

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 42

By Senator Rucker

[Introduced January 14, 2026; referred
to the Committee on Health and Human Resources;
and then to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §30-5-37, relating to pharmacists; authorizing ivermectin without a
3 prescription; clarifying liability and disciplinary action for pharmacists; authorizing rules;
4 and establishing severability.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS

AND

PHARMACIES.

§30-5-37. Over-the-counter sale of Ivermectin; protections for pharmacists.

1 (a) Authorization to dispense Ivermectin without a prescription:

2 (1) Notwithstanding any other provision of this code, a licensed pharmacist may dispense
3 Ivermectin for human use to a patient without requiring a prescription from a licensed healthcare
4 provider;

5 (2) The pharmacist shall provide the patient with the FDA-approved patient information
6 sheet on Ivermectin at the time of sale; and

7 (3) No consultation with a pharmacist or other healthcare provider is required for the sale or
8 purchase of Ivermectin.

9 (b) Pharmacist and healthcare provider protections:

10 (1) A pharmacist who dispenses Ivermectin in accordance with this section shall not be
11 liable for damages in any civil action, criminal prosecution, or professional disciplinary proceeding
12 for dispensing Ivermectin under this section, provided that the pharmacist acts in good faith and in
13 accordance with applicable laws and professional standards; and

14 (2) A healthcare provider shall not be subject to disciplinary action by any licensing board
15 or other state regulatory agency for prescribing or recommending the use of Ivermectin for any
16 condition within their scope of practice.

17 (c) Regulation and Compliance:

18 The West Virginia Board of Pharmacy may establish rules to implement this section in
19 accordance with the provisions of §29A-3-1 *et seq.* of this code.

20 (d) *Severability:*

21 If any provision of this section or its application to any person or circumstance is found to
22 be invalid, the remainder of this section and its application to other persons and circumstances
23 shall not be affected.

NOTE: The purpose of this bill is to enable pharmacists to dispense Ivermectin for human use without a prescription.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.