

Approved for tabling of

SN/A  
6/6/17

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY



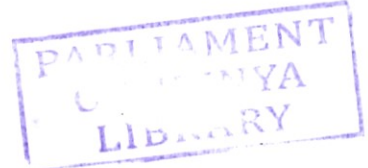
ELEVENTH PARLIAMENT – FIFTH SESSION

THE DEPARTMENTAL COMMITTEE ON HEALTH

REPORT ON THE CANCER PREVENTION AND CONTROL AMENDMENT BILL,  
2016 (SENATE BILL NO.3 OF 2015)

CLERK'S CHAMBERS,  
DIRECTORATE OF COMMITTEE SERVICES,  
PARLIAMENT BUILDINGS,  
NAIROBI.

JUNE, 2017



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## **CHAIRPERSON'S FOREWORD**

The Cancer Prevention and Control Amendment Bill, 2016 (Senate Bill No 3 of 2015) was published in the Kenya gazette supplement No. 24 of 6<sup>th</sup> March, 2015 and passed by the Senate, with amendments on 13<sup>th</sup> July, 2016. The Bill was read a First Time on 26<sup>th</sup> July 2016 and thereafter committed to the Departmental Committee on Health pursuant to Standing Order 143 and 127.

In considering the bill, the Committee received submissions from the Ministry of Health, and the National Cancer Institute.

The Committee considered the Senate amendment proposals in the Bill during its retreat held from 3<sup>rd</sup> to 5<sup>th</sup> February, 2017 in Eldoret. The Committee's decisions to accept the amendments were based on the Constitutional requirements and views from the relevant stakeholders.

The Committee having considered the Bill and the submissions from the stakeholders, agrees with the amendments by the Senate, and recommends that the Bill Proceeds without further amendments.

The Committee sincerely thanks the Offices of the Speaker and the Clerk of the National Assembly for the immense and timely technical and logistical support accorded to it in the execution of its mandate. I also thank all the Members of the Committee for their commitment and hard work which enabled us to complete the tasks related to the scrutiny of the legislative proposal and compilation of this report.

The Committee is also grateful to stakeholders who made submissions in relation to the Consideration of the Bill.

On behalf of the Departmental Committee on Health and pursuant to provisions of Standing Order 127, it is my pleasant privilege and honor to present the Report of the Committee on its consideration of the Cancer Prevention and Control Amendment Bill, 2016 (Senate Bill No 3 of 2015)

**HON. DR. RACHAEL NYAMAI, MP,  
CHAIRPERSON,  
DEPARTMENTAL COMMITTEE ON HEALTH**

### 1.1 MANDATE OF THE COMMITTEE

The Committee on Health is one of the Committees of the National Assembly established under Standing Order 216 and mandated to:-

- i. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments,
- ii study the programme and policy objectives of ministries and departments and the effectiveness of the implementation.
- iii. **study and review all legislation referred to it;**
- iv study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives,
- v. investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary and as may be referred to them by the House,
- vi. vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments), and
- vii Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation

### 1.2 OVERSIGHT

The Committee is mandated to cover the functions of the Ministry of Health in accordance with the Fourth Schedule of the Constitution. As such, the Committee exercises oversight role on the work and administration of the Ministry of Health alongside the following SAGAs.- The Kenyatta National Hospital; Moi Teaching and Referral Hospital, Kenya Medical Training College, Kenya Medical Supplies Authority; National Hospital Insurance Fund; Kenya Medical Research institute and National Aids and Control council

### 1.3 MEMBERS OF THE COMMITTEE

Chairperson	The Hon. Dr. Rachel Nyamai, M P
Vice Chairperson	The Hon. Dr. Robert Pukose, MP
	The Hon. Alfred Agoi, M P
	The Hon. Alfred Sambu, M P
	The Hon. David Karithi, M P
	The Hon. Dr. Dahir Duale Mohamed, M P
	The Hon. Dr. Enoch W. Kibunguchy, M P
	The Hon. Dr. David Eseli, CBS, M P
	The Hon. Dr. James Murgor, M P
	The Hon. Dr. James Nyikal, M P

The Hon. Dr. James O. Gesani, M.P  
 The Hon. Dr Naomi Shaban, M.P  
 The Hon. Dr Patrick Musimba, M.P  
 The Hon Dr. Stephen Wachira, M.P  
 The Hon Dr. Susan Musyoka, M.P  
 The Hon Eng. Stephen Mule, M P.  
 The Hon Fred Outa, M P  
 The Hon Hassan Aden Osman, M P  
 The Hon James Gakuya, M P  
 The Hon. John Nyaga Muchiri, HSC, M P.  
 The Hon. Jared Opiyo, M P  
 The Hon Kamande Mwangi, M P  
 The Hon Leonard Sang, M P  
 The Hon Robert Mbul, M P  
 The Hon. Michael Onyura, M.P.  
 The Hon. Mwinga Gunga, M P  
 The Hon Paul Koinange, MP  
 The Hon. Raphael Milkau Otaalo, M.P  
 The Hon. Zipporah Jesang Kering, M P

#### 1.4 COMMITTEE SECRETARIAT

Ms. Esther Nginyo	-	Clerk Assistant III
Mr. Dennis Mogare Ogechi	-	Clerk Assistant III
Ms Ruth Mwihaiki Gakuya	-	Clerk Assistant III
Ms. Sande Marale	-	Senior Researcher
Ms. Marlene Ayiro	-	Legal Counsel I
Mr Joash Kosiba	-	Fiscal Analyst I

## **2.0 INTRODUCTION**

The Cancer Prevention and Control Amendment Bill, 2016 (Senate Bill No.3 of 2015) was published in the Kenya gazette supplement No. 24 of 6<sup>th</sup> March 2015 and passed by the Senate, with amendments on 13<sup>th</sup> July 2016. The Bill was read a First Time on 26<sup>th</sup> July 2016 and thereafter committed to the Departmental Committee on Health.

The Bill seeks to amend the Cancer Prevention and Control Act and for connected purposes and aims to devolve cancer management in the Country. The Bill further seeks to amend the Cancer Prevention and Control Act, Cap 246B by inserting a new Part IIA on County Cancer prevention and control committees. This is meant to make the board more representative by bringing in other stakeholders on board.

## **2.1 SITUATIONAL REVIEW**

### **2.1.1 THE CANCER PREVENTION AND CONTROL ACT, 2012**

The Cancer Prevention and Control Act, 2012 is an Act of Parliament to provide for the prevention, treatment and control of cancer with an objective of promoting public awareness about the causes, consequences, means or prevention and control of the disease.

The Act provides for the establishment of the National Cancer Institute of Kenya, headed by a Chief Executive Officer and whose functions include among other advice the Cabinet Secretary on matters relating to treatment and care of persons with cancer. The Act also creates a cancer registry

Part V of the Act provides for how education and information on cancer prevention is to be handled in the Country

### **2.1.2 THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL 2015**

This is a Bill for an Act of Parliament to amend the Cancer Prevention and Control Act and for connected purposes. The principle of the Bill is to entrench County governments in the management, that is, prevention and control of cancer

The Bill seeks to provide for the:

- (1) Establishment of the County Cancer prevention and control committees in each County, which shall be a Committee within the department responsible for health within the County.
- (2) Composition of the Control committees
- (3) Terms and conditions of service
- (4) Functions of the Country Cancer Prevention and Control Committees. These include but are not limited to the following

- (a) Carrying out activities to improve the education, training and skills of health professionals, including allied health professionals, to ensure the use of evidence-based recommendations and quality screening and follow-ups
  - (b) Support and promote the implementation of cancer prevention initiatives, including research, education and public policy formulation
  - (c) Support and promote the coordination of and collaboration in research
  - (d) Develop and disseminate findings derived through evaluations and data collection
  - (e) Collaborate with the institute in establishment of counseling and support group centres, palliative care facilities etc
  - (f) Ensure cancer prevention and treatment are incorporated into the programs and Country strategies
- (5) Clause 12(G)(2) provides for the possibility of establishing a fund which shall consist of the monies e.g gifts, moneys provided by the County Assembly for defraying of expenses incurred in the implementation of the Act

### **3.0 PUBLIC PARTICIPATION**

The Committee received comments from the Ministry of Health and the National Cancer Institute

#### **3.1 National Cancer Institute.**

The Chairman of the National Cancer Institute submitted that the institute had been in consultation with the Ministry and were in agreement on the following proposed amendments

1. The principal object of the Bill was to provide for the establishment of County level cancer prevention and control committees and for the National Cancer Institute of Kenya to be headquartered in the Capital City  
**Establishment of County Cancer prevention and Control Committees**
2. NCI had no objection to the establishment of County Level cancer prevention of Control Committees. The institute however proposed that there be very clear communication and coordination mechanism/structure between the institute and the County Committees This would ensure that there was policy coherence and standardization in all matters to do with cancer prevention. The institute would provide cancer policies and regulations as per its mandates while the committees would coordinate their implementation in the spirit of collaboration and consultation
3. The composition of County Committees be reviewed to foster multi-sectoral participation in cancer prevention at the County level. In this regard, the membership of the committees should include persons with expertise in cancer prevention and control, cancer survivors, advocacy experts, finance departments, IEC experts and civil society organizations.
4. The Committees be funded through revenues allocated to the County governments

- On the Proposal that the NCI to be headquartered in the Capital city, the institute was in support of the amendment. There was also need to strengthen the institute to be able to achieve its mandate and have the capacity to support county committees.
5. The Institute was concerned that despite the enactment of the-Cancer Control act in 2012 that provided for its establishment, the institute was yet to receive requisite support to establish itself as a state corporation responsible for cancer prevention and control in the Country.
  6. The institute had faced the following challenges:
    - a) Lack of a functional secretariat to strengthen the day to day activities of the organization. Currently, the Ag. CEO operated a one man secretariat.
    - b) The institute did not have any allocated office space, and funds towards acquisition of office space had not been provided.
    - c) There was limited funding with the funds being channeled through one of the divisions within the ministry of Health
    - d) The institute lacked relevant organizational structures and documents such as Organizational structure, staff procedures manual, strategic plan.
    - e) The institute lacked such instruments as logo, company seal and website
    - f) There was low awareness on the existence and mandate of NCI Kenya among various stakeholders, government agencies, service providers, civil society and county governments.
    - g) There was limited funding from the exchequer
  8. The following were proposed recommendations towards strengthening the institute
    - a) Strengthening of the NCI secretariat through deployment of staff. In addition to seconding of support staff (an accountant, secretary, driver and procurement officer), allocation of Office space and allocation of a vehicle.
    - b) Opening of a bank account to enable the institute function as a semi-autonomous agency
    - c) Development of a strategic plan, development of an organizational structure and strategic plan.
    - d) Corporate governance training for the board and NCI secretariat
    - e) Branding of NCI Kenya
    - f) Sensitization on existence and mandate of NCI Kenya amongst various stakeholders
    - g) Increase of funding to allow for hiring of staff, renting of office space, etc

#### **4.0 COMMITTEE'S OBSERVATIONS**

The Committee observed that there was need to ensure that the Bill is properly aligned so that the committees as proposed in the Bill do not contradict the functions of the county governments



**5.0 COMMITTEE'S RECOMMENDATION**

The Committee having considered the Bill and the submissions from the stakeholders, agrees with the amendments by the Senate, and recommends that the Bill Proceeds without further amendments.

Signed: .....  .....

**HON. DR. RACHAEL NYAMAI, MP**

**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON HEALTH**

Date: ..... 31/5/2017 .....

MINUTES OF THE 28<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD ON FRIDAY 12<sup>TH</sup> MAY, 2017 AT THE SHIMBA CONFERENCE ROOM, PRIDE INN RESORT AND CONVENTION CENTRE, MOMBASA AT 9.30AM.

**PRESENT**

- 1 The Hon. Mwinga Gunga, M.P. - Chairing
- 2 The Hon. Dr. Robert Pukose, M.P. (Vice-Chairperson)
- 3 The Hon. Dr. James Murgor, M.P.
- 4 The Hon. Raphael Milkau Otaalo, M.P.
- 5 The Hon. Zipporah Jesang, M.P.
- 6 The Hon. Robert Mbui, M.P.
- 7 The Hon. Alfred Agoi, M.P.
- 8 The Hon. Kamande Mwangi, M.P.
- 9 The Hon. Dr. Stephen Wachira, M.P.
- 10 The Hon. Dr. Susan Musyoka, M.P.
- 11 The Hon. Paul Komange, M.P.
- 12 The Hon. David Kaiithi, M.P.
- 13 The Hon. Dr. James Nyikal, M.P.
- 14 The Hon. Jared Opiyo, M.P.
- 15 The Hon. John Nyaga Muchiri, M.P.
- 16 The Hon. Fred Outa, M.P.

**ABSENT WITH APOLOGY**

- 1 The Hon. Dr. Racheal Nyamai, M.P. (Chairperson)
- 2 The Hon. Dr. Eseli Simiyu, CBS, M.P.
- 3 The Hon. Stephen M. Mule, M.P.
- 4 The Hon. Dr. Dahir D. Mohamed, M.P.
- 5 The Hon. Leonard Sang, M.P.
- 6 The Hon. Michael Onyura, M.P.
- 7 The Hon. Dr. James O. Gesani, M.P.
- 8 The Hon. Dr. Naomi Shaban, M.P.
- 9 The Hon. Dr. Enoch Kibunguchy, M.P.
- 10 The Hon. Hassan Aden Osman, M.P.
- 11 The Hon. James Gakuya, M.P.
- 12 The Hon. Dr. Patrick Musimba, M.P.
- 13 The Hon. Alfred Sambu, M.P.

**NATIONAL ASSEMBLY SECRETARIAT**

- 1 Ms. Esther Nginyo - Third Clerk Assistant.
- 2 Mr. Dennis Mogare - Third Clerk Assistant
- 3 Ms. Ruth Mwihaiki - Third Clerk Assistant

v. REPORT ON THE CANCER PREVENTION AND CONTROL AMENDMENT BILL, 2016 (SENATE BILL NO.3 OF 2015)

The report was adopted after being proposed by the Hon. Raphael Otaalo, M.P., and seconded by the Hon. Stephen Wachira Karani, M.P.

vi. REPORT ON THE PRE-PUBLICATION SCRUTINY OF THE MEDICAL FUND BILL, 2016

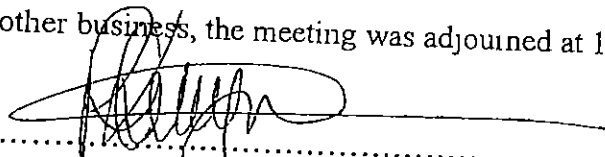
The report was adopted after being proposed by the Hon. Raphael Otaalo, M.P., and seconded by the Hon. Robert Mbui, M.P.

vii. REPORT ON THE PRE-PUBLICATION SCRUTINY OF THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) BILL, 2016

The report was adopted after being proposed by the Hon. David Kariithi, M.P., and seconded by the Hon. Paul Koinange, M.P.

MIN.NO. DCH 128/2017: ADJOURNMENT

There being no other business, the meeting was adjourned at 12.57pm.

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

DATE: ..... 30/5/2017 .....

DC-H: DEPARTMENTAL COMMITTEE ON HEALTH

Morning  
Session

ATTENDANCE REGISTER

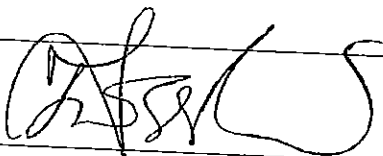
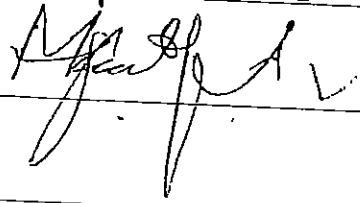
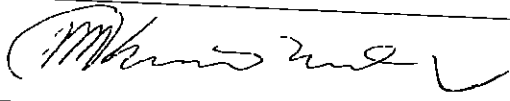
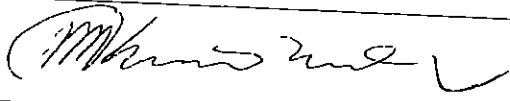
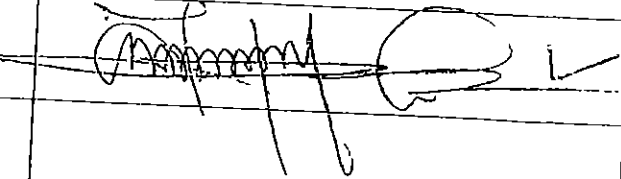
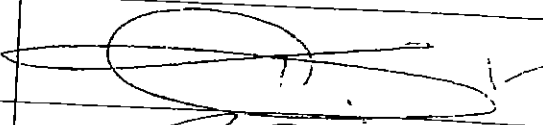
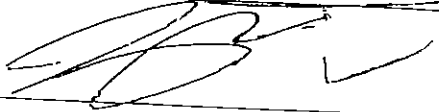
REPORT WRITING RETREAT FOR THE DEPARTMENTAL COMMITTEE  
ON HEALTH

11<sup>TH</sup> - 14<sup>TH</sup> MAY 2017.

PRIDE INN PARADISE HOTEL, MOMBASA.

DATE: Friday 12<sup>th</sup> May 2017

VENUE: SHIMBA CONF. HALL

	HON. MEMBER	SIGNATURE
1.	The Hon. Dr. Rachel Nyamai, M.P. Chairperson	
2.	The Hon. Dr. Robert Pukose, M.P. Vice Chairperson	
3.	The Hon. Alfred Agoi, M.P.	
4.	The Hon. Alfred Sambu, M.P.	
5.	The Hon. David Karithi, M.P.	
6.	The Hon. Dr. Dahir D. Mohamed, M.P.	
7.	The Hon. Dr. Eseli Simiyu, CBS, M.P.	
8.	The Hon. Jared Opiyo, M.P.	
9.	The Hon. Dr. Enoch Kibunguchy, M.P.	
10.	The Hon. Dr. James Murgor, M.P.	
11.	The Hon. Dr. James Nyikal, M.P.	
12.	The Hon. Dr. James O. Gesami, M.P.	
13.	The Hon. Dr. Naomi Shaban, M.P.	
14.	The Hon. Dr. Patrick Musimba, MP	