§ 4210. Deceased persons; right to dissect. The right to dissect the body of a deceased person exists in the following cases:

1. In the cases prescribed by special statutes; or,

2. When the dissection is performed by or at the direction of (a) a coroner who is a physician licensed to practice medicine in this state, or (b) a coroner's physician, or (c) a medical examiner of a county, or is performed at the direction jointly of a coroner and coroner's physician, and is performed in the course of an investigation within the jurisdiction of the officer performing or directing the dissection, or is performed upon the written request of a district attorney, or sheriff, or the chief of a police department of a city or county, or the superintendent of state police.

The commissioner shall adopt regulations to establish standard autopsy protocols for any person under the age of one year who dies under circumstances in which death is not anticipated by medical history or the cause is unknown. Such regulations and autopsy protocols shall include but not be limited to (i) requirements for the performance of such autopsies, subject to the limitations provided for in section forty-two hundred ten-c of this title, and (ii) delineation of specific, standardized methods for such autopsies. In developing and implementing such regulations and protocols, the commissioner shall consult with health professionals, families and other persons participating in the implementation of the sudden infant death syndrome program authorized pursuant to section twenty-five hundred-b of this chapter and at a minimum shall consult with an epidemiologist, a forensic pathologist, a pediatric pathologist, a medical examiner, a county coroner and a pediatrician with expertise in sudden infant death syndrome; or,

2-a. Where a person dies while under care or treatment at a general hospital (as defined by subdivision ten of section twenty-eight hundred one of this chapter) or while recovering from such care or treatment, any autopsy report for such person shall be made available, by the coroner or medical examiner under whose jurisdiction the autopsy was performed, in a timely manner, to the hospital, for the purpose of

ongoing performance improvement of such hospital, including for the purposes of sections twenty-eight hundred five-j and twenty-eight hundred five-k of this chapter. All such reports in the possession of a hospital shall be subject to the provisions of section twenty-eight hundred five-m of this chapter.

3. Whenever and so far as the husband, wife or next of kin of the deceased, being charged by law with the duty of burial, (a) may authorize dissection for the sole purpose of ascertaining the cause of death, or (b) may authorize dissection for any other purpose by written instrument which shall specify the purpose and extent of the dissection so authorized, and when a dissection is so authorized pursuant to this subdivision the person authorizing the dissection also may designate a physician licensed in any state or country to observe such dissection. If the deceased has upon his person an identification card indicating his opposition to the dissection or autopsy of his body no such dissection or autopsy shall be performed except as required by law; or,

4. Whenever any district attorney in this state, in the discharge of his official duties, shall deem it necessary, he may exhume, take possession of, and remove the body of a deceased person, or any portion thereof, and submit the same to a proper physical or chemical examination, or analysis, to ascertain the cause of death, and the same shall be made on the order of any justice of the supreme court of this state, or the county judge of the county in which such dead body shall be, which order shall be made on the application of the district attorney with or without notice to the relatives of the deceased person or to any person or corporation having the legal charge of such body, as the court may direct. Said district attorney shall have power to direct any police officer or peace officer, acting pursuant to his special duties, of this state, or to employ such person, or persons as he may deem necessary to assist him in exhuming, removing, obtaining possession of and examining physically or chemically such dead body or any portion thereof. The expense therefor shall be a county charge, to be paid by the county treasurer on the certificate of the district attorney.

5. When an autopsy of the body is conducted of a deceased human who

has epilepsy or a history of seizures it shall include an investigation and determinations as to whether the deceased suffered a sudden unexpected death in epilepsy. In the event the deceased did suffer a sudden, unexpected death in epilepsy, such information shall be noted on the death certificate and be reported to the North American SUDEP Registry.