§ 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.

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.