§ 4306. Rights and duties at death. 1. The donee may accept or reject the gift. If the donee accepts a gift of the entire body, the donee may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee upon the death of the donor and prior to embalming, may cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligation to dispose of the body.

2. When a donor is determined dead based on irreversible cessation of circulatory and respiratory functions, the time of death shall be certified by a physician. Such physician may not participate in the procedure to remove or transplant the body part. In all other cases the time of death shall be certified by the physician who attends the donor at his death and one other physician, neither of whom shall participate in the procedure for removing or transplanting the part.

3. (a) (i) A person who acts in good faith in accord with the terms of this article or with the anatomical gift laws of another state, is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his or her act.

(ii) A person who acts in good faith in accord with the anatomical gift laws of another country is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his or her act provided that:

(A) such country has anatomical gift laws similar in requirements and effects to the anatomical gift laws of this state;

(B) such country appears on a list of such countries promulgated as a regulation by the department for such purpose; and

(C) such country appeared on such list at the time of such act.

(b) A person who documents the making, amending or revoking of an anatomical gift, acting reasonably and in good faith in accordance with this article, may accept an anatomical gift under this article made by a person who represents that the person is an authorized person under section forty-three hundred one of this article and is entitled to consent to the donation.

(c) An entity under section forty-three hundred two or forty-three hundred ten of this article or a health care professional, or an agent or employee thereof, who or which documents, records, recovers, procures, obtains, or utilizes an organ or tissue in reasonable and good faith reliance on information provided to or contained in the New York state donate life registry shall not be liable in any civil or criminal action or proceeding for action based on such reliance.

4. Any employee or agent of an organ procurement organization, eye bank or tissue bank acting pursuant to this article shall be held to the same standard of confidentiality as that imposed on employees of a hospital.