§ 4300. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Anatomical gift" or "gift" means a donation of a whole body or part of a human body, to take effect after the donor's death, for the purpose of transplantation, therapy, research or education.

2. "Decedent" means a deceased individual of any age whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by law other than this article, a fetus.

3. "Disinterested witness" means a witness other than the spouse, domestic partner, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift, or a close friend, or another adult who is related to the decedent by blood, marriage, or adoption.

4. "Document of gift" means an organ donor card, whole body donor card, driver's license authorization to make an anatomical gift, pursuant to paragraph (a) of subdivision one of section five hundred four of the vehicle and traffic law, authorization to make an anatomical gift pursuant to any of the methods in subdivision five of section forty-three hundred ten of this article, or any other written authorization for an anatomical gift. The term "document of gift" includes a statement on a driver's license, identification card, enrollment in a donor registry, or any other anatomical gift document valid pursuant to the laws of this or any other state or of any document of gift valid pursuant to the laws of any other country appearing on a list of countries maintained by the commissioner for such purpose and published on the department's website.

5. "Domestic partner" has the same meaning as described in subdivision seven of section twenty-nine hundred ninety-four-a of this chapter.

6. "Donee" means an individual or entity authorized to accept an anatomical gift pursuant to section forty-three hundred two of this

article.

7. "Donor" means an individual whose body or part is the subject of an anatomical gift.

8. "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

9. "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

10. "Hospital" means a hospital licensed, accredited, or approved under the laws of any state and includes a hospital operated by the United States Government, a state, or a subdivision thereof, although not required to be licensed under state laws.

11. "Non-transplant anatomic bank" means any person or facility that solicits, retrieves, performs donor selection and/or testing, preserves, transport, allocates, distributes, acquires, processes, stores, or arranges for the storage of non-transplant anatomic parts, including whole bodies, body segments, organs, or tissues from living or deceased donors, for education and/or research purposes specifically authorized by section forty-three hundred two of this article. The following shall not constitute a non-transplant anatomic bank:

(a) Any person or entity that stores non-transplant anatomic parts, except whole bodies and body segments, solely for purposes of research and/or education conducted by such person; provided the person or entity maintains on its premises a properly executed anatomical gift consent document, and

(i) such person or entity is a legal donee pursuant to section forty-three hundred two of this article and obtains all organs/tissues from a tissue bank or non-transplant anatomic bank licensed by the department; or

(ii) is a general hospital conducting pathology services or research

on non-transplant anatomic parts including whole bodies, recovered from within the facility from a living or deceased source;

(b) Any person or entity whose activities within the state of New York are limited to distribution of non-transplant anatomic parts to a tissue bank or non-transplant anatomic bank licensed by the department;

(c) Any person or entity that uses prepared slides and/or human-derived stem cell lines for purposes of education and/or research; and

(d) An employee of the federal government, provided an anatomical gift consent document has been executed in accordance with section forty-three hundred one of this article.

12. "Organ" shall have the same definition as in article forty-three-B of this chapter, but shall not be applied to heart valves for the purposes of this article.

13. "Organ procurement organization" means a person designated by the secretary of the United States Department of Health and Human Services as an organ procurement organization.

14. "Parent" means a parent whose parental rights have not been terminated.

15. "Part" of a body means and includes organs, tissues, eyes, bones, arteries, blood, other fluids and other portions of a human body, and "part" includes "parts". The term does not include the whole body.

16. "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

17. "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state.

18. "Prospective donor" means an individual who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research,

or education. The term does not include an individual who has made a refusal.

19. "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

20. "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

21. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

22. "Refusal" means a record created under section forty-three hundred five of this article that expressly states an intent to bar other persons from making an anatomical gift.

23. "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

24. "Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to solicit, retrieve, perform donor selection and/or testing, preserve, transport, allocate, distribute, acquire, process, store or arrange for the storage of human tissues for transplantation, transfer, therapy, artificial insemination or implantation, including autogeneic procedures.

25. "Whole body" means the intact corporeal remains of an individual after the time of death.

26. "Whole body donor card" means a card or other writing indicating the donor's authorization to make an anatomical gift of a whole body to a non-transplant anatomic bank or other donee for purposes of education or research.