

OPERATING WHILE INTOXICATED, §321J.10A§321J.10A, OPERATING WHILE INTOXICATED321J.10ABlood, breath, or urine specimen withdrawal without a warrant.1Notwithstanding section 321J.10, if a person is under arrest for an offense arising out of acts alleged to have been committed while the person was operating a motor vehicle in violation of section 321J.2 or 321J.2A, and that arrest results from an accident that causes a death or personal injury reasonably likely to cause death, a chemical test of blood may be administered without the consent of the person arrested to determine the amount of alcohol or a controlled substance in that person's blood if all of the following circumstances exist:aThe peace officer reasonably believes the blood drawn will produce evidence of intoxication.bThe method used to take the blood sample is reasonable and performed in a reasonable manner by medical personnel under section 321J.11.cThe peace officer reasonably believes the officer is confronted with an emergency situation in which the delay necessary to obtain a warrant under section 321J.10 threatens the destruction of the evidence.2If the person from whom a specimen of blood is to be withdrawn objects to the withdrawal, a breath or urine sample may be taken under the following circumstances:aIf the person is capable of giving a specimen of breath, and a direct breath testing instrument is readily available, the withdrawal of a specimen of the person's breath may be taken for chemical testing, unless the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug.bIf the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug, a urine sample shall be collected in lieu of a blood sample, if the person is capable of giving a urine sample and the sample can be collected.2004 Acts, ch 1098, §1OPERATING WHILE INTOXICATED, §321J.10A§321J.10A, OPERATING WHILE INTOXICATED