§ 4360. Definitions. The following words or phrases, used in this article, shall have the following meanings, unless the context otherwise requires:

1. "Bank" or "storage facility" means any person or facility, which procures, stores or arranges for the storage of (a) non-transplant organs, or (b) tissue for transplantation, therapy, education, research, or fertilization purposes, including autologous procedures. An organ procurement organization shall not constitute a bank or storage facility solely by virtue of storing or arranging for the storage of heart valves, nor shall any person or entity which stores non-transplant organs or tissues solely for the purpose of research and/or education conducted by such person or entity be deemed a bank or storage facility.

2. "Controlling person" means any person who by reason of a direct or indirect ownership interest (whether of record or beneficial) has the ability, acting either alone or in concert with others with ownership interests, to direct or cause the direction of the management or policies of said corporation, partnership, or other entity. Neither the commissioner nor any employee of the department nor any member of a local legislative body of a county or municipality, nor any county or municipal official, shall, by reason of his or her official position, be deemed a controlling person of any corporation, partnership, or other entity, nor shall any person who serves as an employee of any corporation, partnership, or other entity be deemed to be a controlling person of such corporation, partnership, or other entity as a result of such position or his or her official actions in such position.

3. "Non-transplant organ" means an organ procured for education or research purposes.

4. "Organ" means a human kidney, heart, heart valve, lung, pancreas, liver or any other organ designated by the commissioner in regulation in consultation with the transplant council.

5. "Organ procurement organization" or "procurement organization" means a person, facility, or institution engaged in procuring organs for

transplantation or therapy purposes, but does not include (a) facilities or institutions which permit procurement activities to be conducted on their premises by employees or agents of an approved organ procurement organization, or (b) facilities or consortia of facilities which conduct transplantation activities in accordance with article twenty-eight of this chapter when the organ is procured through an approved organ procurement organization, licensed bank or storage facility, or a living donor. A bank or storage facility shall not constitute an organ procurement organization solely by virtue of procuring heart valves.

6. "Person" means an individual, corporation, government or governmental subdivision or agency other than the office of mental health, business trust, estate trust, partnership or association, or any other legal entity.

7. "Principal stockholder" means any person who owns (whether of record or as beneficiary), holds or has the power to vote, ten percent or more of any class of securities issued by a corporation.

8. "Procure" or "procurement activity" means any activity which is necessary for the procurement of organs or tissue for transplantation, research, education, therapy, fertilization, or autologous purposes including solicitation, retrieval, donor selection and testing, clinical laboratory testing, including typing, preservation, transportation, allocation, distribution, storage, and payment activities.

9. "Service area" means the geographic area of service approved by the secretary of health and human services, or, in the absence of such approval, by the department.

10. "Tissue" means a human eye, skin, bone, bone marrow, heart valve, spermatozoon, ova, artery, vein, tendon, ligament, pituitary gland or a fluid other than blood or a blood derivative.