Approved
12/10/2026
SPEAKER COUNTY ASSEMBLY OF KISUMU
12 OCT 2026
SIGN:.....



**THIRD ASSEMBLY - FIFTH SESSION**

**KISUMU COUNTY ASSEMBLY**

# ORDER PAPER

**TUESDAY 13TH OCTOBER, 2026 AT 2:30 P.M.**

**PRAYERS**

1. Administration of Oath.
2. Communication from the Chair.
3. Messages.
4. Petitions.
5. Papers.
6. Notices of Motion.
7. Statements *(As listed in the Appendix).*

**COMENCEMENT OF BUSINESS**

8*. **MOTION – THE KISUMU COUNTY SEXUAL REPRODUCTIVE HEALTHCARE BILL, 2026 (COUNTY ASSEMBLY BILLS NO. 4 OF 2026).**

(Hon Emily Oginga)

*(Second reading)*



*...../Notice of Amendments**

Approved
12/10/2026
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# NOTICE OF AMENDMENTS

## THE KISUMU COUNTY SEXUAL REPRODUCTIVE HEALTHCARE BILL, 2026 (COUNTY ASSEMBLY BILLS NO. 4 OF 2026).

**NOTICE** is given that the Chairperson of Medical Services, Public Health and Sanitation Committee intends to move the following amendments to the Kisumu County Sexual Reproductive Healthcare Bill, 2026 (County Assembly Bills No. 4 of 2026) at the Committee stage:-

**LONG TITLE**

**THAT** the long title be amended by deleting the expression "the right to the highest attainable standard of health under; and for connected purposes" and substituting therefor the expression,

*"the right to the highest attainable standard of health under Article 43 of the Constitution; and for connected purposes".*

**CLAUSE 2**

**THAT** Clause 2 be amended as follows:

i. by deleting

a. the expression "Community Health ***Prooters*** (CHPs)" wherever it appears as a defined term and substituting therefor the expression
"Community Health Promoter (CHP)", and

b. the definition following it and substituting therefor the following new definition—

"Community Health Promoter (CHP)" means a person who delivers household-level services as part of the community health strategy under the Kisumu County Community Health Services Act, 2021".

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by inserting the following new definition immediately after the definition of "Conscientious objection", in its appropriate alphabetical sequence—

"cultural appropriateness" means the delivery of sexual and reproductive health services, education and information in the languages, formats and settings acceptable to the communities of Kisumu County, developed in consultation with community, cultural and faith leaders, and does not permit the denial, delay or restriction of any lawful service guaranteed under this Act on grounds of custom, culture or religion; and

iii. by inserting the following new definition immediately after the definition of "reproductive rights", in its appropriate alphabetical sequence—

*"woman of reproductive age" means a woman between the ages of ten and forty-nine years".*

iv. in the definition of "adolescent", by deleting the word "Nineteen" and substituting therefor the word "nineteen".

v. in the definition of "child", by deleting the words "Chidren's Act" and substituting therefor the words "Children Act, 2022".

vi. in the definition of "emergency treatment", by deleting the expression "(refer to the Act)" and substituting therefor the expression

"has the meaning assigned to it under the Health Act, No. 21 of 2017".

vii. in the definition of "female genital mutilation", by deleting the expression "(refer to the Act)" and substituting therefor the expression

"has the meaning assigned to it under the Prohibition of Female Genital Mutilation Act, 2011".

viii. in the definition of 'health professional regulatory body', by deleting the word "refer" and substituting therefor the word "means".

ix. in the definition of "parent", by deleting paragraphs (a), (b) and (c).

x. by deleting the definition of "sexual identities" and substituting therefor the following—

"healthy sexual development" means the physical, emotional and social maturation of a person consistent with their evolving capacities".

**CLAUSE 3**

**THAT** Clause 3(a) of the Bill be amended by inserting the word "to" immediately after the word "is".

**CLAUSE 5**

**THAT** Clause 5(3) of the Bill be amended by

i. inserting a closing parenthesis immediately after the numeral "3".

ii. deleting paragraph (i),

iii. by inserting, at the end of paragraph (g), the words

", including counselling that promotes sexual well-being, healthy communication, and mutual satisfaction in relationships", and

iv. by renumbering the succeeding paragraphs accordingly.

v. by inserting the following new paragraph immediately after paragraph (r) (as renumbered)—

"(s) monitoring of online sexual and reproductive health information, flagging of harmful or false content, and-

referral of such content to the relevant national regulatory authority for action."

**CLAUSE 6**

**THAT** Clause 6 be amended —

i. In 6(1) by;

a. deleting the word "public" appearing immediately before the words "health facilities"; and

b. deleting the expression "Cap. 241" wherever it occurs in that subclause and substituting therefor the expression "No. 21 of 2017".

ii. In 6(4) by inserting the words ", including private health facilities, faith-based health facilities and relevant professional associations," immediately after the words "relevant stakeholders".

**CLAUSE 9**

**THAT** Clause 9(2)(a) be amended by deleting the expression 'the Kenya define Medical Practitioners and Dentists Council' and substituting therefor the expression *"the Kenya Medical Practitioners and Dentists Council"*.

**CLAUSE 10**

**THAT** Clause 10 be amended by deleting the expression "Ministry of education, TSC…institutions" and substituting therefor the expression "the Ministry of Education, the Teachers Service Commission, faith-based organisations and other relevant training institutions".

**CLAUSE 11**

**THAT** Clause 11 be amended by inserting the following new subclause in clause 11, immediately after subclause (2)—

"(3) The County Department shall designate at least one adolescent-responsive service point per ward, publicised through schools, faith institutions and Community Health Promoters.";

**CLAUSE 12**

**THAT** Clause 12 be amended by—

i. deleting Subclause (1) and substituting therefor with the following:

"Consent among adolescents shall be determined in accordance with the Children's Act, 2022 and the Health Act, 2017.

ii. inserting the following new subclause immediately after subclause (1)—

*"(1A) This section gives effect to the principle of the evolving capacities of the child recognized under the Children Act, 2022, and concerns consent to health services only, and not consent to sexual activity, which remains governed by the Sexual Offences Act, 2006, and the Children Act, 2022."*; and

iii. in subclause (4), by inserting the words *", which record shall be retained in the adolescent's medical file and be available for audit by the health professional regulatory body,"* immediately after the words "capacity to consent".

**CLAUSE 13**

**THAT** Clause 13 be amended by introducing a new Sub Cause immediately after Sub Clause (2) to read "(3) The standards set out in-

Approved this subclause shall be mandatory minimum standards against which facilities shall be audited."

SPEAKER OF THE NATIONAL ASSEMBLY
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**CLAUSE 15**

**THAT** Clause 15 be amended as follows"

i. In Sub Clause (2) by deleting paragraphs (g) and (d) and substituting therefor—

"(d) healthy relationships, mutual respect, responsible decision-making and consent;".

ii. In Sub Clause (3) by inserting the words ", *and shall ensure that comprehensive sexuality education programmes delivered in schools are supported by certified counsellors and other qualified practitioners*," immediately after the words "relevant professional bodies".

**CLAUSE 17**

**THAT** Clause 17(b) be amended by deleting the expression "managing andropause define" and substituting therefor the expression "managing andropause".

**CLAUSE 19**

**THAT** Clause 19 be amended by inserting the following new paragraph immediately after paragraph (c)—

"(ca) facilitate access to reproductive health services for—

(a) minors;

(b) women registered with the Social Health Authority whose contributions are in arrears; and

(c) women who do not possess a National Identity Card or are otherwise not registered with the Social Health Authority,

who seek such services at a level 4, level 5 or level 6 health facility.

**CLAUSE 20**

**THAT** Clause 20(2) be amended by deleting paragraph (e).

**CLAUSE 22**

**THAT** Clause 22 be amended—

i. by deleting the expression "at least seven members but not more than nine members" and substituting therefor the expression "*at least seven members but not more than eleven members*";

ii. in paragraph (b), by inserting the words "*who shall be the secretary to the Committee*" immediately after the word "Coordinator";

iii. by deleting paragraph (c) and substituting therefor the following new paragraph—

"*(c) the Director, County Department of Youth and Gender, or a representative*;";

iv. by deleting paragraph (d) and substituting therefor the following new paragraph—

"*(d) the County Director of Education or a representative*;";

v. by deleting paragraph (g) and substituting therefor the following new paragraph—

"(g) the County Community Health Services Focal Person;";

vi. by deleting paragraph (h) and substituting therefor the following new paragraph—

"(h) two representatives of non-state actors, appointed by the County Director of Health for a term of three years renewable once, at least one of whom shall be a female and one of whom shall be a person with disability;"; and

vii. by inserting the following new paragraphs immediately after paragraph (h)—

"*(i) a representative of private health facilities or faith-based health facilities operating within the County*"; and *"(j) a representative of a registered professional health association.*"

**CLAUSE 23**

**THAT** Clause 23 be amended as follows —

i. by deleting the expression "at most four times per year" and substituting therefor the expression "at most once in every quarter, but may hold special meetings as may be necessary" and

ii. by inserting the following new subclause, to be numbered subclause (2)—

"(2) The Committee shall publish an annual summary of its activities and key decisions in such manner as the CEC Member may direct."

**CLAUSE 24**

**THAT** Clause 24(4) be amended by deleting the expression "Planning Committee" appearing immediately after the words "regular meeting of the" and substituting therefor the expression "Kisumu County Sexual Reproductive Healthcare Committee".

**CLAUSE 26**

**THAT** Clause 26 be amended as follows —

i. by deleting subclause (2) and substituting therefor the following new subclause—

"(2) The Sub-County Health Management Team shall be composed of

(a) the Sub-County Medical Officer of Health, who shall be the chairperson,

(b) the Sub-County Public Health Officer,

(c) the Sub-County Nursing Officer,

(d) a representative of Community Health Promoters, and

(e) two representatives of non-state actors within the sub-county possessing relevant professional or community health experience of at least three years, appointed by the County Director of Health.";

ii. in subclause (3), by inserting the following new paragraph immediately after paragraph (d)—

"(e) prepare and submit to the County Department operational report specifically addressing rural and hard-to-reach access to sexual and reproductive healthcare services within the sub-county."; and

iii. in subclause (3)(d), by inserting the words ", including private health facilities and faith-based health facilities operating within the sub-county," immediately after the word "engagement".

**CLAUSE 27**

**THAT** Clause 27 be amended as follows-

i. by inserting the following new subclauses immediately after subclause (2)—

*"(3) The Chief Officer shall ensure that the information system complies with the Data Protection Act, 2019, including on the processing, storage, security and access to patient data.*

(3) *The Department may enter into a memorandum of understanding with a private or faith-based health facility for the purpose of receiving data under this Part."*

ii. In (2)(b) by inserting the words ", including data generated by Community Health Promoters through an integrated digital health information management system," immediately after the words "submitted to the Department of health".

**CLAUSE 29**

**THAT** Clause 29(2) be amended as follows:

i. by deleting the expression "The County Government the department of health shall" and substituting therefor the expression "The County Department responsible for health shall".

ii. In (d) by deleting the expression "the County Social Health Insurance Scheme" and substituting therefor the expression "the benefit packages administered by the Social Health Authority under the Social Health Insurance Act, 2023, and the Primary Health Care Act, 2023".

**CLAUSE 30**

**THAT** Clause 30 be amended:

i. by deleting paragraph (h) and substituting therefor the following new paragraph—

"(h) trauma-informed mental health support for perinatal depression, post-partum trauma and pregnancy loss, including screening, counselling and referral pathways to specialised care;"

ii. by deleting the expression "the resumption of healthy and satisfying sexual activity post-childbirth" and substituting therefor the expression "the safe resumption of sexual relations after childbirth".

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12/10/2026
SPEAKER OF THE KISUMU COUNTY ASSEMBLY
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**CLAUSE 31**

**THAT** Clause 31 be amended by inserting the following new subclause immediately after subclause (3)—

"(4) The Department shall promote the participation of men in family planning programmes as a shared responsibility, including through targeted information, education and counselling services for men."

**CLAUSE 32**

**THAT** Clause 32 be amended

i. In Sub Clause (1)(a) by deleting the expression "an d" and substituting therefor the word "and".

ii. by inserting the following new subclauses immediately after subclause (2)—

"(3) The audit findings under subsection (2) shall be published and tabled together with the report submitted under section 45, and shall inform the budget lines allocated under section 46.

(4) No person with disability shall be subjected to forced or coerced contraception or sterilisation, and all decisions regarding contraception or sterilisation of a person with disability shall be made through supported decision-making consistent with section 36(2).";

**CLAUSE 33**

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

"(3) The County Department responsible for health shall institutionalise continuous community-based reproductive health education through Community Health Promoters and other community health structures."

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SPEAKER OF THE COUNTY ASSEMBLY OF THARAKA-NITHI
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**CLAUSE 34**

**THAT** Clause 34 be amended by inserting the following new subclause immediately after subclause (2)—

"(3) The County Department shall establish a structured referral system between Community Health Promoters and county health facilities for maternal healthcare and Post-Abortion Care services."

**CLAUSE 35**

**THAT** Clause 35 be amended —

i. by renumbering the existing subclauses (1) and (2) as subclauses (2) and (3) respectively;

ii. by inserting the following new subclause (1)—

"(1) Subject to Article 26(4) of the Constitution, a pregnancy may only be terminated by a trained health professional where, in the opinion of that professional, there is need for emergency treatment, the life or health of the mother is in danger, or termination is permitted by any other written law."; and

iii. by inserting the following new subclause immediately after subclause (3) (as renumbered)—

"(4) The County Department shall undertake continuous public education on Article 26(4) of the Constitution, the lawful provision of reproductive healthcare services under this Act, and the referral pathways available for Post-Abortion Care."

**CLAUSE 36**

**THAT** Clause 36 be amended—

i. by deleting the expression "section 26" appearing immediately after the words "where the circumstances arise under" and substituting therefor the expression "Section 35"; and

ii. by inserting the following new subclause immediately after subclause (2)—

"(3) Every county health facility shall establish administrative measures to safeguard confidentiality, privacy, informed consent and respectful treatment for all persons seeking sexual and reproductive healthcare services under this Act."

**CLAUSE 37**

**THAT** Clause 37 be amended by inserting the following new subclauses immediately after subclause (3)—

"(4) The County Government shall ensure equitable access to quality Post-Abortion Care services in appropriately equipped health facilities.

(5) The County Department shall establish functional referral systems for Post-Abortion Care.

(6) Psychosocial support shall be integrated into Post-Abortion Care services provided under this Act.

(7) The County Department shall undertake public awareness on the availability of Post-Abortion Care services and the referral pathways for accessing them."

**CLAUSE 38**

**THAT** Clause 38 be deleted and substituted with the following new clause—

"38. Maternal care shall be provided by all registered and licensed healthcare providers and Community Health Promoters, in accordance with their respective scope of practice."

**CLAUSE 44**

**THAT** Clause 44(2) be amended as follows:

i. by inserting the following new paragraph immediately after paragraph (c)—

"(ca) receive and process, on a confidential basis, complaints of denial of adolescent sexual and reproductive health services, including anonymous complaints;"

ii. by inserting the following new subclause immediately after subclause (2)—

"*(3) The Community Health Committees and Facility Health Committees established under this section shall establish referral linkages between healthcare providers, social workers, schools, child protection officers and law enforcement agencies, for the protection of children and adolescents from sexual exploitation, abuse, harmful practices and online exploitation.*"

**CLAUSE 45**

**THAT** Clause 45 be amended—

i. in subclause (1), by inserting the words ", and shall publish the report on the County website, disseminate it in accessible formats, share it with sub-counties, and present it at public accountability forums" immediately after the words "publish a public report"; and

ii. in subclause (2), by inserting the following new paragraphs immediately after paragraph (g)—

"(h) measurable indicators, including the maternal mortality ratio, adolescent pregnancy rate, contraceptive prevalence rate, skilled birth attendance rate, cervical cancer screening coverage, percentage of health facilities providing youth-friendly services, and the number of reproductive health rights complaints received and resolved; and

(g) data on adolescent service denial and consent-related complaints received and resolved under clause 44."

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**CLAUSE 46**

**THAT** Clause 46 be amended as follows:

i. In 46(1) by inserting the words ", being not less than the percentage of the annual county health budget prescribed in regulations made under this Act," immediately after the word "annually".

ii. by inserting the following new subclause immediately after subclause (3)—

"*(4) The budget estimates submitted under this section shall take into account anticipated reimbursements from the Social Health Authority to determine the County funding gap for sexual and reproductive health services.*"

**CLAUSE 47**

**THAT** Clause 47 be amended by inserting the following new subclause immediately after subclause (2)—

"*(3) The Department shall publish an annual implementation expenditure report showing budget performance* ***and funding gaps in respect of funds appropriated under this Act.***"

**CLAUSE 48**

**THAT** Clause 48 of the Bill be amended—

i. in subclause (2), by deleting the expression "Secretary General" and substituting therefor the expression "*County Executive Committee Member responsible for Health*"; and

ii. in subclause (3), by inserting the following new paragraphs immediately after paragraph (e)—

*"(f) promoting digital health literacy and strategies to combat misinformation on sexual and reproductive health, with targeted communication for vulnerable groups"*; and

*"(g) explaining, in plain language and in the major languages used within the County, the adolescent consent framework under Part III of this Act, including what the law does and does not permit."*

**CLAUSE 50**

**THAT** Clause 50 be amended in Sub Clause (2)

i. by inserting the following new paragraph immediately after paragraph (a)—

"(aa) health financing mechanisms to improve access to reproductive health services for indigents, minors and persons unable to register with the Social Health Authority for lack of National Identity Cards;"

ii. by inserting the following new paragraph immediately after paragraph (aa) (as inserted above)—

"(ab) minimum accessibility standards for health facilities, including ramps, accessible sanitation, height-adjustable examination tables, and information in braille, large print, easy-read format and Kenyan Sign Language, to be applied as a condition of facility licensing;".

**CLAUSE 52**

**THAT** Clause 52 be amended by deleting in its entirety and substituting therefor with the following new clause—

"52. (1) A person shall not—

(a) breach the confidentiality of a patient's sexual and reproductive health information contrary to clause 49;

(b) deny a patient information to which they are entitled under this Act; or

(c) detain a patient in a health facility for inability to pay, contrary to clause 40(1)(d).

(2) A person who contravenes this section commits an offence and shall, upon conviction, be liable to a fine not exceeding two hundred-

thousand shillings or to imprisonment for a term not exceeding twelve months, or to both."

**CLAUSE 53**

**THAT** Clause 53(2) be amended by deleting the expression "or to professional disciplinary action under applicable regulatory laws - include jail term" and substituting therefor the expression

"*or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment, in addition to any professional disciplinary action under applicable regulatory laws*".

**NEW CLAUSES**

**NEW CLAUSE 44A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 44—

"*44A. The County Department responsible for health shall establish mechanisms for continuous stakeholder participation, periodic monitoring, public reporting and review of the implementation of this Act, involving Community Health Promoters, healthcare providers, women, young people, persons with disabilities, civil society organisations and other stakeholders.*"

Approved
12/10/2026

SPEAKER OF THE KISUMU COUNTY ASSEMBLY
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# APPENDIX

## STATEMENT:

i. Statements pursuant to Order No. 41(2)(c) of the Standing Orders; Businesses coming before the County Assembly from Wednesday 14th October, 2026.
(Leader of Majority).