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MEMORANDUM

To: Monica Harris, Executive Director
Reaching Across Illinois Library System

From: Julie A. Tappendorf
Erin M. Monforti

Subject: New Legislation Requiring Local Libraries to Stock Opioid Antagonists

Date: August 8, 2025

On August 1, 2025, Governor Pritzker signed Public Act 104-0056 (the *Act*) into law, following its unanimous approval by both chambers of the Illinois General Assembly earlier this summer. The Act amends the Local Library Act¹ to require all “libraries open to the public” to maintain a supply of approved “opioid antagonists” for use in assisting individuals experiencing an opioid overdose. The Act will become effective on January 1, 2026.

This memo provides an overview of the Act and answers several questions we anticipate will be raised by members of the Reaching Across Illinois Library System (*RAILS*) as they evaluate the Act and options for complying with its requirements.

A. Summary of Public Act 104-0056

As noted above, the Act requires that Illinois libraries open to the public maintain a supply of opioid antagonists in an accessible location.² As defined by the Act, an opioid antagonist is

*a drug approved by the federal Food and Drug Administration or recommended for use by the World Health Organization that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body. “Opioid antagonist” shall be limited to medications approved by the Department [of Human Services] for such purpose.*³

In addition to requiring libraries to stock these medications, the Act sets forth certain training requirements and provides permissive direction on the administration of opioid antagonists to individuals experiencing an opioid overdose.

¹ 75 ILCS 5/1-1, *et seq.*

² See Public Act 104-0056 (codified at 75 ILCS 5/1-8(b)).

³ See Public Act 104-0056 (codified at 75 ILCS 5/1-8(a)).

The Act requires that, during operating hours, libraries “take all reasonable steps necessary” to have at least one person present in the library who has completed training in how to recognize and respond to an opioid overdose, including the administration of an opioid antagonist.⁴ The training of library staff and/or volunteers may be conducted by an outside organization or may be created by the library using resources available through the Illinois Department of Human Services or the Illinois Department of Public Health.

The Act **does not require** that opioid antagonists be administered at particular times or under certain circumstances. Rather, the Act provides that an employee or volunteer who has taken the required training **may administer** an opioid antagonist to any person they believe, in good faith, to be having an opioid overdose (1) on library grounds, (2) in the immediate vicinity of the library, or (3) at a library sponsored event.

B. Questions & Answers

1. Does the Act apply to all libraries in Illinois?

Based on our review of relevant materials, no. This question raises several issues related to statutory interpretation and legislative process. The Act only amends the Local Library Act and **not** the Public Library District Act of 1991 (*Library District Act*).⁵ The definition of the term “library,” as used throughout the Act, is limited to libraries established under the Local Library Act:

*“Library” means a public library established under or otherwise subject to the requirements of this Act.*⁶

Therefore, the straightforward legal answer to this question is that the Act only impacts local libraries, not library districts. However, a key provision of the Act related to stocking opioid antagonists suggests that the legislation may have been intended to apply equally to library districts and local libraries.⁷ Additionally, the Governor’s August 1, 2025 press release states that the Act “[r]equires **all libraries in Illinois**” to comply with storage and training requirements.

Typically, general legislation impacting public libraries in Illinois simultaneously amends the Local Library Act and the Library District Act. Here, it appears that the failure to amend the Library District Act may have been an oversight—if so, we anticipate the General Assembly will introduce similar requirements for library districts in a future legislative session. We suggest that RAILS consider contacting the Illinois Library Association (*ILA*) to request input from

⁴ See Public Act 104-0056 (codified at 75 ILCS 5/1-8(d)).

⁵ 75 ILCS 16/1-1, *et seq.*

⁶ See Public Act 104-0056 (codified at 75 ILCS 5/1-8(a)).

⁷ See Public Act 104-0056 (codified at 75 ILCS 5/1-8(b)) (“**All libraries open to the general public in this State** shall maintain a supply of opioid antagonists in an accessible location.”)

ILA's lobbyist to the General Assembly regarding (1) the scope of the Act and (2) any efforts to make similar amendments to the Library District Act. Given the scale of its advocacy efforts, ILA may have more information on the Act and its implications.

2. Are opioid antagonists available for purchase? Is funding available for libraries required to stock these medications?

Opioid antagonists are available for purchase at many drug and grocery stores, and through companies that manufacture and distribute these medications. For example, Narcan, or naloxone (an opioid antagonist administered through a nasal spray), is available for purchase as an over-the-counter medication. As of early August 2025, a single dose of Narcan costs approximately \$45.00.⁸ Narcan has a typical shelf-life of 4 years,⁹ and the Illinois Department of Human Services has published guidance regarding the use, donation, and disposal of expired opioid response kits.¹⁰

As of the date of this memo, we are unaware of any grants or similar funding opportunities available to local libraries who stock opioid antagonists in compliance with the Act, apart from general [overdose prevention resources](#) available through the Illinois Department of Human Services (*IDHS*).

3. How can a library train staff and/or volunteers in compliance with the Act's requirements?

The Act provides that local libraries can use free resources through IDHS or the Illinois Department of Public Health (*IDPH*) to train employees and volunteers on recognizing and responding to opioid overdoses. Alternatively, libraries can partner with an agency that is "recognized for providing such training."¹¹ The Act provides that the Director of Public Health may publish a list of training providers that are qualified to meet the requirements of the Act.

IDHS has published a [list](#) of Overdose Prevention Providers operating at the county level that can provide training and education opportunities to organizations. IDPH has several general resources regarding opioid overdose reversal agents, available on their [website](#). We recommend libraries contact these agencies with questions regarding the content of the training to evaluate whether it will comply with the Act's requirements that training includes information on how to recognize and respond to an opioid overdose and the administration of an opioid antagonist.

⁸ See <https://narcan.com/en/buy>.

⁹ Food & Drug Administration, *FDA Announces Shelf-Life Extension for Naloxone Nasal Spray* (Jan. 17, 2024), available at <https://www.fda.gov/drugs/drug-safety-and-availability/fda-announces-shelf-life-extension-naloxone-nasal-spray>.

¹⁰ See Ill. Dep't of Hum. Servs., *Expired Naloxone Guidance* (Mar. 26, 2021), available at https://cookcountypublichealth.org/wp-content/uploads/2022/05/2021_03_26_IDHS-SUPR_Expired-Naloxone-Guidance.pdf.

¹¹ See Public Act 104-0056 (codified at 75 ILCS 5/1-8(d)).

4. *Where should libraries store opioid antagonists?*

The requirement that opioid antagonists be stored “in an accessible location” raises several questions. “Accessible” could mean unlocked/unsecured for anyone to access, or accessible only to the individuals who have been trained according to the Act’s requirements. If the former, broader interpretation applied, there could be practical implications—for example, a library might need to restock more often if individuals are aware of the location of the materials and decide to help themselves. For these reasons, it may be more cost-effective and safer to make stored medications accessible only to authorized, trained personnel. We recommend libraries contact their insurance carriers to evaluate the risks associated with storing medication on library premises.

5. *Can a library be sued for administering an opioid antagonist to a patron or visitor?*

Yes, it is possible that an individual might file a lawsuit related to the administration of opioid antagonist medication, whether based on personal injury, a civil rights violation, or some other theory of liability. The Act, however, provides a critical defense to potential claims with an express immunity provision:

*A library and its authorized personnel are immune from liability for the administration of an opioid antagonist under this Section, except for wilful or wanton misconduct.*¹²

In order to reduce the risk of liability for administering opioid antagonists, we recommend libraries be sure to comply with the Act’s training requirements and ensure that only authorized, trained staff and volunteers administer the medications stored at the Library. While the Act does not define “wilful or wanton misconduct,” the Illinois Tort Immunity Act may lend insight on this issue:

“Willful and wanton conduct” . . . means a course of action which shows an actual or deliberate intention to cause harm or which, if not intentional, shows an utter indifference to or conscious disregard for the safety of others or their property.”¹³

While this language is not exactly parallel to that in the Act, it is helpful to note that willful and wanton conduct is generally considered to be an aggravated form of negligence—and requires a close analysis of the facts and circumstances underlying alleged injuries.¹⁴

From our preliminary review, there have not been many lawsuits involving the administration of opioid antagonists (much less cases that have been fully resolved). However, a few cases have been filed, including in Ohio and California, claiming physical and emotional harm in

¹² See Public Act 104-0056 (codified at 75 ILCS 5/1-8(e)).

¹³ 745 ILCS 10/1-210 (emphasis added).

¹⁴ See, e.g., *Sparks v. Starks*, 367 Ill.App.3d 834, 837 (1st Dist. 2006).

circumstances where first responders were alleged to have forcibly administered Narcan to individuals not experiencing an opioid overdose.¹⁵

The immunity provided in the Act may reduce the risk of a successful claim related to opioid antagonist administration—however, we recommend libraries consult with their attorneys and insurers should a claim be filed.

¹⁵ Tribune Chronicle, *Kinsman Man Sues After Being Given Narcan* (Dec. 20, 2023), available at <https://www.tribtoday.com/news/local-news/2023/12/kinsman-man-sues-after-being-given-narcan/>; Courthouse News Service, *Attorney Sues LAFD for Mistakenly Giving Him Narcan* (Oct. 31, 2023), available at <https://www.courthousenews.com/attorney-sues-lafd-for-mistakenly-giving-him-narcan/>.