STATE OF NEW YORK

9779

IN SENATE

May 30, 2024

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to extended producer responsibility for carpet

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The title heading of title 33 of article 27 of the environmental conservation law, as added by chapter 795 of the laws of 2022, is amended to read as follows:

EXTENDED PRODUCER RESPONSIBILITY FOR
CARPET [~~COLLECTION PROGRAM~~]

§ 2. Section 27-3319 of the environmental conservation law is renumbered section 27-3321 and a new section 27-3319 is added to read as follows:

§ 27-3319. Limits on liability for antitrust, restraint of trade, or unfair trade practices.

1. A producer, representative organization, or retailer shall not be liable for any claim of a violation of antitrust, restraint of trade, or unfair trade practice laws arising from an action undertaken, in accordance with a collection program approved by the department, solely to increase the collection and recycling of carpet, which affects the types and quantities being collected and recycled or the cost and structure of such collection program that the producer, representative organization, or retailer is participating in pursuant to this title.

2. Provided, however, subdivision one of this section shall not apply to any agreement establishing the price of carpet, limiting the output or production of carpet, restricting the geographic area or customers to which carpet will be sold, or unreasonably denying a producer the opportunity to participate in a representative organization's plan for the purpose of complying with the provisions of this title, under terms comparable to those that apply to other participating producers.

3. In approving or rejecting a proposed plan or plan amendment pursuant to section 27-3309 of this title, the department may consider, in

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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consultation with the office of the attorney general, whether such plan or plan amendment would unduly restrain trade.

§ 3. This act shall take effect on the same date and in the same manner as chapter 795 of the laws of 2022, as amended, takes effect.