



2026 South Dakota Legislature

House Bill 1068

Introduced by: **Representative Andera**

1 **An Act to authorize the dispensing of ivermectin and hydroxychloroquine under a**
 2 **written protocol developed by a physician.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That a NEW SECTION be added to chapter 36-4:**

5 A physician, acting in good faith in accordance with section 2 of this Act, is not
 6 criminally or civilly liable, or subject to disciplinary or adverse action from the State Board
 7 of Medical and Osteopathic Examiners, except if the physician's actions constitute gross
 8 negligence or willful misconduct.

9 **Section 2. That a NEW SECTION be added to chapter 36-11:**

10 A pharmacist may dispense ivermectin or hydroxychloroquine to an individual who
 11 is eighteen years or older in accordance with a written protocol, developed by a physician
 12 licensed in accordance with chapter 36-4, containing a non-patient-specific prescriptive
 13 order. The written protocol must address providing the individual with:

14 (1) A screening risk assessment tool for each drug; and

15 (2) Information on:

16 (a) Indications and contraindications for the use of the drug;

17 (b) The appropriate method for using the drug; and

18 (c) Evaluating and treating adverse events.

19 The pharmacist shall retain a copy of the written protocol at the pharmacist's place
 20 of practice.

21 **Section 3. That a NEW SECTION be added to chapter 36-11:**

22 A pharmacist, acting in good faith in accordance with section 2 of this Act, is not
 23 criminally or civilly liable, or subject to disciplinary or adverse action from the board,
 24 except if the pharmacist's actions constitute gross negligence or willful misconduct.