



# KANO STATE FREE MATERNAL AND CHILD HEALTHCARE LAW

2023  
(1444 A.H)



RESOURCE CENTRE FOR HUMAN  
RIGHTS & CIVIC EDUCATION  
(CHRICED)



# **KANO STATE FREE MATERNAL AND CHILD HEALTHCARE LAW 2023 (1444 A.H)**

# KANO STATE FREE MATERNAL AND CHILD HEALTHCARE LAW 2023 (1444 A.H)

## A LAW TO PROVIDE FOR FREE MATERNAL AND CHILD HEALTHCARE IN THE STATE AND FOR OTHER MATTERS RELATED THERETO.

The Kano State House of Assembly Enact as  
follows:

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| <b>Citation<br/>and<br/>Commence<br/>ment</b> | 1. | This Law may be cited as the Kano State Free Maternal and Child Healthcare Law, 2023 (1444 A.H) and shall come into operation on 10th day of May 2023 (1444 A.H).  |
| <b>Interpretation</b>                         | 2. | In this Law, unless the context otherwise requires:<br><br>“ <b>Antenatal Care</b> ” includes the correct diagnosis of pregnancy, followed by periodic examinations, screening and management of complications |

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during pregnancy;

**“Child”** means a person between 0-59 months;

**“Governments”** means both the Government of Kano State and the Local Government Councils of Kano State.

**“Guardian”**, in relation to a child, includes any person who, in the opinion of the court having cognizance of any case in relation to the child or in which the child is concerned, has for the time being the charge of or control over the child;

**“Informed Consent”** means consent obtained from a patient., parents, guardian or relative freely, without threat, deceit or improper inducement, after receiving adequate and understandable information in the form and language understood by the patient, parent, guardian or relative;

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**“Informed Decision”** means a voluntary decision by a patient to use or not to use a contraceptive or any other methods in regulating the spacing and timing of births of the children, after receiving adequate information regarding the advantages and disadvantages of all the available methods;

**“Maternal Healthcare”** means healthcare of a woman during pregnancy, childbirth and forty-two days after childbirth;

**“Maternal Healthcare Facility”** means a facility designated by the governments and approved by the relevant authorities for the purpose of providing free maternal healthcare;

**“Maternal Healthcare Provider”** means any person or institution authorised by any law to provide

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and deliver maternal healthcare services;

**“Medical Practitioner”** means a person duly registered as a medical practitioner by the Medical and Dental Council of Nigeria pursuant to Medical and Dental Practitioners Act Cap M8 Laws of Federation of Nigeria 2004;

**“Nurse and Midwife”** means a person duly registered as a nurse or a midwife under the Nursing and Midwifery (Registration etc.) Act. Cap. N143, Laws of the Federation -of Nigeria, 2004;

**“Pregnancy”** means the presence of a foetus in the womb;

**“Post-natal”** means the continuation of medical examination and prescription of relevant drugs to a mother and

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her child.

**“Reproductive Health”** means a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and process;.

**“Right to safe Motherhood”** means the right to access information and quality service by women throughout pregnancy and childbirth with the desired outcome of a live and healthy mother and baby;

**“Termination of Pregnancy”** means the separation and expulsion by medical or surgical means, of the contents of the uterus of a pregnant woman before the foetus has become

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|                            |    | capable of sustaining an independent life outside the uterus.   |
| <b>Object and purposes</b> | 3. | <p>The objects and purposes of this law are-</p> <ol style="list-style-type: none"> <li>1. To achieve a substantial reduction in maternal mortality and child in Kano State</li> <li>2. To provide a legal framework for the promotion and advancement of maternal and child healthcare, safe motherhood and comprehensive child care.</li> <li>3. To ensure the accessibility of qualitative and comprehensive maternal and child healthcare to women and children in Kano State.</li> </ol> |



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| <b>Free maternal and child healthcare</b> | <p>4. (1) From the commencement of this Law, Kano State Government in conjunction with the Local Government Councils shall. provide and fund free maternal and child healthcare in Kano State.</p> <p>(2) Provide financing for the costs of medicines; materials, micronutrients, supplies, basic laboratory and complementary tests for the care of pregnant women, newborn, infants, and children under the age of five years.</p> <p>(3) To guarantee access to Seven (7%) from the Ten (10%) allocated to maternal and child health care service in the Kano Slate Health Trust Fund Law, to be utilised for Free maternal services and child</p> |
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care under this law.

(4) without prejudice to the provision of Section 3 of the National Primary Health Care Development Agency Act Cap N2 Laws of the Federation of Nigeria 2004 Governments shall designate at least:

- a) free antenatal care and other illnesses in pregnancies including routine laboratory investigations and drugs.
  - b) Provide pregnant women with access to necessary and timely antenatal care services regardless of the level of complexity for one year.
  - c) Free healthcare for new born, infants and children under five years.
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- d) free delivery services.
  - e) free caesarean section (elective and emergency).
  - f) free termination of ectopic pregnancy.
  - g) free treatment for obstetric complications.
  - h) Free ambulance services to be facilitated by the community.
  - i) Free post-natal and child care services.
  - j) Provide basic treatment for sexually transmitted diseases.
  - k) Provide free and accessible emergency obstetric care, including treatment for domestic violence.
  - l) Provide all necessary and appropriate care, regardless of complexity, to newborn and infants for
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|   |    | <p>a minimum of one year and a maximum of 59 months.</p> <p>m) Provide comprehensive Care Strategy for the Management of Childhood Illnesses, and all complications.</p>  |
| <b>Maternal and child healthcare provider</b> | 5. | <p>(1) Maternal and child healthcare shall be provided by:</p> <ol style="list-style-type: none"> <li>1. Medical practitioner;</li> <li>2. Nurses;</li> <li>3. Midwives;</li> <li>4. Allied health professionals; and</li> <li>5. Community health Workers.</li> </ol> <p>(2) The Governments shall provide the maternal and child healthcare providers with adequate and functional medical equipment.</p> |

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| <b>Spacing<br/>and timing<br/>of birth</b> | 6. 1) Governments shall provide adequate staff and facilities for counselling, information and education for spacing and timing of child birth.<br><br>2) The maternal and child healthcare provider must adequately inform the person to whom subsection (1) of this section applies, the advantages and disadvantages of the timing and spacing of birth, in order to obtain an informed consent of that person, before prescribing the prepared and suitable method of child spacing to that person.<br><br>3) The person to whom this section applies is entitled to receive the above-mentioned services with all other |
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relevant material that goes with the chosen method, free of charge.

- 4) The maternal and child healthcare provider or any other person who possesses information by virtue of subsection (1) of this Section shall not divulge such information to any person unless as provided by this Law.
- 5) A person who contravenes the provision of subsection (4) of this section commits an offence and is liable on conviction to a fine not exceeding N 100.000, or to imprisonment for a term not exceeding one year or both.

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| <b>Ante-natal care services</b>  | 7. | Every designated maternal and child, healthcare facility shall provide free ante-natal care, which will cover routine medical examinations of pregnant women.  |
| <b>Assisted vaginal delivery</b> | 8. | (1) There shall be adequate and functional equipment both, for forceps delivery and vacuum extraction in every designated maternal healthcare facility, for the purpose of free assisted vaginal delivery,<br>(2) The governments should employ or deploy trained maternal and child healthcare personnel in all the designated facilities that could operate the equipment mentioned in subsection (1) above. |
| <b>Caesarean section</b>         | 9. | (1) Whenever a medical practitioner is of the opinion that the pregnant woman cannot deliver either through  |

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|                          |     | <p>self-delivery or assisted vaginal delivery, may recommend for caesarean section.</p> <p>(2) The caesarean section so recommended by a physician shall be carried on the pregnant woman free of charge.</p> <p>(3) The governments shall provide adequate and functional instrument and equipment as well as competent maternal and child healthcare providers in all the designated maternal and child healthcare facilities, for. the purpose of carrying out the caesarean section on pregnant women.</p> |
| <b>Ectopic pregnancy</b> | 10. | <p>(1) Whenever a medical practitioner is of the opinion that the pregnancy of the women occurs outside the uterine cavity, then such pregnancy becomes an</p>   |



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|                                 |    | <p>ectopic pregnancy, which requires prompt and proper medical attention.</p> <p>(2) It shall be the responsibility of the governments to provide adequate and competent maternal health providers in all the designated facilities, to ensure proper handling of the ectopic pregnancy mentioned in subsection (1) above which include the application of section 11 of this law.</p> |
| <b>Termination of pregnancy</b> | 11 | <p>(1) A pregnancy may be terminated if a medical practitioner, after consultation with the pregnant woman, is of the opinion that -</p> <p>(a) It is difficult to manage the ectopic pregnancy; or</p> <p>(b) The continuation, of the pregnancy would endanger the health of the mother; or</p>  |

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(c) As a result of the pregnancy the life or health of the mother is in danger.

Provided that the medical practitioner shall offer nonmandatory and non-directive counselling, before and after the termination of the pregnancy.

(2) subject to section 11 (1) above, termination of pregnancy shall take place -

(a) only with the consent of the pregnant woman;

(b) in the case of a pregnant minor or mentally Unstable person, after consultation with the parents, guardian or such other persons with parental responsibility over the said. minor or mentally unstable person,

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|                            |     | <p>but in any case, their best interest of shall prevail.</p> <p>(c) in the case of emergency situation after consultation with the husband or close relative of the pregnant woman.</p>  |
| <b>Ambulance services.</b> | 12. | <p>(1) There shall be at least one ambulance suitable to the location of the town/village in all the designated maternal and child healthcare facilities to be facilitated and coordinated by the community under the leadership of the community leader.</p> <p>(2) The ambulances shall run a free ambulance service for all pregnant and expectant mothers within the area, of coverage of such maternal healthcare facility where the ambulance is stationed.</p> |

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| <b>Post-natal and child care services</b>    | <p>13. (1) Every designated maternal healthcare facility shall provide:-</p> <ul style="list-style-type: none"> <li>(a) free post-natal care for the mother for up to 6 weeks</li> <li>(b) Free child care for up to 5.9 months of the delivery.</li> </ul> <p>(2) The free care shall cover: -</p> <ul style="list-style-type: none"> <li>(a) Routine medical examinations of both the mother and her child/children;</li> <li>(b) Prescription and administration of free drugs to both the mother and her child/children during the post-natal period.</li> </ul> |
| <b>Establishment of Consultative Council</b> | <p>14. (1) There is hereby established under the supervision of the Ministry of Budget and Planning a body to be known as “Free Maternal and Child Health Consultative Council” (in</p>  |

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|                                | <p>this law referred to as “the Council”) for the administration and management of this Law in Kano State.</p> <p>(2) The Council;</p> <p>(a) shall be a body corporate with perpetual succession and common seal;</p> <p>(b) may sue and be sued in its corporate names, and-</p> <p>(c) May acquire, hold or dispose of any movable or immovable property for the purpose of its functions under this Law, with approval of the Governor.</p> |
| <b>Function of the Council</b> | <p>15. The Council shall be responsible for the overall administration and the day-to-day management of the funds allocated for the provision of the free maternal health, care services in Kano</p>  |

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|  | State and all the Local Government Council.  |
| <b>Appointment, composition of the Council</b> | <p>16. The members of the Council shall be appointed by the Governor subject to the confirmation of the State Assembly and shall consist of:-</p> <ul style="list-style-type: none"> <li>(a) Chairman who shall; - <ul style="list-style-type: none"> <li>(i) be a person of proven integrity, ability and knowledge in health administration, and</li> <li>(ii) Have qualification and experience required for the performance of the functions of that office; and</li> </ul> </li> <li>(b) 3 persons, one from each of the three Senatorial Zones in the State;</li> <li>(c) A representative each of the following State Ministries who shall not be below the rank of a Director: - <ul style="list-style-type: none"> <li>(i) Health,</li> </ul> </li> </ul> |

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|   |     | <ul style="list-style-type: none"> <li>(ii) Finance,</li> <li>(iii) Women Affairs,</li> <li>(iv) Justice, and</li> <li>(v) Local Government.</li> </ul> <p>(d)1 representative from incorporated Civil Society Organization</p> <p>(e)2 representatives from Health Professional Bodies</p> |
| <b>Tenure of office of the members of the council</b> | 17. | The members of the Council other than the six ex- officio members shall hold office for a term of 4 years in the first instance and may be eligible for a further term of 4 years and no more;  |
| <b>Remuneration of members of the council</b>         | 18. | Members of the Council shall be paid remuneration as the Governor may, from time to time determine.   |
| <b>Sources of Funds</b>                               | 19. | <p>The funds for the implementation of this Act shall consist of:</p> <p>(1) Budgetary allocation;</p>  |

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(2) Grant/Intervention from Government;

(3) Statutory allocation from the Kano State Healthcare Trust Fund; and

(4) Support from Development Partners, Philanthropist and any other grants.

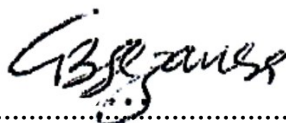
Provided that the conditions or terms of such donations, gifts, grants, endowments, or pledges did not contravene the provisions of this law.

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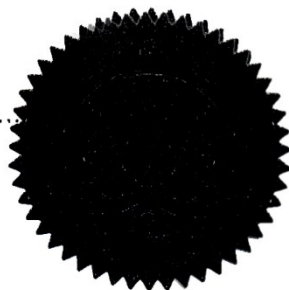


**AUTHENTICATION BY THE CLERK TO  
THE HOUSE**

THIS PRINTED IMPRESSION HAS BEEN  
CAREFULLY COMPARED BY ME WITH THE BILL  
**KANO STATE FREE MATERNAL AND CHILD  
HEALTH CARE LAW, 2023 (1444 A.H)** WHICH  
WAS PASSED BY THE HOUSE OF ASSEMBLY  
AND FOUND BY ME TO BE A TRUE AND  
CORRECTLY PRINTED COPY OF THE SAID BILL



.....  
**GARBA BAKO GEZAWA**  
**CLERK/HEAD OF LEGISLATIVE**  
**SERVICE KANO STATE HOUSE**  
**OF ASSEMBLY**



ASSENTED TO THIS:

20<sup>th</sup> DAY OF Shawwal .....1444 AH

10<sup>th</sup> DA OF May: ..... 2023



**DR. ABDULLAHI UMAR GANDUJE (OFR)**  
**EXECUTIVE GOVERNOR**  
**KANO STATE**

