§ 27-3301. Definitions.

For the purposes of this title, the following terms shall have the following meanings:

1. "Brand" means a name, symbol, word, or mark that attributes the product to the owner or licensee of the brand as the producer.

2. "Carpet" means a manufactured article that is (a) used by a consumer, (b) affixed or placed on the floor or building walking surface as a decorative or functional building interior or exterior feature, and (c) primarily constructed of a top surface of synthetic or natural face fibers or yarns or tufts attached to a backing system made of synthetic or natural materials. "Carpet" includes, but is not limited to, a commercial or residential broadloom carpet, modular carpet tiles, artificial turf, a pad or underlayment used in conjunction with a carpet. "Carpet" does not include handmade rugs, area rugs, or mats.

3. "Closed loop recycling" means recycling in which materials that are reclaimed are returned to the original process or processes in which they were generated and they are reused in the production process.

3-a. "Carpet collection program" or "program" means a program financed and implemented by producers, either individually, or through a representative organization, that provides for, but is not limited to, the collection, transportation, reuse, recycling, proper end-of-life management, or an appropriate combination thereof, of discarded carpet.

4. "Collection site" means a permanent location in the state at which discarded carpet may be returned by a consumer. Collection sites shall accept all types of carpet as defined by this title regardless of brand.

5. "Consumer" means a person located in the state who purchases, owns, leases, or uses carpet, including but not limited to an individual, a business, corporation, limited partnership, not-for-profit corporation, the state, a public corporation, public school, school district, private or parochial school, or board of cooperative educational services or

governmental entity.

6. "Discarded carpet" means carpet that a consumer has used and disposed of in the state and is no longer used for its manufactured purpose.

7. "Energy recovery" means the process by which all or a portion of solid waste materials are processed or combusted in order to utilize the heat content or other forms of energy derived from such solid waste materials.

8. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS substances" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

9. "Producer" means any person who manufactures carpet that is sold, offered for sale, or distributed in the state under the manufacturer's own name or brand. "Producer" includes:

(a) the owner of a trademark or brand under which carpet is sold, offered for sale, or distributed in this state, whether or not such trademark or brand is registered in the state; and

(b) any person who imports a carpet into the United States that is sold or offered for sale in the state and that is manufactured by a person who does not have a presence in the United States.

10. "Recycling" means to separate, dismantle or process the materials, components or commodities contained in discarded carpet for the purpose of preparing the materials, components, or commodities for use or reuse in new products or components. "Recycling" does not include: (a) energy recovery or energy generation by any means, including but not limited to, combustion, incineration, pyrolysis, gasification, solvolysis, waste to fuel or any chemical conversion process; or (b) landfill disposal of discarded carpet or discarded product component materials.

11. "Recycling rate" means the percentage of discarded carpet that is managed through recycling or reuse, as defined by this title, and is computed by dividing the amount of recycled output derived from

collected carpet, plus any pounds sent for reuse by the estimated total amount of discarded carpet generated during a program year.

12. "Representative organization" means a not-for-profit organization established by a producer or group of producers to implement the carpet collection program.

13. "Retailer" means any person who sells or offers for sale carpet to a consumer in the state.

14. "Reuse" means the return of a product into the economic stream for use in the same kind of application as the product was originally intended to be used, without a change in the product's identity.

15. "Sell" or "sale" means any transfer for consideration of title or the right to use, from a manufacturer or retailer to a person, including, but not limited to, transactions conducted through retail sales outlets, catalogs, mail, the telephone, the internet, or any electronic means; this does not include samples, donations, and reuse.