

2026 South Dakota Legislature

House Bill 1068**AMENDMENT 1068A
FOR THE INTRODUCED BILL**

1 **An Act to authorize the dispensing of ivermectin and hydroxychloroquine under a**
2 **written protocol developed by a ~~physician~~ health care provider, and to provide**
3 **liability protection therefor.**

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

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

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

10 **Section 1. That a NEW SECTION be added to chapter 36-11:**

11 A pharmacist may dispense ivermectin or hydroxychloroquine to an individual who
12 is eighteen years or older in accordance with a written protocol, developed by a ~~physician~~
13 ~~licensed in accordance with chapter 36-4~~ licensed health care provider acting within the
14 ~~provider's scope of practice~~, containing a non-patient-specific prescriptive order. The
15 written protocol must address providing the individual with:

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

17 (2) Information on:

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

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

20 (c) Evaluating and treating adverse events.

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

23 A pharmacist, acting in good faith in accordance with this section, is not criminally
24 or civily liable, or subject to disciplinary or adverse action from the board, except if the
25 actions constitute gross negligence or willful misconduct.

1 Any other health care provider, acting in good faith in accordance with this section,
2 is not criminally or civilly liable, or subject to disciplinary or adverse action from the
3 provider's licensure board, except if the actions constitute gross negligence or willful
4 misconduct.

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

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