Article 1 **-Object.** This law aims to provide adequate protection for children against preventable immunisable diseases. To this end, the Executive Branch, through the Ministry of Public Health and Sanitation, will provide in the General National Budget the necessary resources for the free provision of the vaccines included in the Expanded Program of Immunization (DVI) and those new vaccines recommended by the World Health Organization (WHO).

This Act governs the selection, acquisition and availability of vaccines throughout the country in order to enable the State to ensure the health of the population, in compliance with constitutional obligations, the General Health Law/Policy, No. 0000, dated the xxday xxmonth, xxyear and the Code of Children and Young Persons Act No. 7739 of January 6, 1998.

Item Details

Article 2 **-Gratuity and effective access.** Guarantee that the entire population of Kenya has free access to all compulsory vaccines and vaccination, especially for children, immigrants, refugees, and those living in the areas located below the poverty line.

1. - Every child has the right to freely and promptly receive the vaccines
2. - Parents are obliged to guarantee the full implementation of the vaccination scheme for their children.
3. - All women of childbearing age have the right to promptly receive for free the vaccine against tetanus and diphtheria.

Article 3- Obligation. In accordance with this Act, vaccinations against disease is mandatory if deemed necessary by the National Commission on Vaccination and Epidemiology, which is created in this Act, in coordination with the Ministry of Public Health and Sanitation.

Licensed vaccines must be provided to the population, notwithstanding claims of economic rationale or lack of supply in public health institutions.

These vaccines approved relate to official basic scheme that applies to all people, and vaccines for special schemes aimed at specific risk groups.
The National Commission on Vaccination and Epidemiology must prepare an official list of vaccines to be included in the Regulations of this Act. The list may be reviewed and analyzed regularly adopting the frequent technological changes in this field.

Article 4°-Establishment and legal status of the National Commission on Vaccination and Epidemiology. The establishment of the National Commission on Vaccination and Epidemiology within the Ministry of Health, as a body with legal personality fully decentralized and instrumental.

Article 5°-Integration of the committee. The Commission shall consist of the following members:

a) The Minister of Health or his representative, who will preside.
b) The Head of the Health Surveillance from the Ministry of Health.
c) A representative of the Kenyan Paediatric Association.
d) A representative of the Department of Child Health
e) A representative of the Department of Infectious Diseases.
f) A representative of the National Children's Hospital.
g) A representative of Pharmacotherapy from the national hospital.

The members of this Committee shall serve ad honorem, and will meet usually once a month, and extraordinarily, when necessary. It shall designate the place and dates of meetings according to their discretion. The Commission must submit a semiannual report to health authorities in the country.

Article 6°-Functions. The Commission shall have the functions and objectives:

a) Ensure free access to all compulsory vaccines and their effective distribution to all
b) Formulate policy guidelines and general vaccination strategies applicable to the health sector.
c) Approve textbooks, educational materials and standards for immunization.
d) Coordinate national immunization programs on a regular basis, and extraordinarily, with the National Commission for Risk Prevention and Emergency Response, whenever an emergency is declared by this Commission.
e) Define, in conjunction with health authorities in the country, the vaccination schemes referred to in Article 3 of this Law
f) Monitor the quality and expiration of vaccines to ensure the required effects.
g) Manage the National Vaccine Fund.
h) Maintain a record of cases of infectious diseases, including epidemiological survey to detect the sources of infection.
i) Coordinate national immunization campaigns with the authorities of the health sector drawing on resource utilization that allows the current administrative structure.
j) Create the National Vaccine Bank.
k) Any other functions under this Act

Article 7°- Control and Surveillance. The National Commission on Vaccination and Epidemiology will be responsible for ensuring that the Ministry of Health, through the DVI, has
adequate systems for the storage, distribution and quality control of vaccines, thus maintaining good control of the expiration or maturity dates, ensuring that the immunological prophylactic effects for the population.

**Article 13.-National Immunization Day.** As part of the celebrations of World Health Day, every 7th of April is declared National Day of Vaccination, particularly directed to immunize children under xx years.

**Article 14.-Vaccination Campaigns.** Health authorities will develop educational campaigns in order to inform the public about the risk of lacking timely vaccination against diseases of possible prevention.

**Article 15.-Funding.** The Legislative Branch shall include annually in the National General Budget a special entry for the appropriation of sufficient resources to cover expenses of the complete traditional immunisation scheme.

The National Vaccine Fund is created to provide economic and financial resources to the National Commission on Vaccination and Epidemiology. The funding sources are:

a) The State may set aside annually in the National Budget Law, as assignable to the Ministry of Health and the Social Security Fund, items to ensure the provision of necessary and sufficient resources to meet the National Immunization Plan. Both institutions, as their means, shall include in their budget plans, the amounts needed to purchase vaccines and to cover the administrative costs generated by the vaccination programs.

b) In addition to the obligations imposed by law in this area, surpluses in the Social Security Fund, will go to the National Vaccine Fund—two (2%) of the surplus of Health Insurance. This does not take into account the surplus of the Disability, Old Age and Death of the Fund.

c) Donations made by pharmaceutical companies, health research and distributors, established in the Republic of Kenya or directly from their headquarters.

d) Intended donations by international organizations including GAVI and GFATM, the Rotary Fund, World Health Organization (WHO) and non-governmental agencies or bilateral cooperation.

**Article 16.-Relief from all types of taxes.** All imported and locally purchased vaccines, machinery necessary for its maintenance and transportation and all materials for immunization programs of the Ministry of Health are exempted from all taxes, surcharges and customs duties.

The Ministry of Health, in coordination with the Social Security Fund, define within the National Commission on Vaccination and Epidemiology, the list of vaccines for the exemption described and coordinate with the Executive to draw up the decree concerned.

Also, are exempted from all kinds of taxes vaccination campaigns to be disclosed in the mass media.
These exemptions are governed, as additionally, by the Law of all existing exemptions, the repeal and exceptions, No. xxxx, dated xday xxMonth xxyear.

**Article 17.-Regulation.** Based on the report of the National Commission on Vaccination and Epidemiology, the Ministry of Health will draw up the regulations for the purchase, storage, distribution, prescription, dispensing and control of the administration of vaccines, without prejudice administrative procedures of the Ministry. This proposed regulation will be sent for the consideration of the Executive Branch, which in exercising its powers, shall issue the decree.

**Article 18.-Repeals.** This Act repeals all legal provisions contrary to it. It does not repealing Section I of Chapter III of the General Health Law No. 5395 of October 30, 1973, or any other general rule established by that body vaccination policy.

**Article 19.-Public interest.** This Act is of public interest.

**Additional Clause I.** Within six months after the enactment of this Act, the Commission will focus on designing and planning the creation of the National Bank of vaccines referred to in Article 9 of this Act.

**Additional Clause II.-** The Transitional National Immunization Day will be held from the year following the enactment of this Act.

**Article 4.** The Ministry of Finance will enable a special account for the Ministry of Public Health and Sanitation-Division of Vaccines and Immunisation (DVI) and annually, not later than the month of XXX, shall transfer to it all the resources devoted to it in the budget.

These funds come from Source xx and may not be used for any other purpose than those provided for in this Law; nor may they be decreased or altered under any circumstance. Likewise, all donations to that effect received by the State shall be transferred to that account.

**Article 5.** This Law will come into effect as soon as it is promulgated and the Executive Branch shall include in the National General Budget of the following year all necessary resources for its implementation.

**Article 6.** The vaccination registry will be a mandatory requirement for the inscription of children in the Civil Registry and public and private schools. They shall certify that children received all the vaccines required according to their age. If the entities mentioned in this article do not comply with the provisions of this Act, they must communicate that fact to the Ministry of Public Health and Social Welfare, so that it may take the necessary measures to remedy the detected omission.

**Article 7.** Contact the Executive Brunch
Bill Approved by the Honorable Chamber of xxx, xx day of the month of xx of the year xxxx and by the Honorable xxxx, on the xx day of the month of xxx of the year xxxx, being approved as established in Article xxx of the National Constitution.

President of the Legislative Chamber: xxxx
Parliamentary Secretary: xxx
Vice-President in charge of the Presidency of the Senate: xxxx
Parliamentary Secretary: xxxx

Considered as Law of the Republic, it shall be published and inserted into the Official Gazette.

The President of the Republic
Minister of Public Health and Sanitation xxx