



## SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

### VOTES AND PROCEEDINGS

Thursday, 15th May, 2008

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1. The Senate met at 10.15 a.m. The Deputy Senate President read prayers.
2. **Votes and Proceedings:**  
The Deputy Senate President announced that he had examined the Votes and Proceedings of Wednesday, 14th May, 2008 and approved same.

*By unanimous consent, the Votes and Proceedings were approved.*

3. **Presentation of Bill:**  
Liquefied Petroleum Gas Council of Nigeria (Establishment, etc) Bill 2008 (SB. 99) — *Read the First Time.*

4. **Motion:**  
*Rescission of Senate Resolution on the Federal Capital Territory Appropriation Bill 2008:*  
*Motion made:* That the Senate notes that the Federal Capital Territory Appropriation Bill 2008 was read the Second Time on Wednesday, 14<sup>th</sup> May, 2008 and recommitted to the Committee on Federal Capital Territory; and

**Observes** that it may be necessary to re-commit the Bill in accordance with our Standing Order 92(4).

*Accordingly resolves:*

- (i) That the Senate do now rescind its earlier Resolution to commit the Federal Capital Territory Appropriation Bill 2008 to the Committee on Federal Capital Territory;
- (i) To recommit the Federal Capital Territory Appropriation Bill 2008 to the Committee on Appropriation and for this purpose the Committee on Federal Capital Territory shall be the Sub-Committee on Appropriation (*Senate Majority Leader*),

*Debate:*

Prayer (i):

That the Senate do now rescind its earlier Resolution to commit the Federal Capital Territory Appropriation Bill 2008 to the Committee on Federal Capital Territory — *Agreed to.*

Prayer (ii):

That the Senate do recommit the Federal Capital Territory Appropriation Bill 2008 to the Committee on Appropriation and for this purpose the Committee on Federal Capital Territory shall be the Sub-Committee on Appropriation — *Agreed to.*

*Resolved:*

- (i) That the Senate do now rescind its earlier Resolution to commit the Federal Capital Territory Appropriation Bill 2008 to the Committee on Federal Capital Territory; and
- (ii) That the Senate do recommit the Federal Capital Territory Appropriation Bill 2008 to the Committee on Appropriation and for this purpose the Committee on Federal Capital Territory shall be the Sub-Committee on Appropriation (**5. Res/069/08**).

5. Committee on Health:

**Report on the National Health Bill 2008 (SB. 50):**

*Motion made:* That the Senate do receive and consider the Report of the Committee on Health on the National Health Bill 2008 (*Recommitted to the Committee on Thursday, 8th May, 2008*) (*Senator Gyang D. Dantong*).

*Question put and agreed to.*

*Report presented.*

*Motion made:* That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Majority Leader*).

*Question put and agreed to.*

(SENATE IN THE COMMITTEE OF THE WHOLE)

**A BILL FOR AN ACT TO PROATDE A FRAMEWORK FOR THE REGULATION, DEVELOPMENT AND MANAGEMENT OF A NATIONAL HEALTH SYSTEM AND SET STANDARDS FOR RENDERING HEALTH SERVICES IN THE FEDERATION, AND OTHER MATTERS CONNECTED THEREWITH**

**PART 1 — OBJECTIVES OF THE ACT, RESPONSIBILITY FOR HEALTH AND ELIGIBILITY FOR HEALTH SERVICES AND ESTABLISHMENT OF NATIONAL HEALTH SYSTEM**

*Committee's Recommendation:*

*Leave out* the provision in Part 1 and *insert* the following instead thereof:

**"PART 1—RESPONSIBILITY FOR HEALTH AND ELIGIBILITY FOR HEALTH SERVICES AND ESTABLISHMENT OF NATIONAL HEALTH SYSTEM"** (*Senator Gyang D. Dantong*) — *Agreed to.*

- Clause 1: Objectives of the Act:  
The objectives of this Act shall be to regulate the national health system and to provide standards for health services across the nation by:-
- (a) establishing a national health system which:-
    - (i) includes public and private providers of health services; and
    - (ii) provides in an equitable manner to the population of the Federal Republic the best possible health services that available resources can afford;
  - (b) setting out the rights and duties of health care providers, health workers, health establishments and users; and
  - (c) protecting, promoting and fulfilling the rights of the people of Nigeria towards the progressive realisation of access to health care services.

*Committee's Recommendation:*

*Leave out* the provision in Clause 1 (*Senator Gyang D. Dantong*) — *Agreed to.*

**Clause 2: Establishment of the National Health System:**

- (1) There is hereby established for the Federation the National Health System, which shall define and provide a framework for standards and regulation of health services, and which shall -

- (a) encompass public and private providers of health services;
  - (b) promote a spirit of cooperation and shared responsibility among all providers of health services in the Federation and any part thereof;
  - (c) provide for persons living in Nigeria the best possible health services within the limits of available resources;
  - (d) set out the rights and duties of health care providers, health workers, health establishments and users; and
  - (e) protect, promote and fulfil the rights of the people of Nigeria to have access to health care services.
- (2) Accordingly, the National Health System shall include -
- (a) the Federal Ministry of Health;
  - (b) the State Ministries of Health in every State and the Federal Capital Territory;
  - (c) all the Federal and State parastatals under the Ministry of Health;
- Committee's Recommendation:*  
*Leave out the provision in Sub clause 2(2)(c) and insert a new Sub clause 2(2)(c) as follows:*
- (c) parastatals under the Federal and State Ministries of Health" (*Senator Gyang D. Dantong*) — *Agreed to.*
  - (d) all Local Government Health Authorities;
  - (e) the ward health committees;
  - if) the village health committees;
  - (g) the private health care providers; and
  - (h) traditional and alternative health care providers. *Question that Clause 2 as recommended do stand part of the Bill, put and agreed to.'*

**Clause 3: Functions of the Federal Ministry of Health:**

- (1) The Federal Ministry of Health shall-
  - (a) ensure the development of national health policy and issue guidelines for its implementation;
  - (b) ensure the implementation of national health policy in so far as it relates to the Federal Ministry of Health;

*Committee's Recommendation:*

*Leave out the provision in Sub clause 3(1) (b) and insert a new Sub clause 3(1) (b) as follows:*

- "(b) ensure the implementation of national health policy" (*Senator Gyang D. Dantong*) — *Agreed to.*
- (c) collaborate with national health departments in other countries and international agencies;
- (d) promote adherence to norms and standards for the training of human resources for health;

- (e) ensure the continuous monitoring, evaluation and analysis of health status and performance of the functions of all aspects of the National Health System;
- if) co-ordinate health and medical services delivery during national disasters;
- (g) participate in inter-sectoral and inter-ministerial collaboration;
- (h) conduct and facilitate health systems research in the planning, evaluation and management of health services;
- (i) ensure the provision of tertiary and specialized hospital services;
- (j) ensure and promote the provision of Quarantine and Port Health Services;
- (k) determine the minimum data required to monitor the status and use of the resources;
- (l) ensure implementation of National Policies that will promote availability of good quality, safe and affordable essential drugs and medical commodities, as well as safe and hygienic food and water; and

*Committee's Recommendation:*

*Leave out the provision in Sub clause 3(1) (l) and insert new Sub clause 3(l)f/j as follows:*

- "(I) promote availability of good quality, safe and affordable essential drugs, medical commodities, hygienic food and water; and" (*Senator Gyang D. Dantong*) — *Agreed to.*
  - (m) issue guidelines and ensure the continuous monitoring, analysis and good use of drugs and poisons including medicines and medical devices.
- (2) Without prejudice to the foregoing functions, the Federal Ministry of Health shall-
- (a) prepare strategic, medium term health and human resources plans annually for its exercise of the powers and the performance of its duties under this Act;

*Committee's Recommendation:*

*Leave out the provision in Sub clause 3(2) and insert the following instead thereof: "(2) Without prejudice to the foregoing functions, the Federal Ministry of Health shall:-*

- (a) prepare strategic, medium term health and human resources plans annually for its exercise of its powers and the performance of its duties under this Act" (*Senator Gyang D. Dantong*) — *Agreed to.*
- (b) ensure that the national health plans referred to in paragraph (a) of this subsection shall form the basis of -
  - (i) the annual budget as required by the Federal Ministry of Finance; and
  - (ii) other governmental planning exercises as may be required by any other law

- (c) ensure that the national health plans shall comply with national health policy.
- (3) The Federal Ministry of Health may provide to State Ministries of Health-
  - (a) technical assistance in the development of State health policies and plans;
  - (b) technical materials, including methodologies, policies and standards for use in programme implementation including monitoring and evaluation; and
  - (c) other technical assistance as may be necessary to

*Committee's Recommendation:*

Leave out the provision in Sub clause 3(3) and insert the following instead thereof:

"(3) The Federal Ministry of Health shall where necessary provide to State Ministries of Health-

- (a) technical assistance in the development of State health policies and plans;
- (b) commodities and technical materials, including methodologies, policies and standards for use in programme implementation including monitoring and evaluation; and
- (c) other technical assistance as may be necessary to" (*Senator Gyang D. Dantong*) — *Agreed to.*
- (4) The Minister shall supervise the departments and parastatals of the Ministry to enable him carry out the functions assigned to the Ministry by this or any other Act.

*Question that Clause 3 as recommended do stand part of the Bill, put and agreed to.*

**Clause 4: Eligibility for exemption from payment for health services in public health establishments:**

- (1) The Minister, in consultation with the National Council on Health may prescribe conditions subject to which categories of persons may be eligible for exemption from payment for health care services at public health establishments.
- (2) In prescribing any condition under subsection (1), the Minister shall have regard to:-
  - (a) the range of exempt health services currently available;
  - (b) the categories of persons already receiving exemption from payment for health services;
  - (c) the impact of any such condition on access to health services; and
  - (d) the needs of vulnerable groups such as women, children, older persons and persons with disabilities.
- (3) Without prejudice to the prescription by the Minister, all Nigerians shall be entitled to a guaranteed minimum package of services.

*Committee's Recommendation:*

That the provision in Clause 4 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 4 do stand part of the Bill, put and agreed to.*

- Clause 5: Establishment and Composition of the National Council **on** Health:
- (1) There is hereby established the National Council on Health (in this Act referred to as "the National Council" or "Council") which shall consist of-
    - (a) the Minister, who shall be the Chairman;
    - (b) the Commissioners responsible for matters relating to Health in the States of the Federation;
    - (c) the Secretary of Health and Human Services in the Federal Capital Territory, Abuja;
  - (2) The Permanent Secretary of the Federal Ministry of Health shall be the Secretary to the National Council.
  - (3) The National Council shall meet not less than two times in a year,
  - (4) The National Council shall have powers to regulate its proceedings.

*Committee's Recommendation:*

That the provision in Clause 5 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 5 do stand part of the Bill, put and agreed to.*

**Clause 6:**

**Functions of the National Council:**

- (1) The National Council which shall be the highest policy making body in Nigeria on matters relating to health, shall -
  - (a) within the limits of available resources, have responsibility for the protection, promotion, improvement and maintenance of the health of the citizens of Nigeria, and the formulation of policies and prescription of measures necessary for achieving the responsibilities specified under this paragraph;

*Committee's Recommendation:*

*Leave out* the provision in Sub clause 6(1)(a) and *insert* the following instead thereof:

"(a) have responsibility for the protection, promotion, improvement and maintenance of the health of the citizens of Nigeria, and the formulation of policies and prescription of measures necessary for achieving the responsibilities specified under this paragraph" (*Senator Gyang D. Dantong*) — *Agreed to.*

- (b) offer advise to the Government of the Federation, through the Minister, on matters relating to the development of national guidelines on health and the implementation and administration of the National Health Policy;
- (c) ensure the delivery of basic health services to the people of Nigeria and prioritize other health services that may be provided within available resources;
- (d) render advise to the Government of the Federation on technical matters relating to the organization, delivery and distribution of health services;

*Committee's Recommendation:*

*Leave out* the provision in Sub clause 6(1) (d) and *insert* new Sub clause

6(1) (d) as follows:

- "(d) advise to the Government of the Federation on technical matters relating to the organization, delivery and distribution of health services" (*Senator Gyang D. Dantong*) — *Agreed to.*
- (e) issue, and promote adherence to, norms and standards, and provide guidelines on health matters, and any other matter that affects the health status of people;
- (f) identify health goals and priorities for the nation as a whole and monitor the progress of their implementation;
- (g) promote health and healthy lifestyles;
- (h) facilitate and promote the provision of health services for the management, prevention and control of communicable and non-communicable diseases;
- (i) ensure that children between the ages of 0-5 years are immunized with vaccines against infectious diseases.

*Committee's Recommendation:*

*Leave out* the provision in Sub clause 6(l) (i) and *insert* new Sub clause 6(1) (i) as follows:

"(i) ensure that children between the ages of 0-5 years and pregnant women are immunized with vaccines against infectious diseases" (*Senator Gyang D. Dantong*) — *Agreed to.*

- (j) coordinate health services rendered by the Federal Ministry with health services rendered by the States, Local Government, Wards, and Private health care providers and provide such additional health services as may be necessary to establish a comprehensive national health system;
- (k) integrate the health plan of the Federal Ministry of Health and State Ministries of health annually; and
- (l) perform such other duties as may be assigned to the Council by the Minister.

(2) The National Council shall determine the time frames, guidelines and format for the formulation of the National and State Health Plans.

(3) The National Council shall without further assurance, be advised by the Technical Committee established in terms of this Act.

*Committee's Recommendation:*

*Leave out* the provision in Sub clause 6(3) and *insert* the following instead thereof:

"(3) The National Council shall be advised by the Technical Committee established in terms of this Act" (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 6 as recommended do stand part of the Bill, put and agreed to.*

Clause 7:

**Establishment and Composition of the Technical Committee of the National Council:**

- (1) There is hereby established the Technical Committee of the National Council on Health (in this Act referred to as "the Technical Committee").

- (2) The Technical Committee shall comprise -
- (a) the Permanent Secretary of the Federal Ministry of Health who shall be the Chairman;
  - (b) all Directors of the Federal Ministry of Health;
  - (c) the Legal Adviser of the Federal Ministry of Health;
  - (d) the Permanent Secretaries and any two Directors of all State Ministries of Health and FCT Department for Health and Human Services;
  - (e) one representative each of the Christian and Muslim umbrella health organizations;
  - (f) one representative each of the Armed Forces Medical Corps; that is, Army, Air Force and Navy;
  - (g) one representative of the Prisons Medical Services;
  - (h) one representative of the Police Medical Services;
  - (i) one representative each of the Parastatals of the Federal Ministry of Health;
  - (j) one representative each of the statutory health regulatory agencies or councils;

*Committee's Recommendation:*

*Leave out* the provision in Sub clause 7(2) (j) and *insert* the following instead thereof:

- (j) one representative each of all statutory health regulatory agencies or councils" (*Senator Gyang D. Dantong*) — *Agreed to.*
  - (k) the Chairman of the Committee of Chief Executives of Teaching and Specialist Hospitals and Federal Medical Centres;
  - (l) one representative each of the registered health professional associations including trade-medical practitioners; and
  - (m) one representative of the private health providers.
- (3) The Federal Ministry of Health shall provide the Secretariat for the administrative activities of the Technical Committee.

*Question that Clause 7 as recommended do stand part of the Bill, put and agreed to.*

**Clause 8:**

**Functions of the Technical Committee:**

- (1) The Technical Committee shall advise the National Council on its functions as contained in section 2B of this Act and any other matters that the council may refer to it.

*Committee's recommendation:*

*Leave out* the provision in Sub clause 8(1) and *insert* the following instead thereof:

"(1) The Technical Committee shall advise the National Council on its functions as contained in section 6(3) of this Act and any other matters that the council may refer to it" (*Senator Gyang D. Dantong*) — *Agreed to.*

- (2) The Technical Committee shall strive to reach its decisions by consensus but where a decision cannot be reached by consensus; the decision of the majority of the members shall prevail and be regarded as the decision of the Technical Committee.

- (3) The Technical Committee may create one or more ad hoc committees of experts in health matters to advise it on any matter with which it is concerned.
- (4) The Technical Committee shall determine the proceedings for its meetings and the quorum for its meetings shall be not less than one third of its membership, including the person presiding at any such meeting.

*Question that Clause 8 as recommended do stand part of the Bill, put a nd agreed to.*

**Clause 9:**

**Establishment and Composition of the National Hospital Services Agency:**

- (1) There is hereby established the National Hospital Services Agency.
- (2) The Agency shall consist of not less than seven and not more than fifteen members who shall be appointed by the President on the recommendation of the Minister and shall comprise the following members:
  - (a) Permanent Secretary of the Federal Ministry of Health or his representative;
  - (b) Permanent Secretary of the Federal Ministry of Finance or his representative;
  - (c) Permanent Secretary of the Federal Ministry of Establishment or his Representative;
  - (d) Permanent Secretary of the Federal Ministry of Education or his representative;
  - (e) Three Nominees appointed on Individual merit to represent the public interest;
  - (f) President of the Nigerian Medical Association;
  - (g) President of National Association of Nigerian Nurses and Midwives (NANNM);
  - (h) President of the Pharmaceutical Society of Nigeria (PSN);
  - (i) President of the Association of Medical Laboratory Scientists Qf Nigeria;
  - (j) President of the Institute of Health Administration;
  - (k) one other Professional in a Health related field;
  - (l) one representative of the Organised Private Sector; and
  - (m) the Executive Secretary who shall be a member and secretary of the Board;
- (3) The Chairman and members of the Agency shall hold office for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more on such terms and conditions as may be specified.

*Committee's Recommendation:*

*Leave out the provision in Clause 9 and insert the following instead thereof:*

**"Clause 9: Establishment of the National Tertiary Hospitals Commission :**

- (1) There is hereby established, a body to be known as the National Tertiary Hospitals Commission (in this Act referred to as the Commission) which shall be a body Corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name.

- (2) The Commission shall consist of a part-time Chairman and the following other members, that is:-
- (a) The Permanent Secretary or his representative of the following Federal Ministries -
    - (i) Health;
    - (ii) Finance;
    - (iii) Establishment matters, Office of the Head of Service of the Federation; and
    - (iv) Education.
  - (b) Chairman of the Committee of Chief Executives of Tertiary Hospitals;
  - (c) The Registrars of -
    - (i) Medical and Dental Council of Nigeria;
    - (ii) Nursing and Midwifery Council of Nigeria;
    - (iii) Medical Laboratory Science Council of Nigeria;
    - (iv) Pharmacists Council of Nigeria;
    - (v) Institute of Health Service Administrators;
    - (vi) Medical Rehabilitation Board; and
    - (vii) Radiographers Registration Board of Nigeria.
  - (d) Five persons appointed on merit to represent the public interest, one of which must be a woman;
  - (e) one person to represent the organized private sector; and
  - (f) the Executive Secretary of the Commission, who shall be a member and Secretary of the Board" (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 9 as recommended do stand part of the Bill, put and agreed to.*

**Clause 10: Functions of National Hospital Services Agency:**

- (1) The National Hospital Services Agency shall advise the Minister on:-
- (a) the development of standardised national guidelines for hospitals;
  - (b) the administration of hospitals; and
  - (c) technical matters regarding the organisation and distribution of hospital services at tertiary and secondary levels as a part of the health system.
- (2) The Agency shall monitor and provide guidelines on health services at tertiary and secondary levels in both public and private sectors.
- (3) The Agency shall consider applications and make recommendations to the Minister for the issuance of Certificates of Need and Standard for and as appropriate for the establishment of tertiary health institutions.

- (4) The Agency shall establish an Office of Standards Compliance, which shall include a person who acts as ombudsman in respect of complaints as regards the activities of the Agency.
- (5) The Minister may make regulations to facilitate the activities of the Agency.

*Committee's Recommendation:*

*Leave out* the provision in Clause 10 and *insert* the following instead thereof:

"Clause 10: Functions of the Commission:

- (1) The functions of the Commission shall be to -
  - (a) advise the President through the Minister on matters affecting the Establishment of tertiary hospitals in Nigeria;
  - (b) prepare periodic master plans for the balanced and coordinated development of hospitals in Nigeria;
  - (c) establish minimum standards to be attained by the various tertiary health facilities in the nation , and also to inspect and accredit such facilities;
  - (d) make relevant investigations and recommendations to the Federal and State Governments on tertiary health care services in the National interest;
  - (e) advise the Federal Government of the financial need, both recurrent and capital, of tertiary health services and in particular to investigate and study the financial needs for training, research, and services and ensure that adequate provisions is made for these;
  - (f) set standards and criteria for allocation of funds from the Federal Government, monitor their utilization, source for grants as laid down by the Commission;
  - (g) collate, analyze and publish information in relation to tertiary health care services annually;
  - (h) lay down broad Operational Guidelines in all areas of management for use by the Hospital Management Board;
  - (i) monitor, evaluate all activities and receive annual reports from the tertiary hospitals, reward performance, apply sanctions and supervise annual peer reviews; and
  - (i) carry out such other activities as are conducive to the discharge of its functions under this Act.
- (2) The Minister may give the Commission directives of a general nature not relating to the particular matters, with regard to the exercise by the Commission of its functions under this Act" (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 10 as recommended do stand part of the Bill, put and agreed to.*

**Clause 11:**

**Establishment of Primary Healthcare Development Fund:**

- (1) There is hereby established a Fund to be known as the National Primary Health Care Development Fund (in this Act referred to as "the Fund").
- (2) The Fund shall be financed from-
  - (a) Federal Government Block Grant of not less than 2% of its annual budget.

*Committee's Recommendation:*

Leave out the provision in Sub clause 11(2) (a) and insert the following instead thereof:

- "(2) The Fund shall be financed from-
- (a) the consolidated fund of the Federation, an amount not less than 2% of its value (*Senator Gyang D. Dantong*) — *Agreed to*.
  - (b) grants by International Donor partners; and
  - (c) funds from any other source.
- (3) Money from the fund shall be used to finance:-
- (a) the provision of basic minimum package of health services in primary health care facilities;
  - (b) essential drugs for primary healthcare; and
  - (c) provision and maintenance of facilities, equipment and transport for primary healthcare.

*Committee's Recommendation:*

Leave out the provision in Sub clause 11(3) and insert the following instead thereof:

- "(3) Money from the fund shall be used to finance the following: -
- (a) 50% of the fund shall be used for the provision of basic minimum package of health services to all citizens, in primary health care facilities through the National Health Insurance Scheme (NHIS);
  - (b) 25% of the fund shall be used to provide essential drugs for primary healthcare;
  - (c) 15% of the fund shall be used for the provision and maintenance of facilities, equipment and transport for primary healthcare; and
  - (d) 10% of the fund shall be used for the development of Human Resources for Primary Health Care" (*Senator Gyang D. Dantong*) — *Agreed to*.
- (4) The National Primary Health Care Development Agency shall disburse the funds through State Primary Health Care Boards for distribution to Local Government Health Authorities.

*Committee's Recommendation:*

Leave out the provision in Sub clause 11(4) and **insert** the following instead thereof:

"(4) The National Primary Health Care Development Agency shall disburse the funds for items 3 (b) , (c) and (d) above through State Primary Health Care Boards for distribution to Local Government Health Authorities" (*Senator Gyang D. Dantong*) — *Agreed to*.

- (5) The amount standing to the fund pursuant to sub-section (1) of this section shall be disbursed as follows:
- (a) sixty percent on the basis of equality of States;
  - (b) forty percent on the basis of -
    - (i) Population size;
    - (ii) child mortality rate;
    - (iii) maternal mortality rate;
    - (iv) HIV prevalence; and

- (v) any other criteria which the Board may, from time to time, determine.

*Committee's Recommendation:*

*Leave out the provision in Sub clause 11 (5) (Senator Gyang D. Dantong) — Agreed to.*

- (6) For any State or Local Government to qualify for Federal Government block grant pursuant to sub-section 1(1) of this section, such State or Local Government shall contribute
  - (a) In the case of a State not less than 20% of the total cost of projects, and
  - (b) In the case of a Local Government not less than 50% of the total cost of projects, as their commitments in the execution of such projects.

*Committee's Recommendation:*

*Leave out the provision in Sub clause 11(6) (a), (b) and insert the following instead thereof:*

"(6) For any State or Local Government to qualify for Federal Government block grant pursuant to sub-section 1(1) of this section, such State or Local Government shall contribute.

- (a) In the case of a State not less than 10% of the total cost of projects, and
  - (b) In the case of a Local Government not less than 5 % of the total cost of projects, as their commitments in the execution of such projects  
*(Senator Gyang D. Dantong) — Agreed to.*
- (7) The National Primary Health Care Development Agency shall not disburse money to any-
    - (a) Local Government Health Authority if it is not satisfied that the money earlier disbursed was applied in accordance with the provisions of this Act; and
    - (b) to any State and Local Government that fails to contribute its counterpart funding.
  - (8) The administration and disbursement of funds shall be through the State Primary Health Care Board.

*Committee's Recommendation:*

*Leave out the provision in Sub clause 11(8) and insert the following instead thereof:*

"(8) The National Primary Health Care Development Agency shall develop appropriate guideline for the administration, disbursement and monitoring of the fund" *(Senator Gyang D, Dantong) — Agreed to.*

*Question that Clause II as recommended do stand part of the Bill, put and agreed to.*

**Clause 12: Establishment, Composition and Tenure of the Federal Capital Territory Primary Health Care Board:**

- (1) There is hereby established the Federal Capital Territory Primary Health Care Board (in this Act referred to as "the Board")
- (2) The Board shall comprise:-
  - (a) part-time Chairman;
  - (b) Executive Secretary with experience in health management who shall be the Chief Executive and Accounting Officer of the organisation;

- (c) three other full-time members who shall have qualification and experience in human resources, financial management and administration;
- (d) one ex-officio member to represent the Federal Capital Territory Health and Human Services Secretariat;
- (e) six part-time members to represent each of the area councils;

*Committee's Recommendation:*

**Leave out the provision in Sub clause 12(2) (e) and insert the following instead thereof:**

"(e) one part-time member to represent each of the area councils"  
(Senator Gyang D. Dantong) — Agreed to.

- (f) one representative of private healthcare providers in the Federal Capital Territory; and
  - (g) one representative of the Federal Capital Territory Hospital Management Board.
- (3) The members of the Board shall be appointed by the Minister of the Federal Capital Territory on the recommendation of the Secretary of Health and Human Services.
- (4) Members of the Board shall hold office for a term of four years in the first instance and may be reappointed for a further term of four years and no more, on such terms and conditions as may be specified in their letters of appointment.
- (5) The Board shall :-
- (a) ensure coordination of planning, budgetary, provision and monitoring of all primary healthcare services in the Federal Capital Territory;
  - (b) advice the Minister of Federal Capital Territory and area council health authorities in the Federal Capital Territory on any matter regarding primary healthcare services in the Federal Capital Territory;
  - (c) recruit, promote, post, transfer, train and discipline staff on grade level 7 and above;
  - (d) pay salaries and allowances to primary healthcare staff;
  - (e) disburse funds provided to it by the National Primary Health Care Development Agency and other sources;
  - (f) undertake capital projects;
  - (g) ensure that annual reports are rendered by primary healthcare facilities in the area council health authorities;
  - (h) ensure annual auditing of accounts of primary healthcare facilities in the Area Council Authorities;
  - (i) consider applications for, and issue Certificate of Needs and Standards appropriate primary health care institution in its area of jurisdiction; and
  - (j) perform such functions as may be assigned to it by the Minister of the Federal Capital Territory or any other recognized authority.
- (6) The Board shall establish and maintain a separate account into which shall be paid monies from the Government of the Federation or any other source.

*Question that Clause 12 as recommended do stand part of the Bill, put and agreed to.*

## PART II – HEALTH ESTABLISHMENTS AND TECHNOLOGIES

- Clause 13: Classification of Health Establishments and Technologies:
- (1) The Minister in Council shall by regulation -
    - (a) classify all health establishments and technologies into such categories as may be appropriate, based on –
      - (i) *the size and location of the communities they serve;*
      - (ii) *the nature and level of health services they are able to provide;*
      - (iii) *their geographical and demographic reach;*
      - (iv) *the need to structure the delivery of health services in accordance with national norms and standards within an integrated and coordinated national framework; and*
      - (v) *in the case of private health establishments, whether the establishments, whether the establishment is for profit or not; and*
    - (b) *in the case of federally owned tertiary hospitals, determine the establishment of the hospital board and the management system of such tertiary hospital.*
  - (2) Nothing in the forgoing provision of this section shall preclude the House of Assembly of any state from making laws for that State for the regulation and inspection of private and non-governmental health facilities in that state.

### *Committee's Recommendation:*

That the provision in Clause 13 be retained (Senator Gyang D. Dantong) –Agreed to

## **Clause 14: Certificate of Standards:**

- (1) Without being in possession of a Certificate of Needs and Standards, a person, entity, government or organization shall not:-
  - (a) establish, construct, modify or acquire a health establishment, health agency or health technology;
  - (b) Increase the number of beds in, or acquire prescribed health technology at a health establishment or health agency;
  - (c) provide prescribed health services; or
  - (d) continue to operate a health establishment, health agency or health technology after the expiration of 24 months from the date this Act took effect.
- (2) The certificate of Need and Standards referred to sub section 1 of this section may be obtained by application in prescribed manner from the appropriate body of government where the facility is located. In the case of tertiary institutions the appropriate authority shall be the FMOH or its agent

*Committee's Recommendation:*

Leave out the word "FMOH" in line 4 and insert the words "National Tertiary Hospital Commission" instead thereof (*Senator Gyang D. Dantong*) — Agreed to.

*Question that Clause 14 as recommended do stand part of the Bill, put and agreed to.*

**Clause 15: Offences and Penalties in respect of Certificate of Need and Standards:**

Any person, entity, government or organisation who performs any act stated under section 5 (b) without a Certificate of Need and Standards required by that section is guilty of an offence and shall be liable on conviction to a fine of N500,000.00 or to imprisonment for period not exceeding two years or to both a fine and such imprisonment.

*Committee's Recommendation:*

Leave out the provision in Clause 15 and insert the following instead thereof:

**"Offences and Penalties in respect of Certificate of Standards**

Any person, entity, government or organisation who performs any act stated under section 12(1) without a Certificate of Standards required by that section is guilty of an offence and shall be liable on conviction to a fine of N500,000.00 or to imprisonment for period not exceeding two years or both" (*Senator Gyang D. Dantong*) — Agreed to.

*Question that Clause 15 as recommended do stand part of the Bill, put and agreed to.*

**Clause 16: Provision of Health Services at Public Health Establishments:**

- (1) The Federal Ministry of Health shall not operate or manage any establishment other than a tertiary establishment.
- (2) The Minister, in respect of a tertiary hospital, and the Commissioner, in respect of all other public health establishments within the State in question, may:-
  - (a) determine the range of health services that may be provided at the relevant public health establishment;
  - (b) prescribe the procedures and criteria for admission to and referral from a public health establishment or group of public health establishments;
  - (c) subject to subsection (4), prescribe schedules of fees, including penalties for not following the procedures stated under paragraph (b), above for:-

*Committee's Recommendation:*

Leave out the provision in Sub clauses 16(2) (b) and (c)" (*Senator Gyang D. Dantong*) — Agreed to.

- (d) in consultation with the relevant Treasury, determine the proportion of revenue generated by a particular public health establishment classified as a hospital that may be retained by that hospital, and how those funds may be used.
- (3) The Minister, in consultation with the National Council may prescribe conditions subject to which categories of persons may be eligible for exemption from payment for health care services rendered by public health establishments.
- (4) Without prejudice to any prescription made by the Minister, in terms of subsections (2) of this section, all citizens shall be entitled to a guaranteed minimum package of health services.

*Committee's Recommendation:*

Leave out the word "guaranteed" and insert the word "basic" instead thereof (*Senator Gyang D. Dantong*) — Agreed to.

*Question that Clause 16 as recommended do stand part of the Bill, put and agreed to.*

**Clause 17: Health Services at Non-Health Establishments and at Public Health Establishment other than Hospitals:**

- (1) The Minister in Council may prescribe:-
  - (a) minimum standards and requirements for the provision of health services in locations other than health establishments, including schools and other public places; and
  - (b) penalties for any contravention of or failure to comply with any such standards or requirements.
- (2) The Minister may, subject to the provisions of any other law, prescribe conditions relating to traditional health practices to ensure the health and well-being of persons who are subject to such health practices
- (3) Without prejudice to the above, the House of Assembly in any State may make laws for the provision of health services at non health establishments in the state.

*Committee's Recommendation:*

That the provision in Clause 17 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 17 do stand part of the Bill, put and agreed to.*

**Clause 18: Referral from one Public Health Establishment to another:**

- (1) Subject to this Act, a user may attend any public health establishment for the purposes of receiving health services.
- (2) If a public health establishment is not capable of providing the necessary treatment or care, the public health establishment in question must transfer the user concerned to an appropriate public health establishment which is capable of providing the necessary treatment or care in such manner and on such terms as may be determined by the Minister or the Commissioner, as the case may be.

*Committee's Recommendation:*

Immediately after the word "care" in line 4, *leave out* all the words (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 18 as recommended do stand part of the Bill, put and agreed to.*

**Clause 19: Relationship between Public and Private Health Establishments:**

- (1) The Minister shall prescribe mechanisms to ensure a co-ordinated relationship between private and public health establishments in the delivery of health services.
- (2) The Federal Ministry, any State Ministry or any Local Government may enter into an agreement with any private practitioner, private health establishment or non-governmental organisation in order to achieve any object of this Act.

*Committee's Recommendation:*

That the provision in Clause 19 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 19 do stand part of the Bill, put and agreed to.*

**Clause 20: Evaluating Services of Health Establishments:**

- (1) All health establishments shall comply with the quality requirements and standards prescribed by the Minister after consultation with the National Council.

- (2) The quality requirements and standards stated in subsection (1) may relate to human resources, health technology, equipment, hygiene, premises, the delivery of health services, business practices, safety and the manner in which users are accommodated and treated.
- (3) The National Hospital Service Agency shall monitor and enforce compliance with the quality requirements and standards stated in subsection (1) and may delegate the implementation of the inspection functions to States.

*Committee's Recommendation:*

Leave out the provision in Sub clause 20(3) and **insert** the following instead thereof: "(3) The National Tertiary Hospital Commission shall monitor and enforce compliance with the quality requirements and standards stated in subsection (1) as it relates to Tertiary Hospitals" (*Senator Gyang D. Dantong*) — Agreed to.

*Question that Clause 20 as recommended do stand part of the Bill, put and agreed to.* PART in — RIGHTS

**AND DUTIES OF USERS AND HEALTH CARE PERSONNEL**

**Clause 21: Emergency treatment:**

- (1) A health care provider, health worker or health establishment shall not refuse a person emergency medical treatment for any reason.
- (2) Any person who contravenes this section is guilty of an offence and is liable on conviction to a fine of N10,000. 00 (ten thousand Naira) or to imprisonment for a period not exceeding six months or to both fine and imprisonment.

*Committee's Recommendation:*

Immediately after the word "exceeding" in line 3, *leave out* the word "six" **and** insert the word "three" instead thereof (*Senator Gyang D. Dantong*) — Agreed to.

*Question that Clause 21 as recommended do stand part of the Bill, put and agreed to.*

**Clause 22: Rights of Health Care Personnel:**

- (1) No health care personnel shall be discriminated against on account of his status and duties.
- (2) Subject to any applicable law, the head of the health establishment concerned may in accordance with any guideline determined by the Minister, Commissioner or any other appropriate authority impose conditions on the services that may be rendered by a health care provider or health worker on the basis of health status.
- (3) Subject to any applicable law, every health establishment shall implement measures to minimise-
  - (a) injury or damage to the person and property of health care personnel working at that establishment; and
  - (b) disease transmission.
- (4) Except for Psychiatric patients, a health care provider may refuse to treat a user who is physically or verbally abusive or who sexually harasses him or her, and in such a case the health care provider should report the incident to the appropriate authority.

*Committee's Recommendation:*

Immediately before the word "Except" in line 1, insert the words "Without prejudice to Section 19(1) and" (*Senator Gyang D. Dantong*) — Agreed to.

*Question that Clause 22 as recommended do stand part of the Bill, put and agreed to.*

Clause 23: **Indemnity of the Healthcare provider, Office or Employee of a Healthcare Establishment:**

Subject to not being found negligent, a health care provider or other officers or employees of a health care establishment shall be indemnified out of the assets of the health care establishment against any liability incurred by him in defending any proceeding, whether civil or criminal in which judgment is given in his favour or is acquitted, if any such proceeding is brought against him in his capacity as a health care provider, an officer or employee of a health care establishment.

*Committee's Recommendation:*

That the provision in Clause 23 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 23 do stand pan of the Bill, put and agreed to.*

Clause 24: **User to have full knowledge:**

- (1) Every health care provider shall give a user relevant information pertaining to his state of health and necessary treatment relating thereto including:-
  - (a) the user's health status except in circumstances where there is substantial evidence that the disclosure of the user's health status would be contrary to the best interests of the user;
  - (b) the range of diagnostic procedures and treatment options generally available to the user;
  - (c) the benefits, risks, costs and consequences generally associated with each option; and
  - (d) the user's right to refuse health services and explain the implications, risks, obligations of such refusal.
- (2) The health care provider concerned shall, where possible, inform the user in a language that the user understands and in a manner which takes into account the user's level of literacy.

*Committee's Recommendation:*

That the provision in Clause 24 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 24 do stand part of the Bill, put and agreed to.*

Clause 25: **Duty to Disseminate Information:**

The Federal Ministry, every State Ministry of Health, every Local Government Health Authority and every private health care provider shall ensure that appropriate, adequate and comprehensive information is disseminated and displayed at facility level on the health services for which they are responsible, which shall include-

- (a) the types of health services available;
- (b) the organisation of health services;
- (c) operating schedules and timetables of visits;
- (d) procedures for access to the health services;
- (e) fees and other charges for health services;
- (f) other aspects of health services which may be of use to the public;

*Committee's Recommendation:*

Leave out the provision in Sub clauses 25(d), (e) and (f)" (*Senator Gyang D. Dantong*) — *Agreed to.*

procedures for laying complaints; and

(h) the rights and duties of users and health care providers.

**Clause 26:** *Question that Clause 25 as recommended do stand part of the Bill, put and agreed to.*  
**Obligation to Keep Record:**

Subject to applicable archiving legislation, the person in charge of a health establishment shall ensure that a health record containing such information as may be prescribed is created and maintained at that health establishment for every user of health services.

*Committee's Recommendation:*

That the provision in Clause 26 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 26 do stand part of the Bill, put and agreed to.*

**Clause 27:**

**Confidentiality:**

- (1) All information concerning a user, including information relating to his or her health status, treatment or stay in a health establishment is confidential.
- (2) Subject to section 57, no person may disclose any information contemplated in subsection (1) unless-
  - (a) the user consents to that disclosure in writing;
  - (b) a court order or any law requires that disclosure; or
  - (c) non-disclosure of the information represents a serious threat to public health.

*Committee's Recommendation:*

Leave out the figure "57" in line 1 and insert the figure "26" instead thereof (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 27 as recommended do stand part of the Bill, put and agreed to.*

**Clause 28:**

**Access to Health Records:**

A health worker or any health care provider that has access to the health records of a user may disclose such personal information to any other person, health care provider or health establishment as is necessary for any legitimate purpose within the ordinary course and scope of his or her duties where such access or disclosure is in the interest of the user.

*Committee's Recommendation:*

That the provision in Clause 28 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 28 do stand part of the Bill, put and agreed to.*

**Clause 29:**

**Access to Health Records Health Care by Provider:**

- (1) A health care provider may examine a user's health records for the purposes of:-
  - (a) treatment with the authorisation of the user; and
  - (b) study, teaching or research with the authorisation of the user, head of the health establishment concerned and the relevant health research ethics committee.
- (2) If the study, teaching or research under subsection (1)(b) of this section reflects or obtains no information as to the identity of the user concerned, it is not necessary to obtain the authorisations contemplated in that subsection.

*Committee's Recommendation:*

That the provision in Clause 29 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 29 do stand pan of the Bill, put and agreed to.*

**Clause 30: Protection of Health Records:**

- (1) The person in charge of a health establishment who is in possession of a user's health records shall set up control measures to prevent unauthorised access to those records and to the storage facility in which, or system by which, records are kept.
- (2) Any person who-
  - (a) fails to perform a duty imposed on them under subsection (1);
  - (b) falsifies any record by adding to or deleting or changing any information contained in that record;
  - (c) creates, changes or destroys a record without authority to do so;
  - (d) fails to create or change a record when properly required to do so;
  - (e) provides false information with the intent that it be included in a record;
  - (f) without authority, copies any part of a record;
  - (g) without authority, connects the personal identification elements of a user's record with any element of that record that concerns the user's condition, treatment or history;
  - (h) gains unauthorised access to a record or record-keeping system, including intercepting information being transmitted from one person, or one part of a record-keeping system, to another;
  - (i) without authority, connects any part of a computer or other electronic system on which records are kept to-
    - (i) any other computer or other electronic system; or
    - (ii) any terminal or other installation connected to or forming part of any other computer or other electronic system; or
  - (j) without authority, modifies or impairs the operation of-
    - (i) any part of the operating system of a computer or other electronic system on which a user's records are kept; or
    - (ii) any part of the programme used to record, store, retrieve or display information on a computer or other electronic system on which a user's records are kept, commits an offence and is liable on conviction to imprisonment for a period not exceeding two years or to a fine of N250,000.00 or both a fine and such imprisonment.

*Committee's Recommendation:*

That the provision in Clause 30 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 30 do stand part of the Bill, put and agreed to.*

**Clause 31: Laying of Complaints:**

- (1) Any person may lay a complaint about the manner in which he or she was treated at a health establishment and have the complaint investigated.
- (2) The Minister, Commissioner or any other appropriate authority shall establish a procedure for the laying of complaints within the areas of the national health system for which the Federal or State ministry is responsible.

- (3) The procedures for laying complaints shall-
- (a) be displayed by all health establishments in a manner that is visible for any person entering the establishment and the procedure shall be communicated to users on a regular basis;
  - (b) in the case of a private health establishment, allow for the laying of complaints with the head of the relevant establishment;
  - (c) include provisions for the acceptance and acknowledgment of every complaint directed to a health establishment, whether or not it falls within the jurisdiction or authority of that establishment; and
  - (d) allow for the referral of any complaint that is not within the jurisdiction or authority of the health establishment to the appropriate body or authority.
- (4) In laying a complaint, the person stated in subsection (1) shall follow the procedure established by the Minister or a Commissioner, as the case may be.

*Committee's Recommendation:*

That the provision in Clause 31 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 31 do stand part of the Bill, put and agreed to.*

**PART IV — HEALTH ESTABLISHMENTS AND TECHNOLOGIES**

*Committee's Recommendation:*

*Leave out* the provision in Part IV and *insert* the following instead thereof:

**"PART IV — NATIONAL HEALTH RESEARCH AND INFORMATION SYSTEM"** (*Senator Gyang D. Dantong*) — *Agreed to.*

**Clause 32: Establishment, Composition and Tenure of National Health Research Committee:**

- (1) There shall be established by the Minister, the National Health Research Committee (in this Act referred to as "the Research Committee").
- (2) The membership of the Research Committee shall consist of not more than 15 members appointed by the Minister on the recommendation of the various research institutions and other related bodies in the Federation.

*Committee's Recommendation:*

*Insert* a new provision as Sub clause 32(2)(b) as follows:

"(b) the membership of this research committee established in terms of this section shall as much as possible reflect the federal character of Nigeria.

- (3) There shall be for the committee:-
  - (a) chairman who shall be acknowledged health researcher, an accomplished and renowned health researcher.
  - (b) a secretary who shall be the director pf health planning and research in the FMOH.

*Committee's Recommendation:*

*Leave out* the word "FMOH" and *insert* the words "Federal Ministry of Health" instead thereof (*Senator Gyang D. Dantong*) — *Agreed to.*

- (4) A person appointed pursuant to subsection (2) (a) of this section shall -
  - (a) hold office for a term of three years in the first instance and may be re-appointed for another term of three years and no more, under such terms and conditions as may be specified in his letter of appointed; and

- (b) vacate his office if he resigns through a letter written under his hand or is requested by the Minister to do so in the public interest.
- (5) For the avoidance of any doubt, the membership of this Research Committee established in terms of this section shall at all times reflect the federal character of Nigeria.

*Committee's Recommendation:*

*Leave out the provision in Sub clauses 32(5) (Senator Gyang D. Dantong) — Agreed to.*

- (6) The Research Committee shall have the responsibility to -
  - (a) determine the extent of health research to be carried out by public and private health authorities;
  - (b) ensure that health research agendas and research resources focus on priority health problems;
  - (c) develop and advise the Minister on the application and implementation of an integrated national strategy for health research; and
  - (d) coordinate the research activities of public and private health establishments.
- (7) The Minister may prescribe the manner in which the Research Committee shall conduct its affairs and the procedure to be followed at its meeting, including the manner in which decisions are to be made and implemented.
- (8) A member of the Research Committee who is not employed on full-time basis in the public service shall in respect of his service as member be paid such remuneration as may be determined by the Minister.

*Question that Clause 32 as recommended do stand part of the Bill, put and agreed to.*

**Clause 33: Research or Experimentation with Human subject:**

- (1) Notwithstanding anything to the contrary in any other law, every research or experimentation on a living person shall only be conducted:-
  - (a) in the manner prescribed by the relevant authority; and
  - (b) with the written consent of the person after he shall have been informed of the objects of the research or experimentation and any possible effect on his health.
- (2) Where research or experimentation is to be conducted on a minor for a therapeutic purpose, the research or experimentation may only be conducted -
  - (a) if it is in the best interest of the minor;
  - (b) in such manner and on such conditions as may be prescribed; and
  - (c) with the informed written consent of the parent or guardian of the minor.
- (3) Where research or experimentation is to be conducted on a minor for a non-therapeutic purpose, the research or experimentation may only be conducted-
  - (a) in such manner and on such conditions as may be prescribed the research committee; and

- (b) with the informed written consent of the parent or guardian of the minor.

*Committee's Recommendation:*

That the provision in Clause 33 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 33 do stand part of the Bill, put and agreed to.*

**Clause 34: Establishment, Composition, Function and Tenure of National Health Research Ethics Committee:**

- (1) There shall be established by the Minister the National Health Research Ethics Committee (in this Act referred to as "the National Ethics Committee").
- (2) The membership of the Ethics Committee shall consist of not more than 15 persons which shall include -
  - (a) a Chairman;
  - (b) a medical doctor;
  - (c) a legal practitioner;
  - (d) a pharmacist;
  - (e) a nurse;
  - (f) not less than two religious leaders representing the Christian and Muslim religions;
  - (g) a community health worker;
  - (h) one researcher in the medical field;
  - (i) one researcher in the pharmaceutical field;
  - (j) three other persons who in the opinion of the Minister are of unquestionable integrity.

*Committee's Recommendation:*

Immediately after the word "persons" in line 1, insert the words "one of whom shall be a woman" (*Senator Gyang D. Dantong*) — *Agreed to.*

- (3) A member of the Ethics Committee shall be appointed for a term of three years in the first instance and may be reappointed for another term of three years and no more under such terms and conditions as may be specified in his letter of appointment.
- (4) A member of the Ethics Committee shall vacate his office if he resigns or is requested in the public interest by the Minister to do so.
- (5) If a member of the Ethics Committee vacates his office or dies, the Minister may fill the vacancy by appointing a person in accordance with subsection (2) for the unexpired term of office of his predecessor.
- (6) The National Ethics Committee shall have power to determine the guidelines to be followed for the functioning of Institutional health research ethics committees, and for the avoidance of any doubt shall-
  - (a) set norms and standards for conducting research on humans and animals, including clinical trials;

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- (b) adjudicate in complaints about the functioning of health research ethics committees and hear any complaint by a researcher who believes that he has been discriminated against by any of the health research ethics committees;
  - (c) register and audit the activities of health research ethics Committees;
  - (d) refer to the relevant statutory health professional council, matters involving the violation or potential violation of an ethical or professional rule by a health care provider;
  - (e) recommend to the appropriate regulatory body such disciplinary action as may be prescribed or permissible by law against any person found to be in violation of any norms and standards, or guidelines, set for the conduct of research under this Act; and
  - (f) advise the Federal Ministry of Health and State Ministries Health on any ethical issues concerning research on health.
- (7) For the purposes of subsection (6)(a), "clinical trials" means a systematic study, involving human subjects that aims to answer specific questions about the safety or efficacy of a medicine or method of prevention and treatment.

*Question that Clause 34 as recommended do stand part of the Bill, put and agreed to.*

**Clause 35: Establishment and Functions of Health Research Ethics Committees:**

- (1) Every institution, health agency and health establishment at which health research is conducted, shall establish or have access to a health research ethics committee, which is registered with the National Ethics Committee.
- (2) A health research ethics committee shall:-
  - (a) review research proposals and protocols in order to ensure that research conducted by the relevant institution, agency or establishment will promote health, contribute to the prevention of communicable or non-communicable diseases or disability or result in cures for communicable or non-communicable diseases; and
  - (b) grant approval for research by the relevant institution, agency or establishment in instances where research proposals and protocol meet the ethical standards of that health research **ethics** committee.

*Committee's Recommendation:*

*Insert a new provision as Sub clause 35(2) (c) as follows:*

*"(c) perform other functions that may be referred to it by the Minister"*

**Clause 36: Coordination of National Health Information System:**

- (1) The Federal Ministry of Health shall facilitate and co-ordinate the establishment, implementation and maintenance by State Ministries, Local Government Health Authorities and the private health sector of health information systems at national, state and local government levels in order to create a comprehensive National Health Information System.
- (2) The Minister may, for the purpose of creating, maintaining or adapting databases within the national health information system desired in subsection (1), of this section prescribe categories or kinds of data for submission and collection and the manner and format in which and by whom the data is to be compiled or collated and shall be submitted to **the** Federal Ministry of Health.
- (3) The Minister and Commissioners shall publish annual reports on the state of health of the citizenry and the health system of Nigeria including the States thereof.

*Committee's Recommendation:*

That the provision in Clause 36 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 36 do stand part of the Bill, put and agreed to.*

**Clause 37:****Duties of a FCT as regards Health Information:**

The Secretary of Health and Human Services shall by this Act establish a committee for FCT to maintain, facilitate and implement the health information systems under section 9E(1) of this FCT and area council levels.

*Committee's Recommendation:*

Leave out the figures "9E (1)" and insert the figures "34(1) instead thereof: (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 37 as recommended do stand part of the Bill, put and agreed to.*

**Clause38:****Duties of FCT Area Councils:**

Each Area Council, which provides health services shall establish and maintain a health information system as part of the national health information system as specified under section 8E(1) of this Act.

*Committee's Recommendation:*

Leave out the figures "8E (1)" and insert the figures "34(1) instead thereof (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 38 as recommended do stand part of the Bill, put and agreed to.*

**Clause 39:****Duties of Private HealthCare Providers:**

(1) All private health care providers shall:-

- (a) establish and maintain a health information system as part of the national health information system as specified under section 8E(1) of this Act;

*Committee's Recommendation:*

Leave out the figures "8E (1)" and insert the figures "34(1) instead thereof (*Senator Gyang D. Dantong*) — *Agreed to.*

- (b) ensure compliance with the provision of sub-section (I) (a) as a condition necessary for the grant or renewal of the Certificate of Need and Standards.

- (2) Any private health care provider that neglects or fails to comply with the provision of subsection(I) of this section shall be guilty of an offence and on conviction shall be liable to imprisonment for a term of one year or a fine of N 100,000.00.

*Committee's Recommendation:*

Leave out the figures "N 100,000.00" in line 4 and insert the figures "N50, 000.00" instead thereof (*Senator Gyang D. Dantong*) — *Agreed to.*

- (3) Nothing in the foregoing precludes a State Assembly from making laws with regards to health information system for that State and the LGAs and the private health sector within that state.

*Question that Clause 39 as recommended do stand part, of the Bill, put and agreed to.*

**Clause 40:****National Formulary Control of Safety of Drugs and Food Supply:**

- (1) There shall be compendium of drugs approved for use in health facilities throughout the federation- (in the Act referred to as the National Formulary) which shall be under the dynamic periodic review of the National Council.

- (2) Indigenous and local manufacture and production of as many items in the formulary as practicable shall be conceitedly stimulated and encouraged.
- (3) There shall be for the Federation, a body to be known as the National Agency for Food and Drugs Administration and Control which shall have responsibility for determining the safety, propriety, effectiveness, potency or otherwise of drugs and foods manufactured, produced in or imported into Nigeria.

*Committee's Recommendation:*

*Leave out* the provision in Sub clauses 40(2) and (3) and *insert* new Sub clauses 40(2) and (3) follows:

"(2) Indigenous and local manufacture and production of as many items in the formulary as practicable shall be encouraged<sup>7</sup>,

- (3) There shall be for the Federation, a body to be known as the National Agency for Food and Drugs Administration and Control which shall have responsibility for determining the safety, propriety, effectiveness, potency or otherwise of drugs, chemicals and foods manufactured, produced in or imported into Nigeria" (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 40 as recommended do stand part of the Bill, put and agreed to.*

**Clause 41: National Health Insurance Scheme:**

- (1) There shall be established a National Health Insurance Scheme, hereinafter called the National Insurance Scheme, which shall be made operational in all health facilities and services throughout the Federation, and in selected private health facilities in parts thereof.

*Committee's Recommendation:*

*Leave out* the word "selected" and *insert* the word "accredited" instead thereof (*Senator Gyang D. Dantong*) — *Agreed to.*

- (2) It shall be the responsibility of the Council to ensure the widest possible catchment for the Scheme throughout the Federation or any part thereof.
- (3) The Minister may, subject to conditions as may be reviewed from time to time, give direction and determine persons eligible for exemption from payment of health services at public health establishments.
- (4) Nothing in this section of the Act shall be prejudicial to the powers of the House of Assembly of a State to make laws for that State to regulate the implementation of the Scheme, as well as exemptions for payment of health services in that State.

*Question that Clause 41 as recommended do stand part of the Bill, put and agreed to.*

**PART V — HUMAN RESOURCES FOR HEALTH**

**Clause 42: Development and Provision of Human Resources in National Health System:**

- (1) The National Council shall develop policy and guidelines for, and monitor the provision, distribution, development, management and utilisation of, human resources within the national health system.
- (2) The policy and guidelines stated in subsection (1) shall amongst other things facilitate and advance-
  - (a) the adequate distribution of human resources;
  - (b) the provision of appropriately trained staff at all levels of the national health system to meet the population's health care needs; and

- (c) the effective and efficient utilisation, functioning, management and support of human resources within the national health system.

*Committee's Recommendation:*

That the provision in Clause 42 be retained (*Senator Gyang D. Dantong*) — Agreed to.

*Question that Clause 42 do stand pan of the Bill, put and agreed to.*

**Clause 43: Appropriate Distribution of Health Care Providers:**

The Minister, with the concurrence of the National Council shall determine guidelines that will enable the State Ministries and Local Governments to implement programmes for the appropriate distribution of health care providers and health workers.

*Committee's Recommendation:*

That the provision in Clause 43 be retained (*Senator Gyang D. Dantong*) ~ Agreed to.

*Question that Clause 43 do stand part of the Bill, put and agreed to.*

**Clause 44: Regulations Relating to management of Human Resources in the Health System:**

The Minister shall make regulations with regard to human resources management within the national health system in order to:-

- (a) ensure that adequate resources are available for the education and training of health care personnel to meet the human resources requirements of the national health system;
- (b) ensure the education and training of health care personnel to meet the requirements of the national health system, including the prescription of a re-certification programme through a system of continuing professional development;
- create new categories of health care personnel to be educated or trained;
- (c) identify shortages of key skills, expertise and competences within the national health system, and prescribe strategies which are not in conflict with any other existing legislation, for the:-
  - (i) education and training of health care providers or health workers in the Federation, to make up for any shortfall in respect of any skills, expertise and competences; and
  - (u) recruitment of health care personnel from other countries,
- (e) prescribe strategies for the recruitment and retention of health care personnel within the national health system and from anywhere outside Nigeria;
- (f) ensure the existence of adequate structures for human resources planning, development and management at national, State and local government levels of the national health system;
- (g) ensure the availability of institutional capacity at State and Local Governments levels of the National Health System to plan for, develop and manage human resources;
- (h) ensure the definition and clarification of the roles and functions of the Federal Ministry of Health, State Ministries of Health and Local Government Health Authorities with regard to the planning, production and management of human resources; and
- (i) prescribe circumstances under which health care personnel may be recruited from other countries to provide health services in the Federation.

*Committee's Recommendation:*

That the provision in Clause 44 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 44 do stand part of the Bill, put and agreed to.*

**Clause 45: Training Institutions:**

- (1) The National Assembly may make laws in respect of the establishment and management of Health Training Institutions as well as the prescription of a minimum standard of quality and content of training and teaching in such institutions for personnel in all cadre in the health services of the Federation.
- (2) The National Council shall ensure that there is adequate plan for manpower development throughout the federation or any part thereof to keep pace with evolving trends of expansion and improvement in health care delivery.
- (3) Without prejudice to the provisions of subsections (1) and (2) of this section, the House of Assembly of any State may make laws for the establishment of any institution for training and teaching of Health personnel in cadres as may be determined by the National Council.

*Committee's Recommendation:*

That the provision in Clause 45 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 45 do stand part of the Bill, put and agreed to.*

**Clause 46: Industrial Health:**

- (1) The National Assembly may make laws for the federation or any part thereof with respect to the health, safety and welfare of persons employed to work in factories, and industrial and commercial outfits.
- (2) The National Council shall ensure that the provisions made for industrial health and safety pursuant to subsection (1) of this Section are complied with throughout the federation or any part thereof.
- (3) The House of Assembly of any State shall have powers to make laws to enforce compliance with the provisions of this Section in that State.

*Committee's Recommendation:*

That the provision in Clause 46 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 46 do stand part of the Bill, put and agreed to.*

**Clause 47: Industrial Dispute:**

- (1) Without prejudice to the right of all cadre and all groups of Health Professionals to demand for better conditions of service, health services shall be classified as Essential Service, and subject to the provisions of the Industrial Dispute (Essential Services) Act, Cap. 433 LFN (1978).

*Committee's Recommendation:*

*Leave out* the words and figures "Industrial Dispute (Essential Services) Act, Cap. 433 LFN (1978)" and *insert* the words "relevant law" instead thereof (*Senator Gyang D. Dantong*) — *Agreed to.*

- (2) Pursuant to Subsection (1) of this section, industrial disputes in the public sector of Health shall be treated seriously and shall on no account cause the total disruption of health services delivery in public institutions of health in the federation or in any part thereof.
- (3) Where the disruption of health services has occurred in any sector of National Health System, the Minister-in-Council shall apply all reasonable measures to ensure a return to normalcy of any such disruption within fourteen days of the occurrence thereof.

*Question that Clause 47 as recommended do stand part of the Bill, put and agreed to.*

**Clause 48: Medical Treatment Abroad:**

Without prejudice to the right of any Nigerian to seek investigation and treatment anywhere within and outside Nigeria, no public officer of the government of the federation or any part thereof shall be sponsored for medical investigation or treatment abroad at public expense except in exceptional cases on the recommendation and referral by relevant expertise in respect of the investigation in Nigeria, and which recommendation or referral shall be duly approved by the Minister or the Commissioner of Health of the State as the case may be.

*Committee's Recommendation:*

That the provision in Clause 48 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 48 do stand part of the Bill, put and agreed to. PART VI —*

CONTROL OF USE OF BLOOD, BLOOD PRODUCTS, TISSUE AND GAMETES IN HUMANS

**Clause 49: Establishment of National Blood Transfusion Services:**

- (1) The Minister shall establish a National Blood Transfusion Service for the Federation.
- (2) The Minister shall make regulations for the establishment and maintenance of the National Blood Transfusion Service.
- (3) Without prejudice to the provision of sub-section(1) of this section, the States may set up Blood Transfusion Service to provide Blood Transfusion Services as they find appropriate within their jurisdiction.

*Committee's Recommendation:*

*Leave out the words "to produce Blood Transfusion Services" in line 2 (Senator Gyang D. Dantong) — Agreed to.*

*Question that Clause 49 as recommended do stand part of the Bill, put and agreed to.*

**Clause 50: Removal of Tissue, Blood or Blood Products from Living persons:**

A person may not remove tissue, blood or a blood product from the body of another living person for any purpose unless it is done:-

- (a) with the informed and written consent of the person from whom the tissue, blood or a blood product are removed granted in the prescribed manner; and
- (b) in accordance with prescribed conditions by the appropriate authority.

*Committee's Recommendation:*

That the provision in Clause 50 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 50 do stand part of the Bill, put and agreed to.*

**Clause 51: Use of Tissue, Blood or Blood Products removed or withdrawn from living persons:**

- (1) A person may use tissue removed or blood or a blood product withdrawn from a living person only for such medical or dental purposes as may be prescribed.
- (2) (a) Subject to paragraph (b), the following tissue, blood or blood products may not be removed or withdrawn from a living person for any purpose stated in subsection (1):

*Committee's Recommendation:*

*Leave out the words "subject to paragraph (b)" (Senator Gyang D. Dantong) — Agreed to.*

- (i) tissue, blood or a blood product from a person who cannot give consent; or

- (ii) tissue which is not replaceable by natural processes from a person younger than 18 years.

- (b) The Minister may authorise the removal of withdrawal of tissue, blood or a blood product stated in paragraph (a) and may impose any condition which may be necessary in respect of such removal or withdrawal.

*Committee's Recommendation:*

*Leave out the provision in Sub clause 51 (2) (b) (Senator Gyang D. Dantong) — Agreed to.*

*Question that Clause 51 as recommended do stand part of the Bill, put and agreed to.*

**Clause 52: Regulation of Reproductive, therapeutic Cloning of Human Kind:**

- (1) A person shall not:-

*Amendment Proposed:*

Immediately after the word "not" in Sub clause 52(1) *insert* the words "without the prior written approval of the Minister" (Senator Ikechukwu Obiorah).

*Question that the amendment be made, put and agreed to.*

- (a) manipulate any genetic material, including genetic material of human gametes, zygotes or embryos; or
  - (b) engage in any activity, including nuclear transfer or embryo splitting, for the purpose of the reproductive cloning of a human being.
- (2) No person shall import or export human zygotes or embryos without the prior written approval of the Minister.

*Committee's Recommendation:*

Immediately after the word "Minister" in line 2, *insert* the words "on the recommendation of National Ethics Research Committee" (Senator Gyang D. Dantong) — *Agreed to.*

- (3) Any person who contravenes a provision of this section or who fails to comply therewith is guilty of an offence and is liable on conviction to imprisonment for a minimum of five years With no option of fine"
- (4) For the purpose of this section:-
  - (a) "reproductive cloning of a human being" means the manipulation of genetic material in order to achieve the reproduction of a human being and includes nuclear transfer or embryo splitting for such purpose; and
  - "therapeutic cloning" means the manipulation of genetic material from adult, zygotic or embryonic cells in order to alter, for therapeutic purposes, the function of cells or tissues.

*Question that Clause 52 as amended do stand part of the Bill, put and agreed to.*

**Clause 53: Removal and Transplantation of Human Tissue in Hospital:**

- (1) A person shall not remove tissue from a living person for transplantation in another living person or carry out the transplantation of such tissue except:-
  - (a) in a hospital; and

*Committee's Recommendation:*

Immediately after the word "hospital" *insert* the words "authorised for that purpose" instead thereof (Senator Gyang D. Dantong) — *Agreed, to.*

- 
- (b) on the written authority of:-  
(i) the medical practitioner in charge of clinical services in that hospital or any other medical practitioner authorised by him or her; or

(ii) in the case where there is no medical practitioner in charge of the clinical services at that hospital a medical practitioner authorised thereto by the person in charge of the hospital.

- (2) The medical practitioner stated in subsection (1)(b) shall not participate in a transplant for which he or she has granted authorisation under that subsection.

*Committee's Recommendation:*

Immediately after the word "not" in line 1, insert the words "be the lead participant" instead thereof (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 53 as recommended do stand part of the Bill, put and agreed to.*

**Clause 54: Removal, Use or Transplantation of Tissue and Administering of Blood and Blood Products by Medical Practitioner or Dentist:**

- (1) Only a registered medical practitioner or dentist may remove any tissue from a living person, use tissue so removed for any of the purposes stated in this Act or transplant tissue so removed into another living person.
- (2) Only a registered medical practitioner or dentist, or a person acting under the supervision or on the instructions of a medical practitioner or dentist, may administer blood or a blood product to, or prescribe blood or a blood product for, a living person.

*Committee's Recommendation:*

That the provision in Clause 54 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 54 do stand part of the Bill, put and agreed to.*

**Clause 55: Payment in Connection with the Importation, Acquisition or Supply of Tissue, Blood or Blood Product:**

- (1) It is an offence for a person: -
- (a) who has donated tissue, blood or a blood product to receive any form of financial or other reward for such donation, except for the reimbursement of reasonable costs incurred by him or her to provide such donation; and
- (b) to sell or trade in tissue, blood or blood products, except as provided for in this Chapter.

*Committee's Recommendation:*

Leave out the word "Chapter" and insert the word "Act" instead thereof (*Senator Gyang D. Dantong*) — *Agreed to.*

- (2) Any person found guilty of an offence under subsection (1) is liable on conviction to a fine of N 1,000,000 (one million naira) or to imprisonment for a period not exceeding five years or to both fine and imprisonment.

*Committee's Recommendation:*

Leave out the provision in Sub clause 55(2) and insert the following instead thereof:

"(2) Any person found guilty of an offence under subsection (1) is liable on conviction to a fine of N100,000 (one hundred thousand naira) or to imprisonment for a period not exceeding one year or to both fine and imprisonment<sup>1</sup> (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 55 as recommended do stand part of the Bill, put and agreed to.*

**Clause 56: Allocation and Use of Human Organs:**

- (1) Human organs obtained from deceased persons for the purpose of transplantation or treatment, or medical or dental training or research, shall only be used in the prescribed manner.
- (2) Human organs obtained under subsection (1) shall be allocated in accordance with the prescribed procedures.
- (3) An organ shall not be transplanted into a person who is not a Nigerian citizen or a permanent resident of the Federal Republic without the Minister's authorisation in writing.

**Amendment Proposed:**

*Leave out the provision in Sub clause 56(3) (Senator Ahmad 1. Lawan).*

*Question that the amendment be made, put and agreed to.*

- (4) The Minister shall prescribe:-

**Committee's Recommendation:**

*Leave out the word "Minister" and insert the words "National Tertiary Hospital Commission" instead thereof (Senator Gyang D. Dantong) — Agreed to.*

- (4) The National Tertiary Hospital Commission shall prescribe: -
  - (a) criteria for the approval of organ transplant facilities; and
  - (b) procedural measures to be applied for such approval.
- (5) A person who contravenes a provision of this section or fails to comply therewith or who charges a fee for a human organ is guilty of an offence and shall be liable to Imprisonment for a minimum of five years without option of fine.

*Question that Clause 56 as amended do stand part of the Bill, put and agreed to.*

**Clause 57: Donation of Human Bodies and Tissue of Deceased Persons:**

- (1) (a) A person who is competent to make a will may:-
  - (i) in the will;
  - (ii) in a document signed by him or her and at least two competent witnesses; or
  - (iii) in a written statement made in the presence of at least two competent witnesses, donate his or her body or any specified tissue thereof to be used after his or her death, or give consent to the post mortem examination of his or her body, for any purpose provided for in this Act.
- (b) A person who makes a donation as stated in paragraph (a) above shall nominate an institution or a person stated in section 17(J) as donee.

**Committee's Recommendation:**

*Leave out the provision in Sub clause 57(l)(b) and insert new Sub clause 57(1) (b) as follows:*

*"(b) A person who makes a donation as stated in paragraph (a) above may nominate an institution or a person as donee" (Senator Gyang D. Dantong) — Agreed to.*

- (c) If no donee is nominated under of paragraph (b), the donation is null and void.

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(d) Paragraph (b) of sub-section 16(K)(1) does not apply in respect of an organ donated for the purposes stated in section 16(K)(1) and the donee of such organ must be determined under section 16(K)(2).

*Committee's Recommendation:*

*Leave out the provision in Sub clauses 57(l) (c) and (d) (Senator Gyang D. Dantong) — Agreed to.*

(2) In the absence of a donation under subsection (1)(a) or of a contrary direction given by a person whilst alive, any two of the following persons in concurrence, the spouse, major child, parent, guardian, major brother or major sister of that person, in tile specific order mentioned, may, after that person's death, donate the body or any specific tissue of that person to an institution or a person stated in section 16(J).

(3) (a) A Commissioner may, after the death of a person and if none of the persons stated in subsection (2) can be located, donate any specific tissue of that person to an institution or a person stated in section 16fJ).

(b) The Commissioner may only donate the specific tissue if all the prescribed steps have been taken to locate the persons stated in subsection (2).

*Committee's Recommendation:*

*Leave out the provision in Sub clauses 57(2) and (3) (Senator Gyang D. Dantong) — Agreed to.*

*Question that Clause 57 as recommended do stand part of the Bill, put and agreed to.*

**Clause 58: Human bodies, tissue etc may be donated to institutions or persons:**

A human body, tissue, blood or blood products may be donated by any person under section 16H (1) or 16(J) to any prescribed institution or person for any purpose stated in section 16C(1) or 88.

*Committee's Recommendation:*

***Leave out*** the provision in Clause 58 (Senator Gyang D. Dantong) — Agreed to.

**Clause 59: Purposes of Donation of body, tissue etc:**

(1) A donation under section 171 may only be made for the purposes of:-

*Committee's Recommendation:*

*Leave out the figure "171" and insert the figure "55" instead thereof (Senator Gyang D. Dantong) — Agreed to.*

(a) the training of students in health sciences;

(b) health research;

(c) the advancement of health sciences;

(d) therapy including the use of tissue in any living person; or

(e) the production of a therapeutic, diagnostic or prophylactic substance.

(2) This Act does not apply to the preparation of the body of a deceased person for the purposes of embalming it. whether or not such preparation involves the:-

(a) making of incisions in the body for the withdrawal of blood and the replacement thereof by a preservative; or

- (b) restoration of any disfigurement or mutilation of the body before its burial.

*Question that Clause 59 as recommended do stand part of the Bill, put and agreed to.*

**Clause 60: Procedure for revocation of any donation:**

A donor may, prior to the transplantation of the relevant organ into the donee, revoke a donation in the same way in which it was made or, in the case of a donation by way of a will or other document, also by the intentional destruction of that will or document.

*Committee's Recommendation:*

Immediately after the words "prior to the" in line 1, insert the words "removal for" instead thereof (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 60 as recommended do stand part of the Bill, put and agreed to.*

**Clause 61: Removal of tissue at post-mortem examinations, etc:**

- (1) The Minister may: -
- (a) on the written application of an institution or person requiring tissue for a purpose stated in section 16K(1), authorise that institution or person, in writing, to obtain such tissue from a medical practitioner stated in subsection (3) or a person or an institution stated in this Act.
- (b) impose any condition on the institution or person to which or to whom he has granted an authorization under paragraph (a) above.
- (2) The medical practitioner in charge of clinical services in the hospital or of the mortuary in question, or any other medical practitioner authorized by such practitioner, or, in the case where there is no medical practitioner in charge of clinical services, a medical practitioner authorized by the person in charge of such hospital may in writing and in the prescribed manner as stated in Act make application therefore in writing, to remove any specified tissue from the body concerned before burial thereof.
- (3) Despite anything to the contrary in any other law, a medical practitioner who conducts a post-mortem examination under section 16N(1)(a) or (b) shall remove or cause to be removed from a body such tissue as may be specified in an authorisation under subsection (1) and must hand it over to the institution or person in possession of the authorisation.
- (4) The removal stated in subsection (3) shall not be effected if-
- (a) the removal of the tissue is likely to affect the outcome of the examination; or
- (b) the body or tissue in question has been donated or if the removal would be contrary to a direction given by the deceased before his or her death.

*Committee's Recommendation:*

*Leave out the provision in Clause 61 (Senator Gyang D. Dantong) — Agreed to.*

**PART VII — REGULATIONS AND MISCELLANEOUS PROVISIONS**

**Clause 62: Regulations:**

- (1) The Minister, after consultation with the National Council, shall make regulations with regard to:-
- (a) anything which may or shall be prescribed under this Act; and
- (b) generally, any other matter which it is necessary or expedient to prescribe in order to implement or administer this Act.

- 
- (2) The Minister may, in any regulation made under this Act:-
- (a) designate as authoritative any methodology, procedure, practice or standard that **is** recognised as authoritative by internationally recognised health bodies within the relevant profession; and
  - (b) require any person or body to comply with the designated methodology, procedure, practice or standard.

*Committee's Recommendation:*

Leave out the provision in Clause 62 and insert the following instead thereof:

"The Minister, after consultation with the National Council, shall make regulations with regard to any other matter which is necessary or expedient to prescribe in order to implement this Act" (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 62 as recommended do stand part of the Bill, put and agreed to.*

**Powers of Minister to appoint Committees:**

**Clause 63:**

- (1) The Minister may, after consultation with the National Council, establish such number of advisory and technical committees as may be necessary to achieve the objects of this Act.
- (2) When establishing an advisory or technical committee, the Minister may determine by notice or circular:-
  - (a) its composition, functions and working procedure; and
  - (b) any incidental matters relating to that advisory or technical committee.

*Committee's Recommendation:*

That the provision in Clause 63 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 63 do stand part of the Bill, put and agreed to.*

**Clause 64:**

**Assignment of Duties and Delegation of Powers:**

- (1) The Minister may assign any duty and delegate any power imposed or conferred upon him by this Act, except the power to make regulations to:
  - (a) any person in the employ of the State; or

*Committee's Recommendation:*

Immediately after the word "the" in Sub clause 64(1) (a) leave out the word "State" and insert the words "Federal Government" (*Senator Gyang D. Dantong*) — *Agreed to.*

- (b) any council, board or committee established in terms of this Act.
- (2) A Commissioner may assign any duty and delegate any power imposed or conferred upon him or her by this Act, except the power to make regulations to any officer in the relevant State Ministry or any Council, Board or Committee established in terms of this Act.
- (3) The Permanent Secretary of the Federal Ministry may assign any duty and delegate any power imposed or conferred upon him or her by this Act to any official in the Federal Ministry.
- (4) The Permanent Secretary of a State Ministry may assign any duty and delegate any power imposed or conferred upon him or her in terms of this Act to any official of that State Ministry of Health.

*Question that Clause 64 as recommended do stand part of the Bill, put and agreed to.*

**Clause 65: Savings and Transitional Provisions:**

- (1) Anything done before the commencement of this Act under a provision of any other relevant Act or regulation which could have been done under a provision of this Act shall be regarded as having been done under the corresponding provision of this Act.
- (2) The Minister may prescribe such further transitional arrangements as may be necessary in the circumstance.

*Committee's Recommendation:*

That the provision in Clause 65 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 65 do stand part of the Bill, put and agreed to.*

**Clause 66: Interpretation:**

In this Act, unless the context otherwise requires:-

"Appropriate authority" means any other authority apart from the Minister, Commissioner, Executive Secretary, Chairmen of Boards or Chairman of Agency;

*Question, That the words "Appropriate authority" be as defined in the Interpretation to this Act, put and agreed to.*

*Committee's Recommendation:*

*Insert the words "Basic Minimum Package" and its meaning to the interpretation section of this Bill (Senator Gyang D. Dantong) — Agreed to.*

"Basic Minimum Package" means the set of health services as may be prescribed from time to time by the Minister after consultation with the National Council on Health;

*Question, That the words "Basic minimum package " be as defined in the Interpretation to this Act, put and agreed to.*

"blood product" means any product derived or produced from blood, including circulating progenitor cells, bone marrow progenitor cells and umbilical cord progenitor cells;

*Question, That the words "blood product" be as defined in the Interpretation to this Act, put and agreed to.*

"certificate of standards" means a certificate under section 14;

*Question, That the words "certificate of standard" be as defined in the Interpretation to this Act, put and agreed to.*

"Commissioner" means the Commissioner of a State responsible for health;

*Question, That the word "Commissioner" be as defined in the Interpretation to this Act, put and agreed to.*

"communicable disease" means a disease resulting from an infection due to pathogenic agents or toxins generated by the infection, following the direct or indirect transmission of the agents from the source to the host;

*Question, That the words "communicable disease" be as defined in the Interpretation to this Act, put and agreed to.*

"Constitution" means the Constitution of the Federal Republic of Nigeria, 1999;

*Question, That the word "Constitution" be as defined in the Interpretation to this Act, put and agreed to.*

"death" means brain death;

*Question, That the word "death" be as defined in the Interpretation to this Act, put and agreed to.*

"embryo" means a human offspring in the first eight weeks from conception;

*Question, That the words "embryo" be as defined in the Interpretation to this Act, put and agreed to.*

"Federal Ministry"<sup>7</sup> means the Federal Ministry of Health;

*Question, That the words "Federal Ministry" be as defined in the Interpretation to this Act, put and agreed to.*

"Guaranteed minimum package" means the set of health services as may be prescribed by the Minister after consultation with the National Council on Health.

*Question, That the words "Guaranteed Minimum Package" be as defined in the Interpretation to this Act, put and agreed to.*

*Committee's Recommendation:*

*Leave out the words "Guaranteed Minimum Package" and its meaning in the interpretation section of this Bill (Senator Gyang D. Dantong) — Agreed to.*

"gamete" means either of the two generative cells essential for human reproduction;

*Question, That the word "gamete" be as defined in the Interpretation to this Act, put and agreed to.*

"gonad" means a human testis or human ovary;

*Question, That the word "gonad" be as defined in the Interpretation to this Act, put and agreed to.*

"health agency" means any person other than a health establishment:-

- (a) whose business involves the supply of health care personnel to users or health establishments;
- (b) who employs health care personnel for the purpose of providing health services; or
- (c) who procures health care personnel or health services for the benefit of a user, and includes a temporary employment service involving health workers or health care providers;

*Question, That the words "health agency" be as defined in the Interpretation to this Act, put and agreed to.*

"health care personnel" means health care providers and health workers;

*Question That the words "health care personnel" be as defined in the Interpretation to this Act, put and agreed to.*

"health care provider" means a person providing health services under Act of Law;

*Question That the words "health care provider" be as defined in the Interpretation to this Act, put and agreed to.*

"health establishment" means the whole or part of a public or private institution, facility, building or place, whether for profit or not, that is operated or designed to provide inpatient or outpatient treatment, diagnostic or therapeutic interventions, nursing, rehabilitative, palliative, convalescent, preventative or other health service under section 13;

*Question, That the words "health establishment" be as defined in the Interpretation to this Act, put and agreed to.*

"health research" includes any research which contributes to knowledge of:-

- (a) the biological, clinical, psychological or social processes in human beings;
- (b) improved methods for the provision of health services;
- (c) human pathology;
- (d) the causes of disease;
- (e) the effects of the environment on the human body;
- (f) the development or new application of pharmaceuticals, medicines and related substances; and
- (g) the development of new applications of health technology;

*Question, That the words "health research" be as defined in the Interpretation to this Act, put and agreed to.*

"health research ethics committee" means any committee established under section 35;

*Question, That the words "health research ethics committee" be as defined in the Interpretation to this Act, put and agreed to.*

"health services" means health care services that are preventive, protective, promotive, curative and rehabilitative in respect of physical mental and social well being;

*Question, That the words "health services" be as defined in the Interpretation to this Act, put and agreed to.*

"health technology" means machinery or equipment that is used in the provision of health services, but does not include medicine as defined in the Drugs and Related Products Registration etc Act. No. 19 of 1993;

*Question, That the words "health technology" be as defined in the Interpretation to this Act, put and agreed to.*

"health worker" means any person who is involved in the provision of health services to a user, but does not include a health care provider;

*Question, That the words "health worker" be as defined in the Interpretation to this Act, put and agreed to.*

"hospital" means a health establishment which is classified as a hospital by the Minister under section 13;

*Question, That the words "hospital" be as defined in the Interpretation to this Act, put and agreed to.*

"Minister" means the Minister charged with responsibility for matters relating to health;

*Question, That the word "Minister" be as defined in the Interpretation to this Act, put and agreed to.*

"National Council on Health" means the Council established by section 5:

*Question, That the words "National Council on Health" be as defined in the Interpretation to this Act, put and agreed to.*

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"National Health Policy" means all policies relating to issues of national health as approved by the Federal Executive Council on the advice of the National Council on Health through the Minister;

*Question, That the words "National Health Policy" be as defined in the Interpretation to this Act, put and agreed to.*

"National Health Research Committee" means the Committee established under section 34;

*Question, That the words "National Health Research Committee" be as defined in the Interpretation to this Act, put and agreed to.*

"National Health Research Ethics Committee" means the Committee established under section 35;

*Question, That the words "National Health Research Ethics Committee" be as defined in the Interpretation to this Act, put and agreed to.*

"National Health System" means the system within the Federal Republic of Nigeria, whether in the public or private sector, concerned with the financing, provision or delivery and regulation of health services;

*Question, That the words "National Health System" be as defined in the Interpretation to this Act, put and agreed to.*

"non-communicable disease" means a disease or health condition that cannot be contracted from another person, an animal or directly from the environment;

*Question, That the words "non-communicable disease" be as defined in the Interpretation to this Act, put and agreed to.*

"norm" means a statistical normative rate of provision or measurable target outcome over a specified period of time;

*Question, That the word "norm" be as defined in the Interpretation to this Act, put and agreed to.*

"NPHCDA" means the National Primary Health Care Development Agency established under section 11;

*Question, That the word "NPHCDA" be as defined in the Interpretation to this Act, put and agreed to.*

"Office of Standards Compliance" means the Office established under this Act;

*Question, That the words "Office of Standards Compliance" be as defined in the Interpretation to this Act, put and agreed to.*

"oocyte" means a developing human egg cell;

*Question, That the word "oocyte" be as defined in the Interpretation to this Act, put and agreed to.*

"organ" means any part of the human body adapted by its structure to perform any particular vital function, including the eye and its accessories, but does not include skin and appendages, flesh, bone, bone marrow, body fluid, blood or a gamete;

*Question, That the word "organ" be as defined in the Interpretation to this Act, put and agreed w.*

"Permanent Secretary" means the administrative head of the Federal Ministry of Health or a State Ministry of Health;

*Question, That the words "Permanent Secretary" be as defined in the Interpretation to this Act, put and agreed to.*

"premises" means any building, structure or tent together with the land on which it is situated and the adjoining land used in connection with it and includes any land without any building, structure or tent and any vehicle, conveyance or ship;

*Question, That the words "premises" be as defined in the Interpretation to this Act, put and agreed to.*

"prescribed" means prescribed by regulation made under section 62;

*Question, That the word "prescribed" be as defined in the Interpretation to this Act, put and agreed to.*

"primary health care services" means such health services as may be prescribed by the Minister to be primary health care services;

*Question, That the words "primary health care services" be as defined in the Interpretation to this Act, put and agreed to.*

"private health establishment" means a health establishment that is not owned or controlled by an organ of state;

*Question, That the words "private health establishment" be as defined in the Interpretation to this Act, put and agreed to.*

"public health establishment" means a health establishment that is owned or controlled by a government body;

*Question, That the words "public health establishment" be as defined in the Interpretation to this Act, put and agreed to.*

"rehabilitation" means a goal-orientated and time-limited process aimed at enabling impaired persons to reach an optimum mental, physical or social functional level;

*Question, That the word "rehabilitation" be as defined in the Interpretation to this Act, put and agreed to.*

"State Ministry" means any State Ministry responsible for health;

*Question, That the words "State Ministry" be as defined in the Interpretation to this Act, put and agreed to.*

"Statutory Health Professional Council" means a professional regulatory body established by an Act or Law,

*Question, That the words "Statutory Health professional Council" be as defined in the Interpretation to this Act, put and agreed to.*

"Technical Committee" means the committee under section 7;

*Question, That the words "Technical Committee" be as defined in the Interpretation to this Act, put and agreed to.*

"tertiary hospital" means a public or private hospital approved by the National Tertiary Hospital Commission to provide health services at a tertiary specialist level of care;

*Question, That the words "tertiary hospital" be as defined in the Interpretation to this Act, put and agreed to.*

"this Act" Includes any regulation made there under;

*Question, That the words "this Act" be as defined in the Interpretation to this Act, put and agreed to.*

"tissue" means human tissue, and includes flesh, bone, a gland, an organ, skin, bone marrow or body fluid, but excludes blood or a gamete;

*Question, That the word "tissue" be as defined in the Interpretation to this Act, put and agreed to.*

"use" in relation to tissue, includes preserve or dissect;

*Question, That the word "use" be as defined in the Interpretation to this Act, put and agreed to.*

"user" means the person receiving treatment in a health establishment, including receiving blood or blood products, or using a health service, and if the person receiving treatment or using a health service **is-**

- (a) below the majority age, "user" includes the person's parent or guardian or another person authorised by law to act on the first mentioned person's behalf; or incapable of taking decisions, "user" includes the person's spouse or, in the
- (b) absence of such spouse, the person's parent, grandparent, adult child, brother, **sister**, or another
- (c) person authorised by law to act on the first mentioned person's behalf;

*Question, That the word "Appropriate authority" be as defined in the Interpretation to this Act, put and agreed to.*

"zygote" means the product of the union of a male and a female gamete.

*Question, That the word "zygote" be as defined in the Interpretation to this Act, put and agreed to.*

*Committee's Recommendation:*

That the provision in Clause 66 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 66 do stand part of the Bill, put and agreed to.*

**Clause 67: Short Title:**

This Act may be cited as the National Health Act 2008.

*Committee's Recommendation:*

That the provision in Clause 67 be retained (*Senator Gyang D. Dantong*) — *Agreed to.*

*Question that Clause 67 do stand part of the Bill, put and agreed to.*

Chairman to report Bill.

**(SENATE IN PLENARY)**

The Deputy Senate President reported that the Senate in the Committee of the Whole, considered the Report of the Committee on Health on the National Health Bill 2008 and approved as follows:

|                 |                |            |
|-----------------|----------------|------------|
| Clauses 11 - 20 | As Recommended |            |
| Clauses 21-30   | As Recommended |            |
| Clauses 31-40   | As Recommended |            |
| Clauses 41- 51  | As Recommended |            |
| Clause 52       |                | As Amended |
| Clauses 53- 55  | As Recommended |            |
| Clause 56       |                | As Amended |
| Clauses 57- 59  | As Recommended |            |
| Clause 60       | As Deleted     |            |
| Clauses 62- 66  | As Recommended |            |
| Clauses 46- 49  | As Recommended |            |
| Clauses 50-51   | As Recommended |            |
| Clause 52       |                | As Amended |
| Clauses 53- 55  | As Recommended |            |
| Clause 56       |                | As Amended |
| Clauses 57- 59  | As Recommended |            |
| Clause 60       | Deleted        |            |
| Clauses 62- 64  | As Recommended |            |
| Clauses 65- 66  | As Recommended |            |
| Short Title     | As Recommended |            |
| Long Title      | As Recommended |            |

*Motion made:* That the Bill be read the third Time (*Senate Majority Leader*).

*Question put and agreed to.*

*Bill accordingly read the Third Time and passed.*

**Adjournment:**

*Motion made:* That the Senate do adjourn till Tuesday, 20th May, 2008 at 10.00 a.m. (*Senate Majority Leader*).

*Adjourned, accordingly at 12.15p.m.*

**Ike Ekweremadu. CFR,**  
*Deputy Senate President*