

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 **~~civilly 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 civilly 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.