

Products Liability Series: Does Arkansas Recognize the Learned Intermediary Doctrine?



Devin Bates

dbates@mwlaw.com

(501) 688.8864

02/14/2023

Does Arkansas recognize the learned intermediary doctrine? Yes. In Arkansas, the learned intermediary doctrine is an affirmative defense to a strict liability product claim. Although Arkansas law has only recognized the doctrine in the context of prescription drug claims. *West v. Searle & Co.*, 305 Ark. 33, 39 806 S.W.2d 608, 611 (1991); *Kohl v. Am. Home Prod. Corp.*, 78 F. Supp. 2d 885 (W.D. Ark. 1999). Under this doctrine, a warning to a physician is deemed to have been a warning to a patient. *In re Prempro Prod. Liab. Litig.*, 514 F.3d 825 (8th Cir. 2008).



Benjamin Jackson

bjackson@mwlaw.com

(501) 688.8887