).

Hon. (Dr) Robert Pukose (Endebess, UDA): I beg to move:

THAT, Clause 24 of the Bill be amended in subclause (3) by—

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

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): There is a proposed amendment to subclause (3) by Hon. Millie Odhiambo. Is the Mover in the House or is anyone designated to move? I have a letter from Hon. Anthony Oluoch, who has designated Hon. Mayaka to move his amendments. I do not have a letter from Hon. Millie Odhiambo and so, I will drop that amendment.

(Proposed amendment by Hon. Millie Odhiambo-Mabona to Clause 24 (3) dropped)

Chairman, move the amendment under Clause 24(4).

Hon. (Dr) Robert Pukose (Endebess, UDA): I beg to move:

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

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

This is to make the risk of offences to public health prohibitive and punitive.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in

place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): There is a proposed amendment by Hon. Millie, who is not in the House. I drop that amendment.

(Proposed amendment by Hon. Millie Odhiambo-Mabona to clause 24(4) dropped)

(Clause 24 as amended agreed to)

Clause 25

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:
THAT, the Bill be amended by deleting Clause 25.

This is the prohibition of sale of medicines of a quality not demanded in a practice issue and falls outside the ambit of the Bill.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Is that correct, Hon. Chairman?

Hon. (Dr) Robert Pukose (Endebess, UDA): Yes.

(Question, that the words to be left out be left out, put and agreed to)

(Clause 25 deleted)

Clause 26

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:
THAT, Clause 26 of the Bill be amended by—

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

This amendment seeks to harmonise the terms used in the Bill with the title of the Bill, as proposed for amendment.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 26 as amended agreed to)

Clause 27

The Temporary Chairlady (Hon. Martha Wangari): We have a proposed amendment by Hon. Millie, which is dropped.

(Proposed amendment to Clause 27 by Hon. Millie Odhiambo-Mabona dropped)

Hon. Chairman, you will move your amendments.

Hon. Irene Mayaka (Nominated, ODM): On a point of order, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. Martha Wangari): What is out of order, Hon. Mayaka?

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, I am quite concerned because I am wondering why the e-mail from Hon. Millie to request that Hon. Nyikal or I move the amendments on her behalf has not come to your attention.

I had spoken to the officers at the Table Office earlier, and they confirmed. I even forwarded them a follow-up email on the same. I am wondering why that has not come to your attention.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Mayaka, the communication I have is for you to move amendments for Hon. Anthony Tom Oluoch. However, if you have been given the leeway to move the amendments for Hon. Millie, I will indulge you. You are on record that she wrote the email, although I have not seen it.

If you have the brief, you will move the amendments. If you do not have it, we will drop them.

Hon. Irene Mayaka (Nominated, ODM): I forwarded the email to the Table Office.

The Temporary Chairlady (Hon. Martha Wangari): Are you on record that you have the brief from Hon. Mabona to move the amendments?

Hon. Irene Mayaka (Nominated, ODM): I have the e-mail. She copied us as well on the e-mail. Her request was that Hon. Nyikal and I move the amendments.

The Temporary Chairlady (Hon. Martha Wangari): Kindly approach Hon. Temporary Chairlady.

(Hon. Irene Mayaka consulted The Temporary Chairlady)

Hon. Mayaka, I can see the e-mail. Hon. Millie sent it to the wrong email. The Clerk's email is cna@parliament.go.ke. She used the old email. However, we will indulge you to move the amendments on her behalf because we can see the copied email.

Are you ready to move, Hon. Mayaka?

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 27 of the Bill be amended by—

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

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

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

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Before I put the Question, let me give the opportunity to Hon. Chairman, Hon. Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): I want to see the amendment she has proposed because it is a new sub-clause. We have proposed to amend Clause 27 in (a), (b) and (c). In (a), we are deleting the words “medicinal products” and substituting with the words “health products or technologies”. In (b), we are deleting the words “medicinal products” and substituting with the words “health products and technologies”. The amendment in (c) is similar to that.

This amendment seeks to harmonise the terms used in the Bill. It is different from what she has proposed. She has proposed a new sub-clause.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Pukose, the amendment on record by Hon. Millie is an insertion of a new sub-clause (1) and renumbering the existing sub-clause (1) as sub-clause (2). Is that what you moved, Hon. Mayaka?

Hon. Irene Mayaka (Nominated, ODM): Yes.

The Temporary Chairlady (Hon. Martha Wangari): Is it the same thing you have, Hon. Chairman?

Hon. (Dr) Robert Pukose (Endebess, UDA): No, it is not.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, this amendment strengthens the clause. It does not add anything. It starts by saying the Authority may issue product licenses as provided. This means that it strengthens that the Authority can actually do it.

Hon. Chairman’s amendments come under that. It does not change anything. It strengthens it.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Her amendment is a new sub-clause. My amendment is changing the medical products for drugs. I do not know how we can proceed with that new sub-clause, so that both of them are in tandem with what we are proposing to do.

The Temporary Chairlady (Hon. Martha Wangari): Do you want them to be prosecuted together?

Hon. (Dr) Robert Pukose (Endebess, UDA): No. My amendment does not affect the amendment by Hon. Millie Odhiambo. They are different.

You are the one who will guide us on how we can prosecute the two amendments because they do not affect each other.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Mayaka.

Hon. Irene Mayaka (Nominated, ODM): In addition to what the Chairman of the Departmental Committee on Health has said, we seek your guidance on which amendment will come before the other. This is because the two are different from each other, but both are very important.

The Temporary Chairlady (Hon. Martha Wangari): We are following the proper order because you are introducing sub-clause (1) before we go to the amendments by the Chairman. This means that what he will move will be renumbered to (2). Is that right, Hon. Chairman?

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, that is right.

Hon. Irene Mayaka (Nominated, ODM): That is also what I have moved on behalf of Hon. Millie. That is part (a) and then (b), on renumbering.

The Temporary Chairlady (Hon. Martha Wangari): Yes, Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, we have no objection to Hon. Mille's amendment. It is a good one.

The Temporary Chairlady (Hon. Martha Wangari): Okay. I will now put the Question.

*(Question, that the words to be inserted
be inserted, put and agreed to)*

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be inserted in place
thereof be inserted, put and agreed to)*

The Temporary Chairlady (Hon. Martha Wangari): We will now look at the other amendments by the Chairman. You will move all of them together. The sub-clause has now changed to (2) because the amendment by Hon. Mayaka has been carried. Therefore, yours becomes (2).

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 27 of the Bill be amended by—

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

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

This is to harmonise the terms used in the Bill with its title as proposed for amendment.

The Temporary Chairlady (Hon. Martha Wangari): Very well.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 27 as amended agreed to)

Clause 28

The Temporary Chairlady (Hon. Martha Wangari): Mover, move the two amendments: (a) and (b).

Hon. (Dr) Robert Pukose (Endebess, UDA): I beg to move:

THAT, Clause 28 of the Bill be amended—

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

This is to harmonise the terms used in the Bill with its Title as proposed for amendments.

The Temporary Chairlady (Hon. Martha Wangari): We will first prosecute (a) and (b).

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): We have a proposed amendment under sub-clause (c) by Hon. Millie Odhiambo.

Hon. Irene Mayaka (Nominated, ODM): I beg to move:

THAT, Clause 28 of the Bill be amended in—

- (a) sub-clause (1) by inserting the words “and herbal medicines” immediately after the word “medicines”;
- (b) sub-clause (2) by inserting the words “and herbal medicines” immediately after the word “medicines.”

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): We asked Hon. Millie to drop the amendment because the word “medicine” is no longer in use. We are using the words ‘health products and technologies.’ Therefore, the issue of “herbal” does not exist in that manner. So, I ask her to drop it.

The Temporary Chairlady (Hon. Martha Wangari): I will proceed to put the Question because I had already proposed the Question.

(Question, that the words to be inserted be inserted, put and negated)

The Temporary Chairlady (Hon. Martha Wangari): We will now move to Clause 28 (2).
Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): I beg to move:

THAT, Clause 28 of the Bill be amended—

(c) in sub-clause (2) by deleting the words “medicines register” and substituting therefor the words “health products and technologies register.”

This is to harmonise the terms used in the Bill with its title as proposed for amendments.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): Chairman, I am confused about whether the winnowing process happened. This is because we still have very many amendments in the Order Paper. The winnowing process you spoke about when we started does not reflect here.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, there was probably no communication between our legal counsel and the Table Office.

The Temporary Chairlady (Hon. Martha Wangari): Let us go on. There is a proposed amendment under sub-clause (2) by Hon. Millie Odhiambo.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, I have prosecuted both.

(Hon. (Dr) James Nyikal spoke off the record)

The Temporary Chairlady (Hon. Martha Wangari): Hold on, Hon. Nyikal. Hon. Mayaka, the fate that the proposal under sub-clause (1) has suffered is the same that this amendment will face because we have already passed the sub-clause amendment moved by the Chairman.

Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, the Chairman can help us more on this amendment. The essence of the amendment is the doubt in Hon. Millie’s mind whether “health products and technologies” include herbal medicines. It was easy to include the word ‘medicine’ after the word ‘herbal’ to read ‘herbal medicines’ when we were using the term “medicines.” During winnowing, I cannot remember whether we said that “health products and technologies” broadened to include herbal medicines. The Chairman should help us with that. If we do not do that, we will carry the amendment in the whole document.

The Temporary Chairlady (Hon. Martha Wangari): The amendments here indicate that the winnowing process was not positive. This is because we are doing exactly what we were avoiding last time. Chairman, can you please clarify?

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Chairlady.

Hon. Nyikal, health products, and technologies include herbal and conventional medicines. We agreed in that meeting that we would have a Bill for traditional medical practitioners and herbal

medicine. That Bill was initially brought to this House in the 11th Parliament. We asked our legal counsel to get the Bill to cover that area.

The Temporary Chairlady (Hon. Martha Wangari): Okay. We will go back to Clause 28 sub-clause (2). Hon. Mayaka, are you on record as having dropped the amendment? We need to make progress.

Hon. Irene Mayaka (Nominated, ODM): Yes, Hon. Temporary Chairlady.

(Proposed amendment to Clause 28(2) by Hon. Millie Odhiambo-Mabona dropped)

The Temporary Chairlady (Hon. Martha Wangari): Therefore, I will put the global Question.

(Clause 28 as amended agreed to)

Clause 29

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Chairlady, should I move the whole clause or piecemeal in sub-clauses?

The Temporary Chairlady (Hon. Martha Wangari): You will do the marginal note first on this.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 29 of the Bill be amended—

(a) in the marginal note by deleting the words “medicines and medical devices” and substituting therefor the words “health products and technologies”.

This is to afford adequate time and to increase the period within which an applicant may submit their comments to the authority for its decision from one to three months.

Thank you, Hon. Temporary Chairlady.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Millie’s amendment on sub-clause 1.

Clause 29(a)

Hon. Irene Mayaka (Nominated, ODM): Hon. Chairlady, in beg to move:

THAT, Clause 29 of the Bill be amended—

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

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

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairman, I will give you the first shot on this one.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, she is still talking about herbal medicine, medicines, and drugs and yet, we had gone into health products and technologies. It will infringe on the whole Bill.

I oppose the amendment.

The Temporary Chairlady (Hon. Martha Wangari): Thank you.

*(Question, that the words to be inserted
be inserted, put and negatived)*

The Temporary Chairlady (Hon. Martha Wangari): Next. Kindly use your intervention buttons if you would like to speak on anything.

An Hon. Member: What about this one?

The Temporary Chairlady (Hon. Martha Wangari): Not the one we have already prosecuted.

(Hon. Irene Mayaka raised her hand)

Hon. Irene, raising your hand is not the way to catch my eye.

We will go to next amendment - sub-clause 1 by the Chairperson of the Departmental Committee on Health.

Clause 29(b)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 29 of the Bill be amended—

(b) by deleting sub-clause (1) and substituting therefore the following new sub-clause (1)—

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

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

The Temporary Chairlady (Hon. Martha Wangari): The next amendment by Hon. Millie automatically falls if the Chairperson's is assented to. Therefore, (d) falls. The next amendment is Clause 29(e) by the Chairperson of the Committee.

Clause 29(e)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 29 of the Bill be amended—

(e) in sub-clause (4) by—

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

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

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

The Temporary Chairlady (Hon. Martha Wangari): Hold on, Hon. Chairman. Kindly confirm what you are moving under Clause 29. Re-confirm sub-clause 2. Note that it is a deletion and a substitution.

Hon. (Dr) Robert Pukose (Endebess, UDA): Are you referring to “inserting the words Kenya immediately before the phrase essential”?

The Temporary Chairlady (Hon. Martha Wangari): No.

Clause 29(c)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 29 of the Bill be amended—

(c) in sub-section 2 by deleting the phrase "Essential Medicines List or Essential Veterinary Medicines List" and substituting therefore the phrase "Kenya Essential Medicines List, Kenya Essential Diagnostics List, Kenya Essential Medical Supplies List and Kenya Essential Veterinary Medicine List."

This is what is within our country's healthcare system. Therefore, this is to align it with our healthcare system. Thank you.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

Clause 29(d)

The Temporary Chairlady (Hon. Martha Wangari): The next amendment is by the Chairperson, on sub-clause (3).

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 29 of the Bill be amended—

(d) in sub-clause (3) by deleting the word “medicine” wherever it appears and substituting therefore the words “health product or technology”;

This is to align it with the title of the Bill.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): The next amendment proposed by Hon. Millie falls by the assenting of sub-clause 3 amendments by the Chairperson.

We will go to the next amendment under sub-clause 4 by the Chairperson.

Clause 29(e)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Chairlady, I beg to move:

That, Clause 29 of the Bill be amended—

(e) in sub-clause (4) by—

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

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

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

Thank you.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): That means that the proposed amendment by Hon. Millie falls because of what we have done on (h) and (i).

We will now go to (k), which is an amendment on sub-clause 6 by the Chairperson.

Clause 29(f)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 29 be amended –

(f) by deleting sub-clause (6) and substituting therefore the following new sub-clause (6)—

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

This is the process of registration of a health product. It is to make sure that it is properly done.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): The amendment by Hon. Millie falls if that of the Chairperson's is carried. Therefore, (i) has fallen.

Let us go to sub-clause 7, which is an amendment by the Chairperson.

Clause 29(g)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Chairlady, I beg to move:

That, Clause 29 be amended

(g) in sub-clause (7) by deleting the word “medicine” and substituting therefore the words “health product or technology”;

This is to align with the title of the Bill.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): The next amendment by Hon. Millie falls as above.

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We will now go to sub-clause 8.

Clause 29(8)

The Temporary Chairlady (Hon. Martha Wangari): Let us go to sub-clause (8).

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 29 of the Bill be amended—

(h) in sub-clause (8) by deleting the word "medicine" wherever it appears and substituting therefor the words "health product or technology."

Hon. Temporary Chairlady, this is similar to the subsequent ones, that is, sub-clauses (9), (10), and (11). We are just substituting "medicine" with "health product and technology" wherever it appears. This is to align with the title of the Bill.

The Temporary Chairlady (Hon. Martha Wangari): We will prosecute sub-clause (8) first.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

Hon. Millie's amendments fall by the carrying of the Chairman's amendments. We have a proposed amendment by Hon. Oluoch on sub-clause (9).

Clause 29 (9)

The Temporary Chairlady (Hon. Martha Wangari): Kindly move, Hon. Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, I beg to move:

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

This is because there is no need to cap the validity of health products and technology at five years. They should ideally operate indefinitely unless a significant change may warrant another application to be registered.

(Question of the amendment proposed)

Hon. (Dr) Robert Pukose (Endebess, UDA): I do not understand why she is deleting. Can she explain?

The Temporary Chairlady (Hon. Martha Wangari): Hon. Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady. The justification is that when you put technology in place, it should operate indefinitely. It should not be capped at five years unless you want to constantly change the warranty that has been provided. I do not see the need for that.

The Temporary Chairlady (Hon. Martha Wangari): Chairman.

(Hon. (Dr) James Nyikal spoke off the record)

Hon. Nyikal, are you on this one?

Hon. (Dr) Robert Pukose (Endebess, UDA): Allow me to look at the Bill.

The Temporary Chairlady (Hon. Martha Wangari): Let us give the Chairman a moment.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, clause 29 (9) reads that:

“Any registration under this section, including the registration of medicines already registered, shall be valid for a period of five years and may be made subject to such conditions as may with regard to the succeeding provisions of this sections be determined by the authority.”

When you delete it, it means even any registration under this section. You are deleting the registration of medicines for five years. I do not know how. The five-year period is for any other registration and so, it is reviewed after five years.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): If I got it right, it is not wise to put a registration that goes forever since technology changes. You may need to review them later on. If you do not give that provision, you may have difficulties changing whatever you registered. I may not support what Hon. Oluoch is saying, as there is a need to review things regularly where technology is, as it is known to change.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, I want to try to convince the Chair on this particular issue. When it comes to technology, you cannot peg a specific timeline on it unless the manufacturer and the people who have come up with that particular product have indicated that you give it a shelf life of five years. This is a very expensive process and you do not want to put a pegged timeline on it unless it is necessary because of the financial implication. Unless it has an expiration date, you cannot use peg technology for a specified period of five years. Chair, you might want to reconsider that.

(Hon. (Dr) Robert Pukose spoke off the record)

The Temporary Chairlady (Hon. Martha Wangari): You have to be on record, Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): As I give and take, normally, after a period of five to seven years, a new technology comes into the market. If you think five years is too close, why not come in and agree to put it at seven years?

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, I advise that instead of seven, we do 10. The reason for that is because even if you put it at seven before you bring in another technological improvement to it, you still have a “grandfathering” period for the technology that you have in place. That is usually for about a period of three years. Even when you are using a laptop, you need to have a “grandfathering” period for it. Let us do ten years, so even if you introduce a new one in the seventh year, this one is exiting as you are putting in a new one.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Members, you know the amendment by Hon. Oluoch is a total deletion. You cannot even amend that one. It would either have to be carried as a deletion or dropped so that you can move a further amendment. Hon. Nyikal.

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Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Chairlady, the Chairman can make further amendments, which he is proposing. Give the Chairman time to write that amendment. We can say 10. I am uncomfortable with five as it may be too frequent.

The Temporary Chairlady (Hon. Martha Wangari): I agree with you; I am just notifying you that we cannot amend a deletion. We have to move a new amendment on the same. If you have to put in ten years, it has to be amended.

Hon. (Dr) James Nyikal (Seme, ODM): Can the Chairman do that?

The Temporary Chairlady (Hon. Martha Wangari): Yes, he can do that.

Hon. (Dr) Robert Pukose (Endebess, UDA): I agree to do a further amendment.

Hon. Members: That is okay.

The Temporary Chairlady (Hon. Martha Wangari): Chairman, I did not hear you well, but when you move your amendment under sub-clause (9), under (s), you include the further amendment for the time. That way, we would have dealt with the issue of Hon. Oluoch's amendment. I would like Hon. Mayaka to drop the deletion amendment on record. Then, we can prosecute it under sub-clause (9).

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I am fully guided by that. I agree with the Chairman that we should push for further amendments on that. So, I drop this amendment.

(Proposed amendment by Hon. Anthony Oluoch to clause 29(9) withdrawn)

The Temporary Chairlady (Hon. Martha Wangari): Very well. There is an amendment by Hon. Millie Odhiambo under sub-clause (9) that would have been lost if Hon. Oluoch's was carried. Hon. Mayaka can prosecute it, and then the Chairperson will prosecute his and include the issue that we have just dealt with.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady. Regarding sub-clause (9)(i) on herbal medicine, I have instructions from Hon. Millie to drop it because of their discussions with the Chairperson.

(Proposed amendment to Clause 29(9)(i) by Hon. Millie Odhiambo-Mabona dropped)

On the second one, I beg to move:

THAT, Clause 29 of the Bill be amended—

(h) sub-clause (9) by—

(ii) inserting the words “under this Act or any other written law” immediately after the words “already registered”;

The Temporary Chairlady (Hon. Martha Wangari): Are you prosecuting that part, or is it already done? Confirm. You have dropped (i) and prosecuted (ii).

Hon. Irene Mayaka (Nominated, ODM): That is correct, Hon. Temporary Chairlady.

(Question of the amendment proposed)

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Chairlady. The amendment is okay and I agree with it.

The Temporary Chairlady (Hon. Martha Wangari): Okay.

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*(Question, that the words to be inserted
be inserted, put and agreed to)*

Hon. Chairperson, on the next amendment, you will move the proposed amendments as per the Order Paper and a further amendment on the timing for the technology bit.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 29 of the Bill be amended—

- (i) in sub-clause (9) by deleting the word “medicines” and substituting therefor the words “health products and technologies”; and a further amendment to the period from five years to ten years.

The Temporary Chairlady (Hon. Martha Wangari): Very well.

(Question of the amendment proposed)

*(Question, that the words to be left
out be left out, put and agreed to)*

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

Clauses 29 (10 and 11)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 29 of the Bill be amended—

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

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

This is to align with the title of the Bill.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

The Temporary Chairlady (Hon. Martha Wangari): Move sub-clause 12.

Clause 29(12)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 29 of the Bill be amended—

(l) in sub-clause (12) by deleting the word “medicine” appearing in the opening sentence and substituting therefor the words “health product or technology”;

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): There was a proposed amendment by Hon. Millie Odhiambo which automatically falls if the Chairperson’s is carried. So, we will go to the further amendments by Hon. Millie on clause 12(A). Hon. Mayaka.

Clause 29(12)

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, Clause 29 of the Bill be amended—

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

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

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

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

The Temporary Chairlady (Hon. Martha Wangari): Can you explain?

Hon. Irene Mayaka (Nominated, ODM): No.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Nyikal?

Hon. (Dr) James Nyikal (Seme, ODM): I do not see any harm. The whole of Clause 12 is dealing with rejection. 12(A) says that it may reject the application if the applicant fails to meet standards as required by this Act or any other written law. It is strengthening this Act altogether. A dissatisfied person may appeal to the Board within 60 days, and the applicant may appeal to the High Court from the date of decision. It does no harm and has made it more specific. I support.

The Temporary Chairlady (Hon. Martha Wangari): These are new sub-clauses. Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I support. The amendment is okay.

(Question, that the words to be inserted be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): There is a proposed amendment by Hon. Millie on sub-clause 13. Prosecute it.

Clause 29(13)

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, Clause 29 of the Bill be amended—

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

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, the amendment is okay.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): Sub-clause 14, Chairperson.

Clause 29(14)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 29 of the Bill be amended—

(m) in sub-clause (14) by—

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

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

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

This is to align with our current protocol.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 29 as amended agreed to)

Clause 30

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 30 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “medicine” wherever it appears and substituting therefor the words “health product or technology”;
- (b) by inserting the following new sub-clause immediately after subclause (2)—
“(2A) A person who makes an application under this section shall provide reasons for the proposed amendments to the register.”
- (c) in sub-clause (3), by deleting the word "medicine" wherever it appears in paragraph (b) and substituting therefor the words "health product or technology."

The Deputy Chairlady (Hon. Martha Wangari): Hold on. We will first prosecute clause 30 (a) because there is a proposed amendment in between. So, prosecute subclause (1) first.

Clause 30(1)

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Chairlady. I beg to move:

THAT, Clause 30 of the Bill be amended—

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

This is to replace the end product or technology for medicine wherever it appears, aligning with the Bill's title.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Deputy Chairlady (Hon. Martha Wangari): If the Chairman’s proposed amendment is carried, that one of Hon. Millie is dropped.

(Proposed amendment to Clause 30 by Hon. Millie Odhiambo dropped)

We will then go to subclause 2(A). Chairperson.

Clause 30(2)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 30 of the Bill be amended—

- (b) by inserting the following new sub-clause immediately after subclause (2)—
“(2A) A person who makes an application under this section shall provide reasons for the proposed amendments to the registrar.”

Thank you, Hon. Chairlady.

(Question of the amendment proposed)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

We have a proposed amendment on 3(b). Chairperson again.

Clause 30(3)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 30 of the Bill be amended—

- (c) in sub-clause (3), by deleting the word "medicine" wherever it appears in paragraph (b) and substituting therefor the words "health product or technology."

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Deputy Chairlady (Hon. Martha Wangari): We have a proposed amendment that falls if the Chairperson's amendment is carried. We have another amendment by Hon. Millie Odhiambo under sub clause 3(a).

Hon. Irene Mayaka (Nominated, ODM): Hon. Deputy Chairlady, the amendment by Hon. Millie under sub clause (3) is similar to what the Chairperson has already prosecuted. So, I support.

The Deputy Chairlady (Hon. Martha Wangari): Do you drop this amendment?

Hon. Irene Mayaka (Nominated, ODM): Yes.

The Deputy Chairlady (Hon. Martha Wangari): You are on record?

(Proposed amendment to Clause 30(a) by Hon. Millie Odhiambo dropped)

The Deputy Chairlady (Hon. Martha Wangari): Okay. It is similar. So, I will put the global Question.

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(Clause 30 as amended agreed to)

Clause 31

The Deputy Chairlady (Hon. Martha Wangari): We have a proposed amendment by Hon. Kaluma. I saw Hon. Kaluma in the House. We will drop that amendment.

(Proposed amendment to Clause 31 by Hon. Peter Kaluma dropped)

Hon. Chairperson, you can move sub clause (1) and subclause 3 (c) together

Clause 31(1)(3)

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Chairlady. I beg to move:

THAT, Clause 31 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “medicine” and substituting therefor the words “health product or technology”; and,
- (b) in sub-clause (3), by deleting the word "medicine" appearing in paragraph (c) and substituting therefor the words "health product or technology."

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 31 as amended agreed to)

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Clause 32

Hon. ((Dr) Robert Pukose (Endebess, UDA): I beg to move:

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

- (1) The Authority shall cancel the registration of a health product or technology if—
 - (a) a licensee has failed to comply with a condition subject to which a particular health product or technology has been registered;
 - (b) a particular health product or technology does not comply with a prescribed requirement; or

(c) it is not in the public interest to make a particular health product or technology available to the public.”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): The amendment by Hon. Millie falls.

(Proposed amendment to Clause 32 by Hon. Millie Odhiambo-Mabona dropped)

We will go to sub-clause (2). Chairman.

Clause 32(2)

Hon. ((Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 32 of the Bill be amended—

(b) in sub-clause 2 by deleting the phrase “medicine or medical device” wherever it appears and substituting therefor the phrase “health product or technology”.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): The amendment by Hon. Millie falls.

(Proposed amendments by Hon. Millie Odhiambo-Mabona to clause 32(2) dropped)

Clause 32(4)

Hon. ((Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 32 be amended—

(c) in sub-clause (4)—

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

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

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): The proposed amendments by Hon. Millie and Hon. Kaluma fall.

(Proposed amendments to Clause 32(4) by Hon. Millie Odhiambo-Mabona and Hon Peter Kaluma dropped)

We will go to proposed amendment to sub-clause 5 by the Chair.

Clause 32(5)

Hon. ((Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 32 of the Bill be amended—

(d) by deleting the words “medicine or medical device” wherever they appear in subclause (5) and substituting therefor the words “health product or technology”.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): The proposed amendment by Hon. Millie falls and so, I will put the global Question.

(Proposed amendment to Clause 32(5) by Hon. Millie Odhiambo-Mabona dropped)

(Clause 32 as amended agreed to)

Clause 33

The Temporary Chairlady (Hon. Martha Wangari): Chair.

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Hon. ((Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

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

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): The amendment by Hon. Millie Odhiambo falls.

(Proposed amendment to Clause 33(1) by Hon. Millie Odhiambo-Mabona dropped)

Clause 33(2)

The Temporary Chairlady (Hon. Martha Wangari): We go to sub-clause 2. There is a proposed amendment by Hon. Millie Odhiambo to subclause (2).

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, Clause 33 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(2A) in the case of cancellation of registration of a herbal medicine, the Registrar shall in such case specify—

- (a) the name under which the herbal medicine is registered;
- (b) the active components of the herbal medicine;
- (c) the name of the applicant;
- (d) the name of the person who has propriety rights over the herbal medicine;
- (e) the registration number allocated to the herbal medicine; and
- (f) the conditions if any, subject to which that medicine is registered.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): You have a follow-up amendment on the same. Have you moved both amendment to subclause (2)?

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, we had agreed she drops ‘herbal medicine’.

Hon. Irene Mayaka (Nominated, ODM): We are not dealing with herbal medicine.

The Temporary Chairlady (Hon. Martha Wangari) Hon. Mayaka, we had earlier said what you withdraw under sub-clause (2). Is that so?

Hon. Irene Mayaka (Nominated, ODM): Yes.

The Temporary Chairlady (Hon. Martha Wangari): You are on record having dropped that amendment.

Hon. Irene Mayaka (Nominated, ODM): Yes, Hon. Temporary Chairlady. I am on record as having dropped that amendment. I was prosecuting sub-clause 2(A).

The Temporary Chairlady (Hon. Martha Wangari): On the Order Paper, sub-clause 2 (a) still has an issue on herbal medicine that has been raised by the Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): We agreed with Hon. Millie that herbal medicine will be included in the Traditional Medical Practice Bill. I urge Hon. Mayaka to drop that amendment.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Mayaka, kindly be on record.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I drop the amendments as per the agreement.

(Proposed amendment to Clause 33(2) by Hon. Millie Odhiambo withdrawn)

The Temporary Chairlady (Hon. Martha Wangari): Before we move to the next clause, I will put the global question on this.

(Clause 33 as amended agreed to)

Clause 34

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 34 of the Bill be amended—

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

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 34 as amended agreed to)

Clause 35

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairperson, you can move both (a) and (b).

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 35 of the Bill be amended—

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

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

(Question of the amendment proposed)

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I do not know whether it is in order for me to move the amendments by Hon. Anthony on clause 35 (2).

The Temporary Chairlady (Hon. Martha Wangari): Not yet. We have only prosecuted one. We are moving step by step.

Hon. Irene Mayaka (Nominated, ODM): He read them together.

The Temporary Chairlady (Hon. Martha Wangari): No, we have dealt with clause 35(a) and (b) and (1). The amendment by Hon. Oluoch is on clause 35 (2). We are not there yet.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

Hon. Chairperson, move Clause 35(2).

Clause 35(2)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 35 of the Bill be amended—

- (c) in sub-clause (2) by inserting the words “or an enrolled pharmaceutical technologist” immediately after the word “pharmacist”;

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): We are now on clause 35 sub-clause 2. Hon. Mayaka.

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Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I beg to move:

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

However, having listened to the Chairperson of the Departmental Committee on Health on this particular amendment, we are intermixing the semantics. We need to agree on which one comes where!

Hon. (Dr) Robert Pukose (Endebess, UDA): What is your amendment?

Hon. Irene Mayaka (Nominated, ODM): I am proposing to amend sub-clause 2 by inserting the word “registered” immediately after the words “may prohibit a”. The amendment seeks to harmonise the Bill in sub-clause (2) where it defines the term, “registered pharmacist.” So, this is just to make it harmonious.

(Hon. (Dr) Robert Pukose spoke off the record)

The Temporary Chairlady (Hon. Martha Wangari): Are you in agreement?

Hon. (Dr) Robert Pukose (Endebess, UDA): For pharmacist, we say it is a registered pharmacist. For pharmaceutical technologist, we say enrolled pharmaceutical technologist. These are the terminologies that are used.

The Temporary Chairlady (Hon. Martha Wangari): Have you dropped your amendment, Hon. Mayaka?

Hon. Irene Mayaka (Nominated, ODM): No. I am trying to seek the indulgence of Hon. Chairman to look back at sub-clause (2). Unless you changed it from “registered pharmacist” while I was not here.... The amendment seeks to harmonise and ensure that we are also still talking about registered pharmacists. Therefore, I am proposing to insert the word “registered” before the word “pharmacist.”

Hon. (Dr) Robert Pukose (Endebess, UDA): Are we inserting this word before the word “pharmacist”?

Hon. Irene Mayaka (Nominated, ODM): Yes.

Hon. (Dr) Robert Pukose (Endebess, UDA): It is okay. There is no problem with that.

Hon. Irene Mayaka (Nominated, ODM): Okay.

(Question, that the word to be inserted be inserted, put and agreed to)

Clause 35(3)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 35 of the Bill be amended—

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

(Question of the amendment proposed)

(Question, that the words to be inserted)

be inserted, put and agreed to)

Clause 35(4)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 35 of the Bill be amended—

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

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

The Temporary Chairlady (Hon. Martha Wangari): Hon. Millie’s amendment in sub-clause (4).

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, I beg to move:

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

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

(Question of the amendment proposed)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I think this amendment was discussed. Hon. Nyikal will bear me witness that when you are substituting a certain drug, it is the doctor who knows. When you say that unless the patient or purchaser is informed and agrees, you are even bringing in the purchaser. It means that if I am the one who will buy that medicine, I might disagree because the cost might be too much or any reason similar to that. The question of substituting a drug should not be carried by finance or any other thing. It should be for the interest of the patient. Dr. Nyikal, maybe you can give an input on that.

Hon. (Dr) James Nyikal (Seme, ODM): This is a tricky area. You will go to buy medicine. The person you are buying from may want to change the medicine. That person will talk to the person who prescribed the medicine. To change the medicine, this bit says that they will want you to agree to their consultation. I see no harm with it. In any case, the patient can refuse whatever you do. I ask the Chair to leave this. If one is changing medicine for me, they can consult the person who prescribed. I still hold responsibility if I do not want that. In any case, a patient can be given medicine and they refuse to take it.

The Temporary Chairlady (Hon. Martha Wangari): Okay. Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): When prescribing or changing medication, there could be a case of a patient who is in a coma. This can have legal implications. If a patient is in a coma and you change their medication, they might wake up and say that they did not consent. We are making this even more complicated by making that amendment. Therefore, I urge that we do not support this amendment.

The Temporary Chairlady (Hon. Martha Wangari): Okay. Hon. Mayaka.

Hon. Irene Mayaka (Nominated, ODM): I seek the Chair's further indulgence on this. I support what Hon. Nyikal has said. I am looking at a situation where one is prescribing alternative medication for a patient and they would need to consult with the doctor who gave that prescription. Would it not be in good order for them to be allowed the indulgence? That is to consult with the person who prescribed rather than the patient being given a different medicine then he does what you are saying and it affects them. You will not have a back fall in case the patient sues or the matter goes to court. This amendment would protect both the patient and the pharmacy at the same time or person giving the medicine.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): I feel like the discussion would go like this: "This is what the doctor wanted for you but we do not have it. However, I will talk to your doctor to see if it is okay for us to change." I see that conversation. I think we should give the patient that option. We can amend the law if it is too hard later on. For now, let the patient have the final say.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): I will read the whole context. It says: "A pharmacist shall not substitute a prescribed medicine with an interchangeable multi-source medicine if the person prescribing the medicine has written in his or her own hand on the prescription the words "no substitution" next to the item prescribed. It goes further to say, "if the retail price of the interchangeable multi-source medicine is higher than that of the prescribed medicine" or where the authority has declared the product "not substitutable".

(Hon. (Dr) Robert Pukose looked at the Bill)

Just a minute. It states that unless the purchaser or patient is first informed of the same and agrees to the change. It is okay. I agree.

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Clause 35 as amended agreed to)

Clause 36

The Temporary Chairlady (Hon. Martha Wangari): We have a proposed deletion from Hon. Oluoch.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, I beg to move:
THAT, the Bill be amended by deleting Clause 36.

Hon. Temporary Chairlady, the reason for that is what we have already talked about here. It is to remove herbal medicines from the scope of the Bill as the proposed Clause 3(2) adopted by the Committee so that traditional and alternative medicine can then be prosecuted in a different Bill.

(Question of the amendment proposed)

Hon. (Dr) Robert Pukose (Endebess, UDA): I support that amendment.

The Temporary Chairlady (Hon. Martha Wangari): Hon. ((Dr) Nyikal.
Hon. (Dr) James Nyikal (Seme, ODM): I support.

*(Question, that the words to be left
 out be left out, put and agreed to)*

The import of that is that the amendment by the Chairperson under sub-clauses 1 and 3 fall automatically. What is it, Hon. Mayaka?

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, I would wish for us to go on record because Hon. Millie also had an amendment on the same Clause.

The Temporary Chairlady (Hon. Martha Wangari): Which Clause?

Hon. Irene Mayaka (Nominated, ODM): Clause 36.

The Temporary Chairlady (Hon. Martha Wangari): When it is deleted, it is gone.

Hon. Irene Mayaka (Nominated, ODM): Can we be on record that it is dropped just the same way we have been on record?

The Temporary Chairlady (Hon. Martha Wangari): I have seen there was a proposed amendment by the Chairman on (1) and by Hon. Millie on (1) and by Chairman again on (3). We are on record that they fall by the fact that the deletion has been carried.

(Clause 36 deleted)

Part V

The Temporary Chairlady (Hon. Martha Wangari): Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Bill be amended in the title to Part V by deleting the expression “PART V” and substituting therefor the expression “PART IV”.

The Temporary Chairlady (Hon. Martha Wangari): Thank you.

(Question of the amendment proposed)

*(Question, that the words to be left
 out be left out, put and agreed to)*

*(Question, that the words to be inserted in
 place thereof be inserted, put and agreed to)*

(Part V as amended agreed to)

Clause 37

The Temporary Chairlady (Hon. Martha Wangari): Mover.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 37 of the Bill be amended—

- (a) in sub-clause (2) by deleting the words “and dealers in mining, agricultural or horticultural accessories” appearing in paragraph (a);

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

This is because initially we were doing both Food and Drugs Authority Bill and so, this is just cleaning it up.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 37 as amended agreed to)

Clause 38

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 38 of the Bill be amended—

(a) in sub-clause (1) by—

(i) deleting the phrase “the Limitations prescribed by this subsection” and substituting therefor the phrase “the following limitations”;

(ii) deleting paragraph (c)

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause (2)—

“(2) A person who is in possession of a scheduled substance otherwise than in accordance with the provisions of this section commits an offence and shall on conviction, be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years; or to both.”

The Temporary Chairlady (Hon. Martha Wangari): I have allowed you to move all of them because the amendments by Hon. Kaluma are dropped.

(Question of the amendment proposed)

(Question, that the words to be left

out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(The proposed amendment by Hon. Peter Kaluma to clause 38 dropped)

(Clause 38 as amended agreed to)

Clause 39

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairperson, move sub-clause (4) because there is further amendment by Hon. Oluoch. You will move sub-clause (5) later.

Clause 39(4)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady I beg to move: THAT, Clause 39 of the Bill be amended—
(a) in sub-clause (4) by inserting the word “and” immediately after the words “distribution of the Scheduled Substances”;

(Question of the amendment proposed)

(Question, that the word to be inserted be inserted, put and agreed to)

(Proposed amendment to Clause 39(4) by Hon. Peter Kaluma dropped)

The Temporary Chairlady (Hon. Martha Wangari): There is an amendment by Hon. Anthony Oluoch.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, I beg to move: THAT, Clause 39 of the Bill be amended in sub-clause (4) by inserting the words “or pharmaceutical technologists” immediately after the words “a Registered Pharmacist”.

(Question of the amendment proposed)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, that brings in the pharmaceutical technologists as a whole. We have no objection to that.

(Question, that the words to be inserted be inserted, put and agreed to)

Clause 39(5)

The Temporary Chairlady (Hon. Martha Wangari): Sub-clause (5), Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 39 of the Bill be amended—

(a) by deleting sub-clause (5) and substituting therefor the following new sub-clause (5)—

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

This is the normal practice, Hon. Temporary Chairlady.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): We have a further amendment on the marginal note by Hon. Otiende Amollo.

He is not in the House and he has not delegated. I will drop that amendment.

(Proposed amendment to Clause 39(5) by Hon. Otiende Amollo dropped)

(Clause 39 as amended agreed to)

Clause 40

The Temporary Chairlady (Hon. Martha Wangari): Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Bill be amended by deleting clause 40

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): The import of that is that the further amendment by Hon. Millie falls.

(Proposed amendment to Clause 40 by Hon. Millie Odhiambo-Mabona dropped)

(Clause 40 deleted)

Clause 41

The Temporary Chairlady (Hon. Martha Wangari): The amendment by Hon Kaluma is dropped.

(Proposed amendment to Clause 41 by Hon. Peter Kaluma dropped)

The Temporary Chairlady (Hon. Martha Wangari): We have an amendment by Hon. Oluoch.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I beg to move:

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

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Honourable Mayaka, can you explain further?

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, this particular amendment is similar to the previous one. We are including the word “pharmaceutical technologist” immediately after the word “pharmacist” appearing on paragraph (b). So, it is quite similar to the previous one that we have already passed.

The Temporary Chairlady (Hon. Martha Wangari): Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, on scheduled substances, I want to disagree. Those are scheduled substances which are controlled. They are supposed to be under a pharmacist, not a pharmaceutical technologist. It is different from the wholesale business.

(Question, that the words to be inserted be inserted, put and negatived)

The Temporary Chairlady (Hon. Martha Wangari): We go to sub-clause 1(c). Chairperson?

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 41 of the Bill be amended—

In sub-clause 1(c), we delete the paragraph (c), then in 2, delete paragraph (e).

The Temporary Chairlady (Hon. Martha Wangari): No! One at a go.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

(a) in sub-clause (1) —

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

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

We will go to the proposed amendment by Hon. Odhiambo on 1(d).

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I beg to move:

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

The Temporary Chairlady (Hon. Martha Wangari): Are you done?

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Nyikal.

(Hon. (Dr) Robert Pukose spoke off record)

The Temporary Chairlady (Hon. Martha Wangari): Hold on, Hon. Chairperson. Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Clause 41(d) states thus:

“(d) A qualified medical practitioner, dentist or veterinary surgeon for purposes of medical, dental or veterinary treatment respectively...”

You are proposing that we bring ‘enrolled pharmaceutical technologies’ immediately after what is appearing in Clause 41(1)(d). I do not see how they relate.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, the stem of Clause 41(1)(d) states thus:

“41 (1) Subject to this Act, a person licensed under this Act to deal as a wholesaler dealer in scheduled substances may sell scheduled substances to:

(d) A qualified medical practitioner, dentist or veterinary surgeon for purposes of medical, dental or veterinary treatment respectively...”

We want to add ‘enrolled pharmaceutical technologies.’ We are talking of different practices here. These are the users. The person who is selling is the pharmaceutical technologist and, therefore, cannot resell it to himself. He is selling to the medical practitioner, dentist or veterinary surgeon. You cannot include ‘enrolled’ because a pharmacist is not included. You are the one who is selling it.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Mayaka.

Hon. Irene Mayaka (Nominated, ODM): I need further clarification from the Hon. Chairperson. This particular Act is speaking to wholesale dealers. Since this case is specific to wholesale dealers, are we alienating the retail pharmacists? When you exclude pharmacists, you are saying that retail pharmacists will not have access to this. Kindly explain for my understanding.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): If you look at the stem of the framing, subject to this Act, a person licensed under this Act to deal as a wholesaler in scheduled substances may sell scheduled substances. He is not selling scheduled substances to himself but to the pharmacist who then sells them. He is selling to a qualified medical practitioner, dentist or veterinary surgeon for purposes of medical, dental or veterinary treatment respectively. Is it clear? Therefore, it can be dropped.

(Hon. Irene Mayaka spoke off the record)

The Temporary Chairlady (Hon. Martha Wangari): Can you be on record?

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Chairlady. Given the explanation by the Chairperson of the Departmental Committee on Health, I wish to drop the amendment.

(Proposed amendment to Clause 41 by Hon. Millie Odhiambo-Mabona dropped)

The Temporary Chairlady (Hon. Martha Wangari): Thank you.

(Proposed amendments to Clause 41 by Hon. Peter Kaluma dropped)

Hon. Chairperson, proceed to move the remaining clauses 41 (a)(b) and (c). This is because the three proposed amendments by Hon. Kaluma are dropped.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 41 of the Bill be amended:

- (a) in sub-clause (1) —
 - (i) by deleting paragraph (c);
 - (ii) by deleting paragraph (e);
- (b) in sub-clause (2);
 - (i) by deleting paragraph (b)
 - (ii) by deleting paragraph (c);
- (c) by deleting sub-clause (3).

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 41 as amended agreed to)

Clause 42

The Temporary Chairlady (Hon. Martha Wangari): Hon. Oluoch.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady.

THAT, Clause 42 of the Bill be amended by—

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause (1)—
 - “(1) An authorised seller shall enter a record of such particulars of the scheduled substance before delivery of the scheduled substance under this Act.”
- (b) inserting the following new sub-clause (2) immediately after the new sub-clause (1)—
 - “(2) A record under subsection (1) shall be in the format prescribed by the Authority and shall indicate —
 - (a) the date of the sale;
 - (b) the name and address of the purchaser;
 - (c) the quantity of the scheduled substances sold; and

- (d) the purpose for which it is stated by the purchaser to be required.”
- (c) renumbering sub-clause (2) as sub-clause (3); and
- (d) renumbering sub-clause (3) as sub-clause (4).

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): The amendment is okay, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. Martha Wangari): Thank you.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The import of this amendment is that the amendment by Hon. Chairman falls. We have another amendment by Hon. Oluoch in Clause 42.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 42 of the Bill be amended by—

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

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

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

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

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

The Temporary Chairlady (Hon. Martha Wangari): Are you already in sub-clause (3)? Move sub-clause 2 first.

Hon. Irene Mayaka (Nominated, ODM): Okay. Hon. Temporary Chairlady, I beg to move:

THAT, Clause 42 of the Bill be amended by—

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

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

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

(c) renumbering sub-clause (2) as sub-clause (3);

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): The amendment is okay, Hon. Temporary Chairlady. I support it.

*(Question, that the words to be inserted
be inserted, put and agreed to)*

The import of this amendment is that there will be consequential renumbering because we have agreed to sub-clause (2) amendments.

Clause 42(3)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 42 of the Bill be amended—

- (b) in sub-clause (3) by deleting the words “three years” and substituting therefor the words “one year”.

(Question of the amendment proposed)

*(Question, that the words to be left
out be left out, put and agreed to)*

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

(Proposed amendment to Clause 42 by Hon. Peter Kaluma dropped)

(Clause 42 as amended agreed to)

Clause 43

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

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

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

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

- (b) in paragraph (b) by—

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

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Chairman should explain a little because this amendment is extremely broad. A qualified health professional is anybody in the health sector, so long as he or she is registered by somebody. That is too broad.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Basically, this is to restrict dispensing scheduled substances to unauthorised persons. For the other part, it seeks to correct minor drafting errors. Registered midwives are included in the qualified healthcare professionals provided in the amended sub-clause.

The Temporary Chairlady (Hon. Martha Wangari): Did you get what Hon. Nyikal is asking?

Hon. (Dr) Robert Pukose (Endebess, UDA): He wants me to explain. I am telling him that this is to restrict dispensing scheduled substances to authorised persons only. The other part corrects minor drafting errors.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Nyikal does not look satisfied.

Hon. (Dr) James Nyikal (Seme, ODM): We are on Clause 43. Is it not so? It talks of a qualified medical professional, dentist, veterinary surgeon or a member of staff of a hospital or dispensaries who has been authorised to do general or special procedure. We are talking of a qualified healthcare professional. In the original Bill, the hospital environment is protective if you talk of other people who work there. However, anybody can prescribe if you leave it out of here. I do not know what Hon. Chairman may say about that.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): I am not getting his worry. Please, explain what it is. Is it about the qualified healthcare professional here?

Hon. (Dr) James Nyikal (Seme, ODM): I think it is too broad if you say a qualified healthcare professional may apply or dispense a scheduled substance for the purpose of medical, dental or veterinary treatment, as the case may be, subject to the following provisions. The Bill said a qualified medical practitioner, dentist or veterinary surgeon, or a member of staff of a hospital, dispensary or similar institution is authorised to do that by general special order of the Cabinet Secretary. This was a lot more restrictive than what you are now doing. We have now opened it to literally anybody. The hospital environment was protecting the patient in the other one.

Hon. (Dr) Robert Pukose (Endebess, UDA): Down there under the Clause, it says a qualified medical practitioner, subject to the following provisions, may issue a scheduled substance with therapeutic value. That substance shall be distinctly labelled with the name and address of the person by whom it is supplied or dispensed. There, they are giving the subjects. I do not know whether you have the Bill. When you look at the amendment by Hon. Oluoch, it gave us a form in which all those details are supposed to be entered.

Hon. (Dr) James Nyikal (Seme, ODM): Okay.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the word to be inserted be inserted, put and agreed to)

We have a further amendment under sub-clause (3) by Hon. Millie.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I beg to move:

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

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): To amend to Ksh1,000,000 from Ksh100,000 is okay.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 43 as amended agreed to)

Clause 44

The Temporary Chairlady (Hon. Martha Wangari): There is an amendment by Hon. Millie on this clause.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, I beg to move:

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

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I request that Hon. Mayaka gives a further explanation on that amendment.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Mayaka, kindly explain the amendment further.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, I have been requested to explain the amendment. We seek to delete the word “two hundred” and substitute it

with 'one million'. The reasoning behind this amendment is to make the punishment more punitive to ensure that we establish order.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I agree with it because the Committee had proposed Ksh500,000, but Hon. Millie is proposing Ksh1 million. It is a question of figures. From her legal practice as a lawyer, she might be in a better position to suggest that we increase the fine.

The Temporary Chairlady (Hon. Martha Wangari): Noted. I will now put the question.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

The Temporary Chairlady (Hon. Martha Wangari): The import of that is that the amendment by the Chairman falls.

(Proposed amendment to Clause 44 by Hon. (Dr) Robert Pukose dropped)

(Clause 44 as amended agreed to)

Clause 45

(Hon. Owen Baya consulted with Hon. (Dr) Robert Pukose)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Majority Whip, I need the Chairman to move the amendment on Clause 45.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Bill be amended by deleting Clause 45 and substituting therefor the following new clause 45—

Automatic
machines

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

(2) The Authority shall develop regulations on the—

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

This is a normal practice.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): The import of that is that the amendment by Hon. Millie falls. So, I will put the global question.

(Proposed amendment to Clause 45 by Hon. Millie Odhiambo dropped)

Hon. Irene Mayaka (Nominated, ODM): On a point of order, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Mayaka, what is out of order?

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, before you suggest that the amendment falls, I would like to bring to your attention that we are prosecuting two different issues on the same clause. This is because the amendment by Hon. Millie talks about the fine.

The Temporary Chairlady (Hon. Martha Wangari): The reason Hon. Millie's amendment falls is because she had proposed an amendment to the former clause which has been substituted with a new one. So, it is not amending the new clause. That is why it falls. The amendment by the Chairman had a deletion and substitution therefor of a whole clause. That clause is what Hon. Millie had proposed to amend. However, there is a new clause so the amendment will not apply.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I can explain to her that this other new clause which we have introduced is to provide for the use of automatic machines in dispensing selected scheduled substances in an effort to leverage on technology. Therefore, the issue of that fine does not arise because there is nothing to fine.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Mayaka, are you satisfied?

Hon. Irene Mayaka (Nominated, ODM): Yes, Hon. Temporary Chairlady.

(Clause 45 as amended agreed to)

Clause 46

The Temporary Chairlady (Hon. Martha Wangari): Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

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

Electronic sale of health products and technologies.

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

(2) The regulations made under subsection (1) shall provide for—

- (a) Licensure of e-pharmacies;
- (b) Safety of patients;
- (c) Verification of the identity and traceability of patients;
- (d) Verification of the identity and traceability of prescribers; and

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

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

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

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

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): The import of that amendment is that the amendment by Hon. Millie falls and that of Hon. Kaluma is dropped.

(Proposed amendments by Hon. Millie Odhiambo-Mabona and Hon. Peter Kaluma to clause 46 dropped)

(Clause 46 as amended agreed to)

Clause 47

The Temporary Chairlady (Hon. Martha Wangari): We have an amendment by the Chair. Move all the amendments together.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 47 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “medicinal substance” and substituting therefor the words “health product”;

(b) by deleting sub-clause (2) and substituting therefore the following new sub-clause (2)—

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

(c) in sub-clause (3) by deleting the words “medicinal substance” and substituting therefor the words “health product”;

(d) in sub-clause (4) by deleting the words “medicinal substance” and substituting therefor the words “health product”;

(e) by inserting the following subclauses immediately after sub-clause (5)—

(6) The Authority shall prescribe regulations setting out conditions for the qualifications of personnel involved in the production processes of a health product regulated under this Act.

(7) The personnel qualified to conduct lot release of vaccines and batch release of health products shall submit their qualifications to the Authority.

(8) A person who commits an offence under this section shall on conviction, be liable to a fine not exceeding ten million shillings, or to imprisonment for a term not exceeding ten years, or to both.

This is to harmonise the terms used in the Bill with the title of the Bill as proposed in the amendments. It is also to give a manufacturing license validity for one year.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

(Clause 47 as amended agreed to)

Clause 48

The Temporary Chairlady (Hon. Martha Wangari): Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 48 of the Bill be amended by—

(a) renumbering the existing provision as subclause (1); and

(b) inserting the following new subclauses immediately after the renumbered subclause (1)—

(2) The Authority shall have power to enter and inspect manufacturing premises to confirm compliance with prescribed good manufacturing practices and issue a certificate of compliance in the prescribed format upon payment of prescribed fees.

(3) The Cabinet Secretary shall make regulations for the better carrying out of the provisions of this section.

(4) Without prejudice to the generality of subsection (3), the Cabinet Secretary shall make regulations on—

(a) Revocation and suspension of manufacturing licences;

(b) Withdrawal of revocation of manufacturing licences upon request; and

(c) Transfer of manufacturing licences.

This is to give the Authority power to enforce compliance with good manufacturing practices as recommended by the World Health Organisation (WHO), which will in turn encourage continuous improvement of internal quality control systems and production processes by manufacturers. The amendment also seeks to provide specific instances in which the Cabinet Secretary shall have power to make regulations in regard to compliance with good manufacturing practice.

Thank you, Hon. Temporary Chairlady.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 48 as amended agreed to)

(Clauses 49 and 50 agreed to)

Clause 51

The Temporary Chairlady (Hon. Martha Wangari): Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

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

This is to provide for penalties.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

The Temporary Chairlady (Hon. Martha Wangari): The import of that amendment is that the amendment by Hon. Oluoch falls because it is similar to the amendment by the Chair.

(Proposed amendment by Hon. Anthony Oluoch to clause 51 dropped)

(Clause 51 as amended agreed to)

Clause 52

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

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

The use of the term ‘therapeutic cosmetic’ already indicates that cosmetic already has therapeutic effect hence there is no need to restate the same. The amendment seeks to harmonise the terms used in the Bill with the title of the Bill as proposed.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 52 as amended agreed to)

(Clause 53 agreed to)

Clause 54

The Temporary Chairlady (Hon. Martha Wangari): We will have Hon. Oluoch’s amendment first because it is on deletion.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, I beg to move: THAT, the Bill be amended by deleting Clause 54.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. Martha Wangari): Hon. Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I have an amendment. Hon. Oluoch is proposing to delete the whole Clause 54. The Committee feels we can only make an amendment to sub-clause 3. I oppose the amendment.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): If we delete it whole, we will remove any protective measures there. I also oppose it.

The Temporary Chairlady (Hon. Martha Wangari): Hon. Mayaka, do you want to withdraw it?

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, before I decide on whether or not to withdraw this amendment, I would really like to hear the justification the Chairman has on this so that it makes sense to me.

The Temporary Chairlady (Hon. Martha Wangari): Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, Clause 54 (1) says that the Authority, in the public interest, may prohibit any ingredient contained in therapeutic cosmetics by notice in the Gazette. We have people who apply discolouring ingredients that contain mercury on their skin. So, we need to have safety measures to make sure that the harmful ones or carcinogenic do not get into the market. By a notice, the Authority, in public interest, may prohibit any ingredient contained in the therapeutic cosmetics by a notice in the gazette.

Clause 54 (2) states thus:

Except as otherwise provided in the regulations, a cosmetic shall not contain any prohibited ingredients.

Clause 54(3) states that any person who manufactures or knowingly sells a therapeutic cosmetic which contains a prohibited ingredient commits an offense.

If we delete all that, we will not protect the public, especially our female populace. They will use any of those ingredients which might contain harmful things. Therefore, we need to protect them.

The Temporary Chairlady (Hon. Martha Wangari): Thank you. Are you convinced Hon. Mayaka? We need to make progress.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairlady, yes. I would like to state that the Chairman has now done subsequent amendments that define that. My worry was that we cannot have a gazette notice being done without laid down procedure. Because the subsequent clauses explain this, then I am okay dropping that.

The Temporary Chairlady (Hon. Martha Wangari): So, it is dropped.

(Proposed amendment to Clause 54 by Hon. Anthony Oluoch dropped)

Chairman, let us prosecute sub-clause (3).

Clause 54(3)

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move:

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

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

We are providing fines and sentences. That is the justification for making an amendment to sub-clause (3).

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 54 as amended agreed to)

The Temporary Chairlady (Hon. Martha Wangari): I will now call upon the Mover to move reporting.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Kenya Drugs Authority Bill, (National Assembly Bill No. 54 of 2022) up to Clause 54 and its approval thereof with amendments and seeks leave to sit again.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

*[The Temporary Speaker
(Hon. Peter Kaluma) in the Chair]*

MOTION

CONSIDERATION OF REPORT ON THE KENYA DRUGS AUTHORITY BILL

The Temporary Speaker (Hon. Peter Kaluma): Chairperson to report to the House.

Hon. Martha Wangari (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Kenya Drugs Authority Bill, (National Assembly Bill No. 54 of 2022) up to Clause 54, and approved the same with amendments and seeks leave to sit again.

The Temporary Speaker (Hon. Peter Kaluma): Mover.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I also request Hon. Owen Baya to second the Motion for agreement with the report of the Committee of the whole House.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): For the convenience of the House, the question on the matter will be put next time the House sits to transact this business.

(Putting of the Question deferred)

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Members. The time being 7.04 p.m., this House stands adjourned until Wednesday, 5th June 2024, at 9.30 a.m.

The House rose at 7.04 p.m.

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