§ 4302. Uses and dispositions of anatomical gifts. 1. All anatomical gifts made under this article may be made to the following persons named in the document of gift:

(a) a hospital; accredited medical school, dental school, college or university; organ procurement organization; non-transplant anatomic bank; or other appropriate person, for research or education;

(b) subject to the provisions of subdivision two of this section, an individual designated by the person making the anatomical gift if the individual is the recipient of that part; if an anatomical gift to an individual under this paragraph cannot be transplanted into the individual, the part passes in accordance with subdivision six of this section in the absence of an express, contrary indication by the authorizing party making the anatomical gift; or

(c) an eye bank or tissue bank.

2. If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subdivision one of this section, but identifies the purpose for which an anatomical gift may be used, the following rules apply:

(a) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank.

(b) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank.

(c) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(d) If the part is an organ, eye, or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement organization.

3. For the purposes of subdivision two of this section, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift must be used for transplantation or therapy, if suitable. If the gift cannot be used for transplantation or therapy, the gift may be used for research or education.

4. If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subdivision one of this section and does not identify the purpose of the gift, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subdivision six of this section.

5. If a document of gift specifies only a general intent to make an anatomical gift by words such as "donor", "organ donor" or "body donor", or a statement of similar import, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subdivision six of this section.

6. For purposes of subdivisions four, five and paragraph (b) of subdivision one of this section, the following rules apply:

(a) If the part is an eye, the gift passes to the appropriate eye bank.

(b) If the part is tissue, the gift passes to the appropriate tissue bank.

(c) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

7. An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under paragraph (b) of subdivision one of this section, passes to the organ procurement organization as custodian of the organ.

8. If a prospective donor has been referred to a procurement organization or tissue bank pursuant to state or federal law, and the procurement organization has determined that the gift is medically unsuitable for transplant, or to the extent that a non-transplant anatomical gift may still be honored after a gift has been made pursuant to a superseding document of gift, then the procurement organization shall make reasonable efforts to determine whether the donor has previously made a gift of his or her body or parts for education or research, and the procurement organization informed of such gift shall notify the non-transplant anatomic bank of the gift consistent with the

donor's intent.

9. If an anatomical gift does not pass pursuant to subdivisions one, two, three, four, five, six or seven of this section or the decedent's body or part is not used for transplantation, therapy, research, or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

10. A person may not accept an anatomical gift if the person knows that the gift was not effectively made under section forty-three hundred one or forty-three hundred five of this article or if the person knows that the decedent made a refusal under section forty-three hundred one of this article that was not revoked. For purposes of this subdivision, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

11. Except as otherwise provided in paragraph (b) of subdivision one of this section, nothing in this section affects the allocation of organs for transplantation or therapy.