§ 4211. Cadavers; unclaimed; delivery to schools for study. 1. Except as hereinafter provided, and subject to the conditions specified in this article, the director or person in charge of any hospital, institution, morgue or other place for bodies of deceased persons not interred or otherwise finally disposed of, and every funeral director, undertaker or other person having in his or her lawful possession, any body of a deceased person for keeping or burial, shall deliver every body of a deceased person in his or her possession, charge, custody or control not placed therein by any person, agency or organization for keeping, burial or other lawful disposition to:

(a) any medical college, school or institute including chiropractic colleges registered by the regents of the university of the state of New York as maintaining a proper standard;

(b) any university within the state authorized by law to confer degrees of doctor of medicine or doctor of dental surgery;

(c) any other college or school incorporated under the laws of the state of New York for the purpose of teaching medicine, anatomy or surgery to those on whom the degree of doctor of medicine has been conferred;

(d) any university within the state of New York having a medical preparatory or medical postgraduate course of instruction; or

(e) any college, school or institute maintaining a mortuary science program that has either been approved by the department or holds a certificate of accreditation from an accrediting organization recognized by the department pursuant to article thirty-four of this chapter, provided, however, that such bodies remain unclaimed by any of the aforementioned institutions. Any college, school or institute maintaining a mortuary science program may only claim and utilize such bodies for anatomical and embalming instruction purposes.

2. The professors and teachers in every university, college, school or institute hereinbefore specified may receive the body of a deceased person delivered or released to the university, college, school or institute, as herein provided, for the purposes of medical, anatomical and surgical science, anatomic embalming, and study.

3. No body of a deceased person shall be delivered or released to or

received by, any university, college or school or institute.

(a) if, within forty-eight hours after death it is desired for interment or other lawful disposition by relatives and in the counties of Oneida, Onondaga, Oswego, Madison and Cortland, by relatives or friends, or,

(b) if prior to his or her death, the person shall have expressed a desire that his or her body be interred or otherwise lawfully disposed of, is carrying an identification card upon his or her person indicating his or her opposition to the dissection or autopsy of his or her body, or,

(c) if the deceased person is known to have a relative whose place of residence is known or can be ascertained after reasonable and diligent inquiry.

3-a. (a) In a city having a population of one million or more, no body of a deceased person shall be delivered or released to or received by, any university, college, school or institute, including any mortuary school unless:

(i) the person authorized to consent to make an anatomical gift with respect to the decedent under article forty-three of this chapter makes such an anatomical gift that would encompass such delivery or release;

(ii) the person authorized to control the disposition of such body under section forty-two hundred one of this article consents in writing to the delivery and release of the body of such person to the university, college, school or institute for the purpose of embalming, dissection or autopsy, provided that a chief fiscal officer of a county or a public administrator shall not be authorized to provide such consent; or

(iii) the decedent has through a lawfully executed written instrument, will or trust, consented to such delivery or release;

(b) In no event shall such delivery or release for the purpose of embalming, dissection or autopsy be authorized where the provisions of section forty-two hundred nine-a or forty-two hundred ten-c of this title apply.

(c) The person or entity having possession, charge, custody or control of the body of a deceased person under subdivision one of this section shall have no duty to locate and/or obtain the written consent from any

person under this subdivision. Additionally, a chief fiscal officer of a county or a public administrator shall not be authorized to provide such consent. In the event that such body is not delivered or released to a university, college, school or institute under this section, the body shall be released for burial or other lawful disposition consistent with this article and any other applicable provision of law.

(d) The person having lawful possession of a body under this section shall not be held liable for actions taken reasonably and in good faith upon delivery of a body pursuant to subparagraph (i) of paragraph (a) of this subdivision, presentation of a written consent pursuant to subparagraph (ii) of such paragraph, or a written instrument, will or trust pursuant to subparagraph (iii) of such paragraph.

(e) The provisions of this section shall apply notwithstanding any inconsistent provision of general, special or local law.

4. (a) A body of a deceased person shall not be delivered or released to, or received by a university, college, school or institute, if within twenty-four hours after notice of death by the person having lawful possession, charge, custody or control to the next of kin, or in the counties of Oneida, Onondaga, Oswego, Madison and Cortland to the next of kin, or friend of the deceased person such next of kin or friend shall claim such body for interment or other lawful disposition.

(b) Unless a relative or friend of the deceased person shall claim the body of the deceased person within forty-eight hours after death, or within twenty-four hours after receipt of notice of death as provided in paragraph (a) of this subdivision, the next of kin, relatives or friends, as the case may be, shall be deemed to have assented to delivery or release to, and receipt by the university, college, school or institute, of such dead body.