SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Wednesday, 22nd January, 2014

1. The Senate met at 10:33 a.m. The Senate President read prayers.

2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Tuesday, 21st January, 2014.

Question was put and the Votes and Proceedings were approved.

3. **Message from Mr President:**
The Senate President announced that he had received a letter from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

Confirmation of Appointment:

PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

January 17, 2014

Distinguished Senator David Mark, GCON
President of the Senate,
National Assembly Complex,
Three Arms Zone,
Abuja.

Yours Excellency,

REQUEST FOR CONFIRMATION OF APPOINTMENT OF A MEMBER OF THE GOVERNING BOARD OF THE INFRASTRUCTURE CONCESSION REGULATORY COMMISSION

Pursuant to the provisions of Section 15 (3) of the Infrastructure Concession Regulatory Commission (ICRC) (Established, etc) Act which stipulates that appointments to the Governing Board shall be subject to confirmation by the Senate. I write to forward the name of Col. Umaru Faruk Ahmed (rtd), from Katsina State, representing North West Geo-political Zone for consideration as a Member of the Governing Board of the ICRC.

It is my hope that this will receive the usual kind expeditious consideration of the Distinguished Senators of the Federal Republic of Nigeria.

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Please accept. Distinguished Senate President, the assurances of my highest consideration.

Yours Sincerely,
(Signed)
GOODLUCK EBELE JONATHAN

4. Announcements:

(a) Demise of Mama Mary Mbatuhwan Gemade:

The Senate President read a letter from Senator Barnabas A. I. Gemade (*Benue North-East*) as follows:

SENATOR BARNABAS A. I. GEMADE OFR, FNSE
(Nom Iyange U Tiv)
Benue North-East Senatorial District

NASS/7S/042/06/265 *6th January, 2014*

His Excellency.
Distinguished Sen. David A. B. Mark GCON,
President of the Senate,
National Assembly,
Three Arms Zone,
Abuja.

Your Excellency,

NOTIFICATION OF DEATH OF MAMA MARY MBATUHWAN GEMADE JP

I wish to inform you Mr. President and my Distinguished Colleagues of the sad passing on to glory of my Dear Mother, ***Mama Mary Mbatuhwan Gemade JP.***

Mama, *as she was fondly called, left to be with the Lord on 23rd December, 2013 at the age of 86, She was a devout Christian, a Pillar of the NKST, prominent leader of the NKST Women Fellowship and lived a life of selfless service to the less privileged members of the Society, culminating in her being a recipient of several awards.*

Mama Mbatuhwan Gemade, *was a highly dedicated wife and mother who nurtured a very large family and instilled the fear of God in all her Children. She, along with her late husband, Chief Gabriel Iyorhyer*

Gemade JP, *won the Benue State Government Social Development Award as the 2nd Best Couple in Benue State on the 15th day of May, 1998.*

Mama *has left behind, Ten (10) surviving Children, five Boys and five Girls among the twelve (12) Children she had in her lifetime. She has also left to mourn her, more than two dozen adopted Children who were living with her at the time of her demise.*

Her burial comes up on Saturday, 25th January, 2014 at Gemade Village, near Korinya in Konshisha Local Government Area. As a long standing friend of the Gemade family, we consider it necessary to keep you informed of this sad development.

Thank you and do accept the assurances of my highest consideration, please.

Sincerely,

(Signed)
Senator (Dr.) Barnabas A.I. Gemade OFR, FNSE
Nom Jyange U Tiv

Contacts:
Dr. E. 1. Gemade (Chairman, CPC) — 07083701948
Arc. T. Gemade (Member, CPC) — 08033138075
Hon. T. T. Anajav (Secretary, CPC) — 08036400670
Mr. T. Tion (Personal Assistant) — 08033153424

(b) Appreciation:
The Senate President read a letter from Senator Zaynab A. Kure (*Niger South*) as follows:

THE SENATE
FEDERAL REPUBLIC OF NIGERIA

Senator Zaynab A. Kure, CON
Niger South Senatorial District
Chairman, Senate Committee on Marine Transport

22nd January, 2014

Senator David A.B. Mark, GCON
President of the Senate,
National Assembly Complex,
Three Arms Zone,
Abuja.

Your Excellency Sir,

LETTER OF APPRECIATION

It is with utmost delight and high sense of honour that I wish to express my profound appreciation to you for your inestimable contribution towards a successful ceremony of the wedding of Ibrahim and Nafisa and for culminating your goodwill and generous acts by sending a worthy representative to the event.

May I also express same appreciation to all my distinguished colleagues for their goodwill, especially to those who made out time to grace the occasion with their esteemed presence.

It was so kind of you all as your support, presence and good wishes made the occasion much more memorable, exciting and a success. We will live to cherish the joy you brought to us and pray Allah to reward you all most abundantly.

Once again, please accept my appreciations and the assurances of my highest regards.

Yours truly,
(Signed)
Senator Zaynab A. Kure, CON

5. Petitions:

(*i*) Rising on Rule 41, Senator Nurudeen Abatemi-Usman *(Kogi Central)* drew the attention of the Senate to a petition by Simpa Nasir Bello alleging unlawful dismissal from Abuja University Teaching Hospital. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)].

(*ii*) Rising on Rule 41, Senator Olusola Adeyeye *(Osun Central)* drew the attention of the Senate to a petition by Dare Adebayo on unlawful termination of appointment by Federal Inland Revenue Service(FIRS). He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)].

6. Presentation of Bills:

(*i*) Cybercrime Bill 2014 (SB. 438) — *Read the First Time.*

(*ii*) Administration of Criminal Justice Bill 2014 (HB. 433) — *Read the First Time.*

(*iii*) Institute of Chartered Trustee, Nigeria (ICTN) (Establishment, etc.) Bill 2014 (HB. 93) — *Read the First Time.*

(*iv*) HIV and AIDS Anti-Discrimination Bill, 2014 (HB. 240) — *Read the First Time.*

(*v*) Federal Capital Territory Water Board (Establishment, etc.) Bill 2014 (HB. 293) — *Read the First Time.*

(*vi*) Economic and Financial Crime (EFCC) Act 2003 (Amendment) Bill 2014 (SB. 439) — *Read the First Time.*

(*vii*) Senatorial Projects Implementation Sensitivity Bill 2014 (SB. 440) — *Read the First Time.*

7. Motion:

Recent Shooting and Disruption of Political Rally in Port Harcourt, Rivers State:

Motion made: That the Senate notes with dismay that the nation has witnessed once again, a new dimension in disruption and obstruction of a political gathering and meetings of people in Port Harcourt, Rivers State capital;

deeply disturbed that on the 12th of January, 2014, the expected relative peace and calm the people of Rivers State were enjoying was sadly being interrupted by recent attack on the people of Obio/Akpo Local Government Area of Rivers State and its environs by the men of Rivers State Police Command who stormed the venue of a programme to inaugurate the Save Rivers Movement (SRM) and dispersed the peaceful crowd that gathered at Rivers State College of Arts and Science, with tear gas, sporadic gun shootings and other weapons of similar character;

further disturbed that a Distinguished Senator of the Federal Republic of Nigeria, Senator representing Rivers Central Senatorial District, Distinguished Senator Magnus Ngei Abe was shot at and hit with rubber bullets by the men of Nigeria Police who stormed the venue of the rally with unprecedented concentration of Armoured Personnel Carrier (APC) and heavy presence of men and officers of the Police;

aware that this well planned and premeditated attack on innocent citizens encourages criminal impunity, act of recklessness and lack of maturity on the part of men of Nigeria Police thereby cast doubt as to the capacity of our Security agencies to provide the much constitutional guaranteed rights to protection, freedom of association, freedom of movement and defending ordinary citizens regardless of political affiliation across the country;

observed that these grotesque out-scale Nigeria Police excesses to a peaceful rallies and political gathering especially in circumstances that lacks evidence of immediate threat to life and human safety, has enormous implication for the whole country at this moment of our socio-political life;

notes that Rivers State under the present leadership of the State Police Command has witnessed too many simultaneous attacks professionally unleashed on the ordinary citizens of Rivers State and its environs;

further observes that the increasing and continuous attack, disruption and arbitrary obstruction of any peaceful gathering in Rivers State, be it political, religious or civil meetings by any of our security agencies will further create more anxiety, panicking and eventual loss of confidence in the security system which are meant to protect and defend all and sundry; and

realizing that anxiety fed by what are now incidences of disruption of peaceful rallies and gathering is approaching a panic loss of confidence in our security needs of the people of Rivers State and other States in the Federation remain the primary purpose of government. It will be disastrous if those primary purposes are jettisoned and or abandoned.

Accordingly resolves to:

(*i*) condemn the unjustifiable disruption and interruption of the proposed peaceful rally and gathering of Save Rivers Movement (SRM) by the men of Rivers State Police Command occasioned by sporadic gun shootings and tear gases on the 12th of January, 2014 at Rivers State College of Art and Science in Obio/Akpo Local Government Area of Rivers State;

(*ii*) call on the Senate of the Federal Republic of Nigeria to immediately put in motion, the implementation of the Senate earlier resolution calling for the redeployment of the Rivers State Commissioner of Police, Mr. Mbu Joseph Mbu without any further delay;

(*iii*) call on the Senate of the Federal Republic of Nigeria to invite the Inspector General of Police, Abubakar Mohammed, to come and brief the Senate and give a situation report on the Rivers State crisis; and

(*iv*) condemn the Rivers State Police Command under the Commissioner of Police, Mr. Mbu, for ordering the shooting of a Distinguished Senator, Senator Magnus Ngei Abe with rubber bullets and those other victims of the attack on the 12th of January, 2014, at Rivers State College of Art and Science, Port Harcourt (*Senator Wilson A. Ake — Rivers West*).

Debate:

Proposed Resolution (i):

Question: That the Senate do condemn the unjustifiable disruption and interruption of the proposed peaceful rally and gathering of Save Rivers Movement (SRM) by the men of Rivers State Police Command occasioned by sporadic gun shootings and tear gases on the 12th of January, 2014 at Rivers State College of Art and Science in Obio/Akpo Local Government Area of Rivers State — *Agreed to.*

Proposed Resolution (ii):
Question: That the Senate do immediately put in motion, the implementation of the Senate earlier resolution calling for the redeployment of the Rivers State Commissioner of Police, Mr. Mbu Joseph Mbu without any further delay — *Negatived.*

Proposed Resolution (iii):
Question: That the Senate do invite the Inspector General of Police, Abubakar Mohammed, to come and brief the Senate and give a situation report on the Rivers State crisis — *Agreed to.*

Proposed Resolution (iv):
Question: That the Senate do condemn the Rivers State Police Command under the Commissioner of Police, Mr. Mbu, for ordering the shooting of a Distinguished Senator, Senator Magnus Ngei Abe with rubber bullets and those other victims of the attack on the 12th of January, 2014, at Rivers State College of Art and Science, Port Harcourt — *Negatived.*

Resolved:
That the Senate do:

(*i*) condemn the unjustifiable disruption and interruption of the proposed peaceful rally and gathering of Save Rivers Movement (SRM) by the men of Rivers State Police Command occasioned by sporadic gun shootings and tear gases on the 12th of January, 2014 at Rivers State College of Art and Science in Obio/Akpo Local Government Area of Rivers State; and

(*ii*) invite the Inspector General of Police, Abubakar Mohammed, to come and brief the Senate and give a situation report on the Rivers State crisis ***(S/Res/028/03/14).***

8. Committee on Health, Primary Healthcare:
Report on the National Health Bill 2014 (SB. 215):
Motion made: That the Senate do resolve into the Committee of the Whole to resume consideration of the Report of the Committee on Health, Primary Healthcare on the National Health Bill 2014 (*Adjourned Debates - Thursday, 7th November, 2013*)*(Senate Leader)*.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

RESUMED CONSIDERATION OF THE REPORT OF THE COMMITTEE ON HEALTH, PRIMARY HEALTHCARE ON A BILL FOR AN ACT TO PROVIDE 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, 2014.

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 Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

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

Clause 29: Access to Health Records by Health Care Provider.

(1) A health care provider may examine a user's health records for the purposes of—

(*a*) treatment with the authorization of the user; and

(*b*) study, teaching or research with the authorization 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 authorizations contemplated in that subsection.

Committee's Recommendation:
That the provision in Clause 29 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

Question that Clause 29 do stand part 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 unauthorized 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 ₦250,000.00 or both a fine and such imprisonment.

Committee's Recommendation:
That the provision in Clause 30 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *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 Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

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

PART 1V — NATIONAL HEALTH RESEARCH AND INFORMATION SYSTEM

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

(1) There shall be established by the Minister, a National Health Research Committee (in this Bill referred to as "the Research Committee").

(2) (*a*) 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.

(*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*) a Chairman who shall be an acknowledged health researcher and be accomplished and renowned in a health discipline.

(*b*) a secretary who shall be the Director of Health Planning and Research in the Federal Ministry of Health.

(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 appointment; 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 or in case of permanent incapacitation or death

(5) 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 agenda 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*) collate and document information on the research activities of public and private health establishments

(6) 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.

(7) 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.

Committee's Recommendation:
That the provision in Clause 32 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

Question that Clause 32 *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 by the National Health Research Ethics Committee

(*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 by the National Health Research Ethics Committee

(*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 Ifeanyi A. Okowa — Delta North*) — *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, a National Health Research Ethics Committee (in this Bill 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*) "one representative each of the Christian and Islamic faith"

(g) a community health worker;

(*h*) one researcher in the medical field;

(*i*) one researcher in the pharmaceutical field; and

(*j*) three other persons at least one of whom shall be a woman who in the opinion of the Minister are of unquestionable integrity

(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;

(b) "determine the extent of health research to be carried out by public and private health authorities".

(*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*) refer to the relevant statutory health regulatory body, matters involving the violation or potential violation of an ethical or professional rule by a health care provider

(*f*) advise the Federal Ministry of Health and State Ministries of 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.

Committee's Recommendation:
That the provision in Clause 34 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

Question that Clause 34 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.

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

Committee's Recommendation:
That the provision in Clause 35 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

Question that Clause 35 *do stand part of the Bill, put and agreed to.*

Clause 36: Coordination of National Health Management Information System (NHMIS).

(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 the health information systems at national, state and local government levels in order to create a comprehensive National Health Management 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 Ifeanyi A. Okowa — Delta North*) — *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 responsible for Health shall by this Bill establish a Committee for the FCT to maintain, facilitate and implement the health information system under section 35(1) of this Bill, at FCT and Area Council levels.

Committee's Recommendation:
That the provision in Clause 37 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

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

Clause 38: 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 35(1) of this Bill.

Committee's Recommendation:
That the provision in Clause 38 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

Question that Clause 38 *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 35(1) of this Bill; and

(*b*) ensure compliance with the provision of sub-section (1)(a) as a condition necessary for the grant or renewal of the Certificate of Standards.

(2) Any private health care provider that neglects or fails to comply with the provision of subsection(1) of this section shall be guilty of an offence and on conviction shall be liable to imprisonment for a term of six months or a fine of ₦100,000 or both

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

Committee's Recommendation:
That the provision in Clause 39 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

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

Clause 40: National Drugs Formulary and Essential Drugs List and Safety of Drugs and Food Supply.

(1) There shall be a compendium of drugs approved for use in health facilities throughout the Federation- (in this Bill referred to as the "Essential Drugs List") which shall be under the periodic review of the National Drugs Formulary, and Essential Drugs List Review Committee.

(2) Indigenous and local manufacture and production of as many items in the formulary as practicable shall be encouraged.

Committee's Recommendation:
That the provision in Clause 40 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

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

Clause 41: National Health Insurance Scheme.
It shall be the responsibility of the National Council on Health to ensure the widest possible catchments for the health insurance scheme throughout the federation or any part thereof.

Committee's Recommendation:
That the provision in Clause 41 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

*Question that Clause 4*1 *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 Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

Question that Clause 42 *do stand part 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 Ifeanyi A. Okowa — Delta North*) — *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;

(*c*) create new categories of health care personnel to be educated or trained in conjunction with the appropriate authority.

(*d*) identify shortages of key skills, expertise and competence within the national health system, and prescribe strategies which are not in conflict with any other existing legislation, for the"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 competence; and"

(*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 in conjunction with the National Council on Health

(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 in conjunction with the National Council on Health.

(*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 in conjunction with the National Council on Health; 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 Ifeanyi A. Okowa — Delta North*) — *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 cadres in the health services of the Federation.

Amendment Proposed:
Leave out the provision in sub-clause 45(1) (*Senator Ita S. J. Enang — Akwa Ibom North-East*).

Question that the amendment be made put and agreed to.

(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 on Health (*Senator Ifeanyi A. Okowa — Delta North*).

Amendment Proposed:
Leave out the provision in sub-clause 45(3) (*Senator Ita S. J. Enang — Akwa Ibom North-East*).

Question that the amendment be made put and agreed to.

Question that Clause 45 *as amended 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 in collaboration with Ministry of Labour and Productivity 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(*Senator Ifeanyi A. Okowa — Delta North*).

Amendment Proposed:
Leave out the provision in Clause 46 (*Senator Ita S. J. Enang — Akwa Ibom North-East*).

Question that the amendment be made put and agreed to.

Clause 47: Industrial Dispute.

(1) Without prejudice to the right of all cadres 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 relevant law.

(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 shall apply all reasonable measures to ensure a return to normalcy of any such disruption within fourteen days of the occurrence thereof.

Committee's Recommendation:
That the provision in Clause 47 be retained (*Senator Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

Question that Clause 47 *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 medical check-up, investigation or treatment anywhere within and outside Nigeria no public officer of the government of the Federation or any part thereof shall be sponsored for medical check-up, investigation or treatment abroad at public expense except in exceptional cases on the recommendation and referral by the medical board and which recommendation or referral shall be dully 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 Ifeanyi A. Okowa — Delta North*) — *Agreed to.*

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

Further consideration of Bill deferred to another Legislative Day.

Chairman to report Progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole resumed consideration of the Report of the Committee on Health, Primary Healthcare on the National Health Bill 2014 and approved as follows:

Clauses 28 - 44	—	As Recommended
Clauses 45 - 46	—	As Amended
Clauses 47 - 48	—	As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Further consideration of Bill deferred to another Legislative Day.

9. **Committee on Police Affairs:**
Report on the Investigation into Cruelty to Infants:

Consideration of Report deferred to another Legislative Day.

10. **Chartered Institute of Management Accountants (Establishment, etc.) Bill 2014 (HB.46):**

Consideration of Bill deferred to another Legislative Day.

11. **Conciliation and Arbitration Commission (Establishment, etc.) Bill 2014 (HB. 99):**

Consideration of Bill deferred to another Legislative Day.

12. **Chartered Institute of Local Government and Public Administration of Nigeria (Establishment, etc.) Bill 2014 (HB. 17):**

Consideration of Bill deferred to another Legislative Day.

President,
Senate of the Federal Republic of Nigeria.