

**A LAW TO ESTABLISH THE KADUNA STATE HEALTH SUPPLIES
MANAGEMENT AGENCY 2018**

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**A LAW TO ESTABLISH THE KADUNA STATE HEALTH SUPPLIES
MANAGEMENT AGENCY 2018**



Kaduna State of Nigeria

Law No.²⁷..... 2018

(^{1st} December 2018)

Date of Commencement

BE IT ENACTED by the House of Assembly of Kaduna State as follows: Enactment

PART I

PRELIMINARY

1. This Law may be cited as the Kaduna State Health Supplies Management Agency Law, 2018. Short Title
2. This Law shall come operation on the.....^{1st}.....day of.....^{December}.....2018. Operation
3. In this Law unless the context otherwise requires: Interpretation

"Agency" means the State Health Supplies Management Agency established under Section 4 of this Law;

"Board" means the Governing Board established under Section 5 of this Law;

"Chairman" means the Chairman of the Board;

"Commissioner" means the Commissioner responsible for Health and Human Services in the State;

"Emergency situation" includes outbreak of an epidemic and such other situations that require immediate attention;

"Governor" means the Governor of Kaduna State;

"Health Institutions" means public and private hospitals, primary health centres and clinics;

"Health Professions" means medical, nursing, pharmacy and other health related professions;

"Health Supplies" means Pharmaceutical Medical devices, Hospital Consumables, Clinical Laboratory Consumables and Medical Equipment used in preventions, diagnosis, Mitigations and Treatment of Health Conditions.

"Member" means a member of the Governing Board and includes the Chairman;

"Public Health Institutions" include all Government Hospitals and Clinics in the State; and

"State" means Kaduna State of Nigeria;

"Supply Chain" means global network used to deliver products and services from raw materials to end users through an engineered flow of information, physical distribution and cash;

"Supply Chain Management" means the design, planning, execution, control and monitoring of supply chain activities of creating net value, building a competitive infrastructure, leveraging worldwide logistics, synchronizing supply with demand and measuring performance globally.

PART II

ESTABLISHMENT AND COMPOSITION OF THE AGENCY

4. (1) There is hereby established for the State an Agency to be known as the Kaduna State Health Supplies Management Agency (hereinafter referred to as the Agency).

Establishment of the Agency

- (2) The Agency shall be a body corporate with perpetual succession and a common seal.
- (3) The Agency may sue and be sued in its corporate name and may acquire, and hold movable and immovable property.
5. The Agency shall have a Governing Board with members to be appointed by the Governor as follows: Governing Board
- (1) A Chairman;
 - (2) A representative of the Ministries responsible for:
 - (i) Health and Human Services;
 - (ii) Justice;
 - (iii) Finance;
 - (iv) Local Government.
 - (3) One representative from the following professional bodies:
 - (i) Medical and Dental Council of Nigeria;
 - (ii) Nursing and Midwifery Council of Nigeria;
 - (iii) Pharmacist Council of Nigeria; and
 - (iv) Medical Laboratory Science Council of Nigeria.
 - (4) A representative from each of the three Senatorial Zones in the State at least one of whom shall be a woman; and
 - (5) The Executive Secretary, Who shall serve as secretary to the Board.
6. The Chairman and other members other than ex-officio members of the Board shall hold office for a period of four (4) years and shall be eligible for re-appointment for another four (4) year period only. Appointment of members of the Board
7. The remuneration of the members shall be determined by the Governor. Remuneration

8. The office of a member of the Board shall become vacant if: Vacancy
- (1) He resigns his appointment by notice in writing addressed to the Governor;
 - (2) He is convicted of an offence involving fraud or dishonesty or has committed an offence amounting to gross misconduct;
 - (3) Becomes incapable of discharging his duties due to infirmity of mind or body; and
 - (4) He is adjudged bankrupt.
9. The Board may co-opt any person whose advice on any particular matter may be desirable and the person while so co-opted shall have all the powers of a member save that he shall not be entitled to vote nor his presence counted towards a quorum. Co-option
10. (1) The Governor shall appoint for the Agency a professional with cognate experience in Supply Chain Management as the Executive Secretary. Executive Secretary
- (2) The Executive Secretary shall be the Chief Executive and accounting officer of the Agency and shall be responsible for the administration and the execution of the policies of the Board.
 - (3) The Executive Secretary shall report to the Commissioner quarterly on the activities of the agency.
 - (4) The Executive Secretary shall hold office for five (5) years and may be eligible for re-appointment for another five (5) years only.
11. The staff of the Agency shall be public servants of Kaduna State, and be paid subject to the conditions of service of the State. Staff of the Agency

PART III
POWERS AND FUNCTIONS OF THE AGENCY

12. The Agency shall perform the following functions: Functions of the Agency
- (1) Manufacture, select, quantify, source, store and distribute health supplies to end users through the health institutions

in the State, or such health institutions as may be approved by the Commissioner;

- (2) Provide quality assurance systems for all health supplies procured, distributed in accordance with the regulatory requirements for safety, efficiency and rational use by end users;
- (3) Training and capacity development on health supply chain management to public health institutions;
- (4) Generate, collect, validate, manage, distribute and provide data on health supplies, selection, quantification, procurement, distribution, availability for the use in the State.
- (5) Perform such other functions as may be incidental to the realization of the above objectives as may be assigned by the Governor.

13. All public health institutions in the State shall purchase health supplies from the Agency except;

Health supplies

- (1) Where such health supplies are not readily available; or
- (2) Where there is an emergency situation.

14. The Agency shall have powers to:

Powers of the Agency

- (1) Regulate and co-ordinate all health supply chain operations in the State;
- (2) Employ, train, promote and discipline its staff;
- (3) Establish a zonal office in each of the three Senatorial Zones in the State;
- (4) Award such contracts as may be approved by the Board; and
- (5) Do such other things as may be expedient for the purpose of carrying out the functions of the Agency.

PART IV

FINANCIAL PROVISIONS

15. (1) There shall be a fund for the Agency into which all monies shall be paid and out of which all expenses shall be defrayed. Fund
- (2) The funds of the Agency shall consist of:
- (i) Grants from the State Government;
 - (ii) Revenue accruing from investments and property;
 - (iii) Revenue accruing from execution of supply chain medical supplies; and
 - (iv) Other approved sources.
16. The Agency shall cause to be prepared and submitted to the Commissioner not later than 30th June of each year, an estimate of its expenditure and income for the succeeding year. Accounts of the Agency
17. The Agency shall cause to be kept proper books of accounts in respect of each year and proper records in relation thereto, and shall cause the accounts to be audited not later than 3 months after the end of each year by Auditors appointed in accordance with the guidelines approved by Auditor General of the State. Audit and Account of the Agency
18. The Board shall not later than four (4) months immediately following the end of the year: Annual Reports
- (i) Submit to the Commissioner, a report on the activities and administration of Authority for the preceding year and shall include in the report the audited accounts of the Authority and the Auditor's report on the accounts; and
 - (ii) Publish the Audited Annual Accounts, Auditors report on the Accounts and reports on the activities of the Agency on the State Government Website.

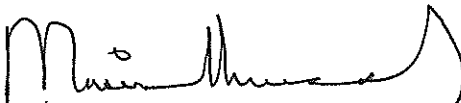
PART V

MISCELLANEOUS

19. Subject to the provisions of this Law, the Governor may give to the Board such directives of a general or specific nature in relation to the performance of the Agency or any of its functions under this law and it shall be the duty of the Agency to comply with such directives. Specific and General Directives
20. The Board shall subject to the approval of the Executive Council make such regulations as may be necessary or expedient for carrying into effect the provisions of this Law. Regulations
21. The common seal of the Agency shall be authenticated by the signatures of the Chairman and Executive Secretary or of those members generally or specifically authorized in that behalf by the Board. Seal of the Agency
22. Any document purporting to be a Contract Agreement, an Instrument or any other document signed or sealed on behalf of the Agency shall admissible in evidence unless the contrary proved. Evidence
23. The validity of any proceedings of the Board or Committee shall not be affected by: Proceedings
- (1) Any vacancy in the membership of the Board or Committee;
 - (2) A defect in the appointment of a member of the Board of Committee;
 - (3) Reason that a person though not entitled, took part in the proceedings of the Board or Committee.
24. The quorum of the Board shall be a simple majority of the members of the Board. Quorum
25. (1) The Board shall meet not less than four times in a year or such number of times as it may consider necessary. Meetings
- (2) The Board shall, if required by notice given by not less than six members, convene emergency meeting of the Board to be held within 14 days from the date the notice is given.

26. The rights, interests, obligations, assets and liabilities of the Kaduna State Drugs and Medical supplies Management Agency before the commencement of this Law, any contract or instrument whether in Law or equity shall by virtue of this Law and without further assurance be vested in the Agency. Savings
27. The Kaduna State Drugs and Medical Supplies Management Agency Law, 2008 is hereby repealed. Repeal

DATED AT KADUNA this1st..... day ofDecember..... 2018.


Malam Nasir Ahmad el-Rufa'i, OFR
Governor, Kaduna State.


EXPLANATORY NOTE

(This note is not part of this Law and has no legal effect).

The purpose of this Law is to establish the Kaduna State Health Supplies Management Agency, Law 2018.

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.


HON. AMINU ABDULLAHI SHAGALI
(Speaker)


BELLO ZUBAIRU IDRIS Esq.
(Clerk to the Legislature)