

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part IX. Boating Safety

Chapter 80: Boating Safety Act of 2021

§ 4210.11. Refusal to submit to drug or alcohol testing--Exceptions

Cite as: 21 CNCA § 4210.11

If a conscious person under arrest refuses to submit to testing of his or her blood or breath for the purpose of determining the alcohol concentration thereof, or to a test of his or her blood, saliva or urine for the purpose of determining the presence or concentration of any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, none shall be given, unless the investigating officer has probable cause to believe that the person under arrest, while intoxicated, has operated a vessel in such a manner as to have caused the death or serious physical injury of any other person or persons. In that event, the test otherwise authorized by law may be made in the same manner as if a search warrant had been issued for the test or tests. The sample shall be taken in a medically acceptable manner at a hospital or other suitable health care facility.

Historical Data

LA 18-21, eff. May 17, 2021.