Vihiga County Gazette Supplement No. 4 (Bills No. 3)

NAIROBI, 8th July, 2016

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THE HUMAN HEALTH AND DISEASE CONTROL BILL, 2016

A Bill for

AN ACT of the County Assembly of Vihiga to manage, develop and sustainably regulate the human health sector, to protect and control diseases as well as to build, enhance and empower appropriate and relevant human capital including personnel with specialized skills, experience and expertise, and for connected purposes.

ENACTED by the County Assembly of Vihiga as follows—

PART I — PRELIMINARY

1. (1) This Act may be cited as the Vihiga County Human Health and Disease Control Act, 2016.

(2) This Act shall come into force in accordance with the provisions of the relevant enabling legislation, including the County Government Act.

2. In this Act, unless the context otherwise requires, the interpretation and import of phrases and other expressions used herein shall have the meaning assigned thereto under the First Schedule.

3. The Object and purpose of the Act are to —

(a) provide a legislative anchor for the development and management of the human health sector in the County;

(b) Promote, enhance and strengthen the development of appropriate human capital;

(c) Develop the relevant infrastructure for the detection, control and deterrence of various types of disease;

(d) Establish appropriate mechanisms for the proper and prudent management of unhealthy population in the county;

(e) Provide incentives for and towards the necessary investment in the sub-sector;
(f) Make provision for value addition through continued training and empowerment of local clinicians and other human health personnel throughout the county and, wherever appropriate, beyond;

(g) Harness, develop and strengthen local capacity through training and transfer of skills the proper growth and development of the sub-sector;

(h) Establish appropriate institutional framework for the proper administration and development of the sector.

PART II — GUIDING PRINCIPLES

4. Application of the provisions of the Act shall be guided by principles, rules of practice, norms, customs and traditions as well as duly established bench-marks, international best practice regulations and guidelines.

PART III—STRUCTURE AND MANAGEMENT

5. (1) There is hereby established the County Human Health Authority (hereinafter referred to as “the Authority”).

(2) The Authority shall be a body corporate with perpetual succession and a common seal.

6. (1) The Authority shall consist of a Board of seven members, constituted as follows—

(a) The Chairperson, nominated by the Governor and duly vetted by the Assembly in accordance with the laid down procedures governing competitive recruitment

(b) The Secretary, competitively recruited as per procedure, who shall also be the Chief Executive Officer

(c) two other members to be nominated by the County Executive Committee Member for the time being responsible for human health matters, duly educated, trained and qualified in the subject field

(d) two members, duly nominated by the local community populace, through the ‘Local Human
Health Chapter’, with vast experience in matters pertaining to human health and disease control

(2) The County Executive Committee Member shall formulate guidelines specifying the mode and procedure of appointment and remuneration of the Board, and be contained in the relevant Schedule.

7. (1) The functions and purpose of the Authority shall include

(a) to identify and harness local potential in health
(b) to co-ordinate all activities in the field of human health and disease-related matters
(c) to conduct a routine mapping of the sector, both in staffing as well as sub-health components
(d) to conduct research and training
(e) to administer and manage the sector in accordance with the provisions of the Act.

(2) Without prejudice to the generality of the foregoing, the Authority shall —

(a) Serve as the primary referral point with regard to human health and disease-related literature, publications, material, newsletters, including teaching material and books
(b) Act as the policy implementation unit with clear strategies and objectives in respect of the sector
(c) Manage and coordinate operations in the field of human health and disease control in the County
(d) To be the source of information and data in the field of human health in the County
(e) Harness, develop and maintain appropriate capacity for key stake-holder empowerment and enlightenment.
(f) Perform such other functions as may be deemed appropriate for within the overall letter and spirit of the provisions of the Act.
PART IV—DISEASE CONTROL AND PROTECTION OF INFECTIONS

8. The Authority, through the Board, shall maintain a Register of Experts' and Practitioners' relevant data, including experience, knowledge, expertise and training in the fields of human health, maternal and child health, primary health care, public health, environment and sanitation as well as specialized skills, qualification and education.

9. The Authority, through the Board, shall assign, as may be appropriate, specific specialists and practitioners to map out, assemble, identify, catalogue and document existing diseases that are rampant within the County with a view to combating and altogether eradicating the various attributes thereof within a specified time-frame, on evidence-based research findings, in furtherance of the objectives of the provisions of the Act.

Provided that the specialists and practitioners shall subsequently communicate, or cause to be communicated, through a clear and dedicated database, the existence of the said components, to the general populace within the County.

10. The Authority, through the Board, shall mobilize appropriate resources in its effort to enhance the protection and control of diseases as envisaged under the provisions of this Act.

11. The Authority, through the Board, shall mobilize appropriate resources in its effort to enhance the promotion and development of human health as envisaged under the provisions of this Act.

12. The Authority shall, in conjunction and consultation with line institutions and relevant centres of excellence, conduct education and training through customized and tailor-made curricular and programmes, with a view to enlightening the general public on the dangers of disease through maintenance of a clean and healthy environment, as well as good hygiene, clean and proper water and sanitation.

13. The Authority shall establish capacity in research development and commercialization to enable locally-
derived value-added products, processes and programmes access market at County, national, regional and global platform levels, for purposes of developing local solutions through production of appropriate medicines, drugs as well as other evidence-based nutrients and useful substances capable of arresting ailments and diseases at the local level as a first line of treatment within the human health sector.

Provided that practitioners in herbal and other traditional methods of medicine, including birth attendants and related apprenticeships may be afforded due consideration and, where appropriate, the necessary recognition, on a case-by-case basis, and needs may from time to time so permit.

PART V — APPLICATION OF INTERNATIONAL LEGISLATIVE INSTRUMENTS AND OTHER ENABLING PROVISIONS

14. For the purposes of effective implementation of the provisions of the Act in general, due regard and appropriate consideration shall be given to the provisions of relevant international instruments including Treaties, Conventions and Agreements, in complimentary support of the relevant legislative architecture in the Republic of Kenya, applicable within the meaning of devolved governance.

Provided that every effort shall be made to eliminate any conflict between these provisions and any other, taking particular cognizance of the laws governing devolution pursuant to the Fourth Schedule to the Constitution and other enabling statutory frameworks.

15. The County Executive Committee Member for the time being responsible for matters relating to human health shall formulate appropriate policy and regulatory guidelines for the purposes of giving full effect of the specific provisions of international instruments for ease of domestic application, usage and practice

Provided that the application of this Part shall be in consonance with Article 2 (5) and 2 (6) of the Constitution.
PART VI—OFFENCES AND PENALTIES

16. (1) The Office of the County Governor, through the relevant County Executive Committee Member, shall, in consultation with sector-specific stakeholders, formulate regulations and rules to govern offences and penalties as may from time to time be prescribed and administered.

(2) The mechanisms as well as the catalogue of offences and penalties shall be provided for under the Second Schedule hereunto.

PART VII—FINANCIAL MANAGEMENT MECHANISMS

17. There is established the Human Health and Disease Control Fund (hereinafter called “the Fund”) of the Authority.

18. The Fund shall consist of such sums of money as may be received by the Authority in the form of donations, endowments, grants and gifts from whatever source, and specifically designated therefor.

19. The Fund shall be administered by a Committee to be constituted by the relevant County Executive Committee Member, on the basis of the functions and purposes for which the Fund was established, and the same be duly published in the County Gazette.
MEMORANDUM OF OBJECTS AND REASONS

The principal object and purpose of this Bill is to manage, develop and sustainably regulate the human health sector, to protect and control diseases as well as to build, enhance and empower appropriate and relevant human capital including personnel with specialized skills, experience and expertise.

**Part I** of the Bill provides for Preliminary matters.

**Part II** provides for the relevant Guiding Principles.

**Part III** provides for legislative basis on Structure and Management.

**Part IV** provides for the protection of infections as well as disease control.

**Part V** sets out the provisions on the application of international legislative instruments and other enabling statutory nexus.

**Part VI** lays the relevant foundation for Offences and Penalties.


The enactment of this Bill shall occasion additional expenditure of public funds which shall be provided for through the requisite estimates within the framework of County Financial Management mechanisms.

Dated the 23rd May, 2016

NOAH MMBWANGA,
Chairperson, Health Services Committee.