ALFA International
THE GLOBAL LEGAL NETWORK

2026 PRODUCT LIABILITY & COMPLEX TORTS PRACTICE GROUP PRODUCT LIABILITY QUICK REFERENCE GUIDE[1]

STATE	STATUTE OF LIMITATIONS/ REPOSE[2]	LIABILITY STANDARDS[3]	FAULT ALLOCATION	NON-ECON CAPS AND LIMITS ON ACTUAL DAMAGES	PUNITIVES Y/N AND LIMITS	HEEDING PRESUMPTION APPLIED?	INNOCENT SELLER STATUTE	JOINT & SEVERAL LIABILITY	AVAILABLE DEFENSES[4]	DAUBERT STANDARD
AL	2-PI,WD	N, W, O (AEMLD)	Pure contributory	WD-Purely Punitive	Yes, PI limit	No	Yes	Yes	AR, P, LI, AL, SU, M, GS, S	M
AK	2-PI,WD; DR; 10-SOR	N, SL, CE, W	Pure comparative	Non-econ cap	Yes (limits)	No	No	No	AR, M, AL, LI, S, SA, AD	Y
AZ	2-PI,WD	N, SL, W, O	Pure comparative	No	Yes	Yes, vanishing presumption	Indemnity statute	No	M, AL, LI, IU, SA, P, S, AD, SU	Y
AR	3-PI,WD	N, SL, W	Modified comparative	No	Yes	Yes	No	No, unless "in concert"	GS, GC, LI	Y
CA	2-PI,WD; DR; 4/10-SOR	N, SL, CE, W, O	Pure comparative	Yes	Yes	No	No	Yes, for econ.	AR, M, GC, AL, LI, IU, SA, GC, P, GS, S, AD, SU	N
CO	2-PI,WD; DR;10-SOR	N, SL, W	Pure comparative	Non-econ cap	Yes (limits)	Yes	Yes	No	AR, M, AL, LI, IU, SA, P, GS, S, AD	M
CT	3-PI,WD; DR; 10-SOR	N, SL, W, O	Pure comparative	No	No	No	No	Yes	AR, M, AL, LI, IU, SA, GC, P, SU	Y
DE	2-PI,WD; 6-SOR	N, W	Modified comparative	No	Yes	No	Yes	Yes	AR, M, A, LI, IU, P, SU	Y
DC	3-PI; 1-WD; DR	N, SL, W	Pure contributory, except strict liability	No	Yes	Yes	No	Yes	AR, M, AL, LI, SA, GC, P, SU	Y
FL	2-PI; 12-SOR	N, SL, W	Modified comparative	No	Yes (limits)	No	Yes	No	AR, M, LI, IU, SA, P, S, GC, GS, AD	Y
GA	2-PI,WD; DR; 10-SOR	N, SL, W	Modified comparative	No	Yes	Unresolved	No	Unresolved	AR, M, AL, LI, SA, GS, P, SU	M
HI	2-PI,WD; DR	N, SL	Modified comparative (pure for strict liability)	No	Yes	No	No	No	M, GC, AL, IU	N
ID	2-PI,WD; 10-SOR	N, SL, W	Modified comparative	Non-econ cap	Yes (limits)	Limited	Yes	No	AR, M, AL, LI, IU, SA, P, AD, S, SU	N
IL	2-PI,WD; DR; 12-SOR	N, SL, W	Modified comparative	No	Yes	No	Yes	Yes	AR, M, AL, LI, IU, SA, GC, P, GS, SU	N
IN	2-PI,WD; DR; 10-SOR	N, SL, W	Modified comparative	No	Yes (limits)	Yes	No	No	AR, M, AL, LI, SA, GC, P, GS, SU	M
IA	2-PI,WD; DR; 15-SOR	N, SL, W	Modified comparative	No	Yes	No	Yes	Yes, if ≥ 50%	AR, M, AL, SA, P, S	M
KS	2-PI,WD; DR; 10-SOR	N, SL, W	Modified comparative	PI – non-econ cap	Yes (limits)	Yes	Yes	No	SU, P, M, AL, LI, IU, GS, AR	Y
KY	1- PI,WD; DR	N, SL, W	Pure comparative	No	Yes	Yes	Yes	No	M, AL, LI, IU, SA, GC, P, GS, S, AD, SU	Y
LA	1-PI,WD; DR	O	Pure comparative	No	No	No	Yes	Yes	AR, M, AL, LI, IU, SA, P, AD, SU	Y
ME	6-PI; 2-WD	N, SL, W, O	Modified comparative	Yes	Yes	No	No	Y	AR, M, AL, LI, SA, GC, SU	N
MD	3-PI,WD; DR	N, SL, W	Pure contributory, except strict liability	Non-econ cap	Yes	Yes	Yes	Yes	AR, M, AL, LI, SA, P, SU	Y
MA	3-PI,WD; DR; 6-SOR	N	Modified comparative	No	Yes	Yes	No	Yes	AR, M, AL, LI, IU, SA, P, AD, SU	Y
MI	3-PI,WD; 6/10-SOR	N, W	Pure comparative	Non-econ cap	No	No	Yes	No	AR, M, AL, SA, P,GS, S, AD, SU	M
MN	6-PI; 3-WD (4-strict liability)	N, SL, W	Modified comparative	No	Yes	No	Yes	Yes, if > 50%	AR, M, AL, LI, IU, SA, P, GS, AD, SU	N
MS	3-PI,WD; DR	N, SL, W	Pure comparative	Yes	Yes (limits)	Yes	Yes	No	AR, M, AL, LI, IU, SA, P, AD, SU	M
MO	5-PI; 3-WD; DR	N, SL, W	Pure comparative	No	Yes	Yes	Yes	Yes, if > 50%	AR, M, AL, LI, IU, SA, GC, P, AD, SU	Y
MT	3-PI,WD; DR	N, SL, W	Modified comparative	No	Yes (limits)	No	No (upstream indem.)	Yes, if ≥ 51%	AR, M, AL, LI, IU, SA, GC, P, AD, SU	N
NE	4-PI,WD;10-SOR	N, SL, W	Modified comparative	No	No	Yes	Yes	Yes	AR, SA, M, LI, IU, P, SU, AL	Y
NV	2-PI,WD; DR	N, SL, W	Modified comparative	No	Yes (limits)	No	No	Yes	AR, M, AL, LI, IU, SA, GC, P, GS, AD	N

[1] This Guide concerns product liability actions involving personal injury, and does not address property damage claims. There are exceptions to many of the statutes and concepts noted in this chart and it is not intended to be comprehensive.
[2] PI - Personal Injury; WD - Wrongful Death; DR - Discovery rule applies; SOR - Statute of Repose
[3] N – Negligence; SL – Strict Liability; CE – Consumer Expectation; W – Warranty; O – Other
[4] AR - Assumption of Risk; M - Misuse; AL - Alteration; LI - Learned Intermediary; IU - Inherently Unsafe Products; SA - State of the Art; GC - Government Contractor Defense; P - Preemption; GS - Compliance with Government Standards; S - Seatbelts; AD - Alcohol/drugs; SU - Sophisticated User

STATE	STATUTE OF LIMITATIONS/ REPOSE[2]	LIABILITY STANDARDS[3]	FAULT ALLOCATION	NON-ECON CAPS AND LIMITS ON ACTUAL DAMAGES	PUNITIVES Y/N AND LIMITS	HEEDING PRESUMPTION APPLIED?	INNOCENT SELLER STATUTE	JOINT & SEVERAL LIABILITY	AVAILABLE DEFENSES[4]	DAUBERT STANDARD
NH	3-PI,WD; DR; 8-SOR (construction)	N, SL, W	Modified comparative	No	No	No	No	Yes, if > 50%	AR, M, AL, LI, SA, P	Y
NJ	2-PI,WD; DR; 10-SOR	SL, CE, W	Modified comparative	Yes	Yes (limits)	Yes, rebuttable	Yes	Yes, if ≥ 60 %	AR, M, AL, LI, IU, SA, GC, P, S, AD, SU	M
NM	3-From injury	N, SL, W	Pure comparative	No	Yes	No	No	Yes, in chain of distribution	AR, M, AL, LI, SA, SU, P	M
NY	3-PI; 2-WD; DR (toxic substances)	N, SL, W	Pure comparative	No	Yes	Unresolved	No	Yes (w/exceptions)	AR, M, AL, LI, IU, SA, GC, P, GS, S, AD, SU	N
NC	3-PI, 2-WD,4-UCC, UDTP, 12-SOR	N, W	Pure contributory	Yes (paid/incurred medical expenses)	Yes (limits)	No	Yes	Yes	AR, M, AL, LI, P, SU	Y
ND	6-PI; 2-WD, DR	N, SL, W	Modified comparative	No	Yes (limits)	Yes	Yes	No	AR, M, AL, GS	N
OH	2-PI; WD; DR; 10-SOR	SL	Modified comparative	Yes (with exceptions)	Yes (limits)	Yes	Yes	Yes, if > 50%	AR, M or AL, LI, IU, SA, SU, P	Y
OK	2-PI,WD; DR; 10-SOR	N, SL	Modified comparative	No	Yes (limits)	Yes	Yes	Several only	AR, M, AL, LI, IU, SA, GC, P, AD, SU	Y
OR	2-PI; 3-WD; DR 10-SOR	N, SL, W	Modified comparative	Yes (WD only)	Yes	Yes	No (upstream indem.)	Several only (w/ exceptions)	M, AL, LI, IU, SA, P, GS, S, SU	M
PA	2-PI,WD; DR	SL, W	Modified comparative	No	Yes	Yes	No	Yes, if ≥ 60 %	AR, M, AL, LI, GC, P, SU	N
RI	3-PI,WD; DR; 10 - SOR	N, SL, W,O	Pure comparative	No	Yes, no limits.	Yes	Yes, but in limited application.	Yes	AR, M, A, LI, SA (limited), GC, P, AD (comparative negligence), SU	Y
SC	3-PI,WD;DR; 8-SOR (improvements)	N, SL, W	Modified comparative	No	Yes (qualified limits)	No	No	Yes, if ≥ 50%	AR, M, AL, LI, IU, SA, P, SU	N
SD	3-PI,WD; DR	N, SL, W	Modified comparative	No	Yes	No	Yes	Yes	AR, M, AL, SA, P	Y
TN	1-PI,WD; 3-PD; 4-BOW; DR; 10-SOR	N, SL, W, CE	Modified comparative	Yes	Yes (limits)	No	Yes	Limited	M, AL, LI, SA, GS, S, AD	Y
TX	2-PI,WD; DR; 15-SOR	N, SL, W	Modified comparative	Yes (paid/incurred medical expenses)	Yes (limits)	Limited	Yes	Yes, if > 50%	AR, M, AL, LI, IU, SA, GC, P, GS, S, AD, SU	Y
UT	2- PI,WD	N, SL, W	Modified comparative	No	Yes	Yes	Yes	No	AR, M, AL, LI, IU, SA, P, GS, SU	M
VT	3-PI; 2-WD; DR; 4-UCC Warranty	N, SL, W	Modified comparative	No	Yes	Yes	No	Yes	AR, P, M, AL, LI, IU, SA, GC, GS, AD	Y
VA	2-PL,WD; DR	N, W	Pure contributory	No	Yes (limits)	Yes	No	Yes	AR, M, AL, LI, P, SU	N
WA	3- PI,WD	N, SL, W	Pure comparative	No	No	Yes	Yes (w/exceptions)	Several only (w/ exceptions)	AR, M/AL, LI, GS, SA, P, GC, AD	N
WV	2-PI,WD; DR	N, SL, W	Modified comparative	No	Yes (limits)	No	No	Several only (w/ exceptions)	AR, M, AL, LI, IU, SA, GC, P, GS, S, SU	M
WI	3- PI w/DR; 3-WD, 15- SOR	N, SL, O	Modified comparative	Yes	Yes (limits)	No	Yes	Yes, if > 50%	AD, AL, AR (contrib) IU, M, P S, SA, SU	Y
WY	4-PI/SL; 2-WD; 10-SOR	N, W	Modified comparative	No	Yes	Limited	No	No	AR, M, AL, LI, IU, SA, GC, P, GS, AD, SU	Y
Canada, common law	2-PI,WD; DR	N, SL, W	Pure contributory	Yes	Yes (limits)	No	Varies by Province	Yes	AR, M, AL, LI, IU, SA, GS, S, AD	
	Important Caveat/Distinction:	▪ Laws vary by province. This is a generalization of the law in the common law provinces. Aside from the province of Quebec, all provinces follow the common law. Quebec follows the civil code; laws can be substantially different under the civil code.								

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