STATE OF NEW YORK

2097--A

Cal. No. 515

2025-2026 Regular Sessions

IN SENATE

January 15, 2025

Introduced by Sens. KAVANAGH, FAHY, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 the performance of an action required to be undertaken by this title or which is necessary to implement or participate under a producer plan 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.

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

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2. Provided, however, subdivision one of this section shall not apply to any agreement establishing or affecting the price of carpet, except, as necessary, to fulfill producer responsibility under subdivision five of section 27-3305 of this title, the output or production of carpet, or restricting the geographic area or customers to which carpet will be sold.

§ 3. This act shall take effect immediately.