



2013 ASSEMBLY BILL 335

August 23, 2013 – Introduced by Representatives KESSLER, GOYKE, WACHS, HEBL, KOLSTE, ZAMARRIPA, BERNARD SCHABER, SHANKLAND, MASON, SINICKI, BERCEAU, ZEPNICK, RICHARDS, WRIGHT, C. TAYLOR, YOUNG, JORGENSEN, OHNSTAD, MILROY, BILLINGS and BARCA, cosponsored by Senator T. CULLEN. Referred to Joint Committee on Finance.

1 **AN ACT to repeal** 895.046 (1g); **to renumber** 895.046 (1r); **to amend** 895.046 (2)
2 of the statutes; and **to affect** 2013 Wisconsin Act 20, section 9307 (4q); **relating**
3 **to:** remedies against manufacturers, distributors, sellers, and promoters of a
4 product.

Analysis by the Legislative Reference Bureau

2011 Wisconsin Act 2 (Act 2) made a number of changes to the law governing civil actions against manufacturers, distributors, sellers, and promoters of products. Under Act 2, a manufacturer, distributor, seller, or promoter of a product who is a defendant in a civil action generally may be held liable for damages only if an injured party proves, in addition to causation, damages, and other elements of the claim, that the specific product that caused the injury was manufactured, distributed, sold, or promoted by the defendant.

Also under Act 2, in cases in which an injured party cannot prove that the defendant manufactured, distributed, sold or promoted the specific product that caused the injury, the defendant may be held liable under risk contribution theory if: 1) the injured party names as defendants in the action those manufacturers who, collectively, during the relevant production period, manufactured at least 80 percent of all products sold in this state that are chemically identical to the specific product that allegedly caused the claimant's injury, and 2) the injured party proves certain other elements related to the cause of the injury and the right of the injured party to a recovery.

