

# DOGS AND CATS IN MOTOR VEHICLES

**Q&As: MN ANIMAL LAW** Minnesota Statute Section 346.57

At just 70°F outside, temperatures inside a car or other vehicle can reach dangerously high levels in just minutes. Hotter temperatures outside can be even deadlier. Leaving a dog or cat unattended in a vehicle (even with windows cracked open) when temperatures are high can seriously harm or kill an animal and must be treated with urgency.

**NOTE:** This law can include hot or cold temperatures or, as explained below, whatever “endangers the dog’s or cat’s health or safety” if that animal is left unattended in a standing or parked motor vehicle. This particular Q&A sheet focuses on a dog or cat in distress due to excessive heat in a motor vehicle. Laws must be followed but different approaches may be taken to achieve results.

## 1. What is the Minnesota law regarding dogs and cats in motor vehicles?

The statute is: Minn. Stat. Sec. 346.57 Dogs and Cats in Motor Vehicles

### Subdivision 1. Unattended dogs or cats.

A person may not leave a dog or a cat unattended in a standing or parked motor vehicle in a manner that endangers the dog’s or cat’s health or safety.

### Subdivision 2. Removal of dogs or cats.

A peace officer, as defined in section 626.84, a humane agent, a dog warden, or a volunteer or professional member of a fire or rescue department of a political subdivision may use reasonable force to enter a motor vehicle and remove a dog or cat which has been left in the vehicle in violation of subdivision 1. A person removing a dog or a cat under this subdivision shall use reasonable means to contact the owner of the dog or cat to arrange for its return home. If the person is unable to contact the owner, the person may take the dog or cat to an animal shelter.

### Subdivision 3. Petty misdemeanor.

A person who violates subdivision 1 is subject to a fine of \$25.

*See Q&A #14 on page 6 for other laws that may be applicable, such as animal neglect or lack of water.*

## 2. Why is this law important?

If a dog or cat is left unattended in a vehicle with rising or freezing temperatures or other conditions that could endanger the animal’s health or safety, the animal can suffer severe harm and/or die. Read on for further medical descriptions (applicable to a heat-related incident) and actions to take.

## 3. Does “reasonable force” mean I can break the window?

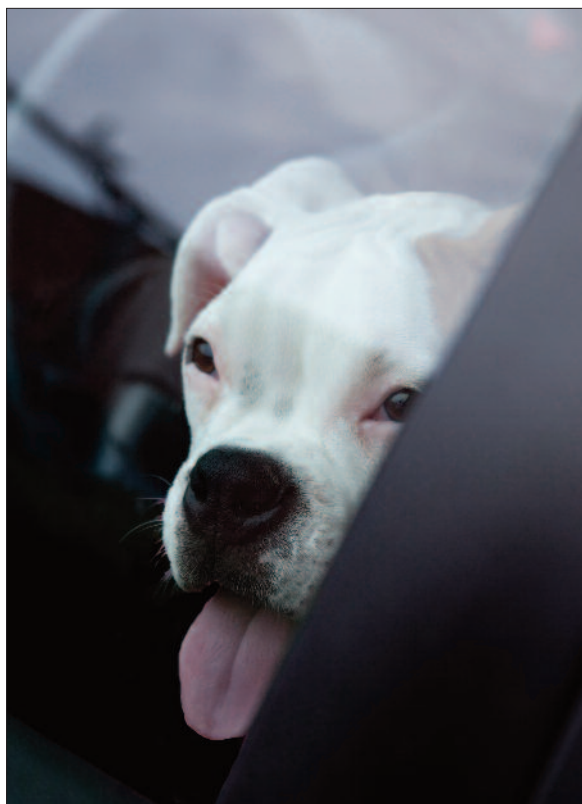
Yes, a peace officer or others as defined above can break the window to retrieve the dog or cat.

## 4. What if the windows are cracked open?

Studies have proven that even when car windows are cracked open on a hot day the interior temperatures can soar to dangerous highs and result in harm or death to the animal.

## 5. How do I help the animal?

Call for back-up. See “**ACTIONS: 1st and 2nd Squad**” (pages 3–4 of this flyer) for specific duties. Act with urgency.



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## 6. Are certain dogs or cats at more risk?

All dogs and cats are at risk but there are some types and breeds that are more sensitive to heat extremes: elderly, overweight or very young animals as well as brachycephalic (short-nosed) breeds such as pugs, boxers, and bulldogs and, for cats, Persians and Himalayans — due to shorter airways.

## 7. Procedurally, what do I do?

First, prepare — before you get the call. At a minimum, keep a few items in the squad car, such as a vehicle lock-out tool, a window punch tool, a contact list of nearby veterinarians and emergency clinics, a thermometer to measure the interior temperature of the vehicle, and gloves and a slip lead to remove the animal (you don't want the animal running away once the door is opened). Water is also critical. See page 3 for administering care.

## 8. What happens (medically) to a dog or cat due to excessive heat?

The medical condition is hyperthermia, also referred to as heat stroke. (NOTE: *Hypothermia* is the medical condition for when the body can't handle cold temperatures.) The degree of hyperthermia can vary based on animal breed, age, type and other factors. Hyperthermia means an elevated body temperature. The normal temperature for a dog or cat is between **99.5** and **102.5** degrees Fahrenheit. Hyperthermia occurs when the dog or cat can't dissipate the heat fast enough. Dogs and cats don't sweat; instead, they pant to release heat. Dogs and cats have very few sweat glands and most are in the footpads; hot upholstery can also hurt the paws. Panting is the body's attempt to cool the animal but, as this involves rapid muscle movement, it actually increases body temperature in a confined area. Humidity also rises secondary to panting, which exacerbates the situation. Once a critical core body temperature is exceeded, the blood's clotting mechanism shuts down and the animal will start to bleed internally. Shock develops quickly, followed by death if aggressive emergency treatment is not sought.

## 9. Should I bring the animal to a veterinary clinic or hospital?

Yes. The hospital or clinic can assess the animal for signs of heat stroke. The hospital or clinic will administer IV fluids and continue the cooling measures, if needed, and monitor the dog's temperature and heart rate. The veterinarian may also administer oxygen and other medications to treat heat stroke. Complications from hyperthermia may not appear until days later after the incident.

## 10. What do I do if the dog or cat is dead?

If the dog or cat is dead as a result of the animal being left unattended in the vehicle, recognize that this is felony animal cruelty (refer to Minn. Statutes Chapter 343). Bring the body to the University of MN Veterinary Diagnostic Laboratory and request a necropsy as evidence, if needed. (See *Q&A Sheet: MN Animal Law – Necropsies.*) Be careful with the body; citizens, including children, may be watching.

## 11. What if the owner returns?

It depends on the condition of the animal. Use your best judgment per the law. Discuss the situation with the owner. Give the owner educational materials, including the law that is violated.

## 12. Who is responsible for the car?

If the window is broken, law enforcement is responsible for the security of the car and its contents which is why you may choose to have the vehicle towed. The owner is responsible for the cost of repairs.

## 13. What is the penalty for violation of this law?

Petty misdemeanor. However, based on the situation, other laws and penalties may apply. (See *Q&A #14 on page 6.*)

Additional Q&As continued on back page.

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Ideally, two peace officers are needed to work simultaneously to handle the incident. Call for back-up. If a second squad is not available, get a competent adult to assist and sign a statement of what was observed.

## 1st SQUAD

- **Assess Animal** – Determine urgency; look for signs of distress which may vary based on health condition of the animal:
    - heavy panting, tongue hanging out (trying to breathe), restlessness, anxiety, excessive salivation, panicked expression, weakness, clawing at window
    - uncontrollable panting, lying down or unable to get up, disorientation, trembling, vomiting, bloody diarrhea, dark red gums, labored breathing, salivating, thick saliva or foaming at the mouth
    - exhausted (no longer struggling to breathe), collapsed, coma, seizures, death
    - **Also consider:** breed (short-nosed dogs, such as pugs, bulldogs, etc.), age, haircoat (color, thickness), body size and shape, body condition
  - **Retrieve Animal** – Based on assessment, open door. If locked, utilize lockout tool or break window. Animal may be distressed or scared. Be aware of behavior. Place slip lead on animal and remove animal.
  - **Bring Animal to Veterinarian** – The ideal: If the emergency veterinary hospital is nearby and resources permit, place the animal in the squad car and immediately transport the animal to the hospital. If the veterinary hospital is not nearby, administer actions below. (Use best judgment.)
  - **Administer Care** – Most dogs and cats with hyperthermia have temperatures greater than **105°F**. The goal is to gradually drop the animal's body temperature to **102.5–103°F**. For care, water is required.
    - Place animal in shaded area.
    - You may offer small amounts of water for the animal to drink. **Do not force water.**
    - **Drench the animal in water (not cold).** Get the animal wet everywhere.
    - Cool the animal with a fan, if available, or place in air-conditioned squad car so animal can gradually cool down.
    - If possible and safe, take rectal temperature and record it. Temperature can still rise after removal. Take temperature again every 15-20 minutes. (This requires purchasing a rectal thermometer as part of an "emergency care kit.")
    - Call veterinarian for advice if unsure of animal's condition.
- NOTE: Don't use ice or cold water.** Ice and cold water will cause the animal's blood vessels to shrink, holding the heat inside and making the problem worse.
- **Transport Animal** – If you have not already done so, bring animal to veterinary clinic (emergency clinic preferred), unless owner agrees to do so. It's important to educate the owner about the importance of veterinary care for the animal. As stated earlier, complications may appear days after the incident.

This material is educational only. It does not constitute legal or medical advice.

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## 2nd SQUAD

- **Owner** – Look for owner of animal.
- **Document** – Record evidence/impressions at scene:
  - Interior temperature of vehicle; also assess temperature/heat on seats in vehicle. Consider purchasing an interior/exterior thermometer as part of an “emergency care kit.”
  - Type/breed of animal (if not sure of breed, don’t guess — say “resembles...”)
  - Vehicle details: Windows up or down; any claw marks; vehicle on or off; where vehicle is parked; model
  - Weather conditions: External temperature, humidity, cloud cover; shade
  - Time of day and location
  - How does the weather make you feel (i.e., hot, uncomfortable)
- **Photos** – Take photos of vehicle, location, and animal (i.e., if you see drool on the seat, photograph it as evidence)
- **Interviews** – Interview owner, complainant, and/or witnesses. This is crucial to the case.
- **Charges** – Determine charges and write citation. Leave citation, seizure notice, and educational materials.
- **Vehicles** – If window is broken, clean glass or have vehicle towed.



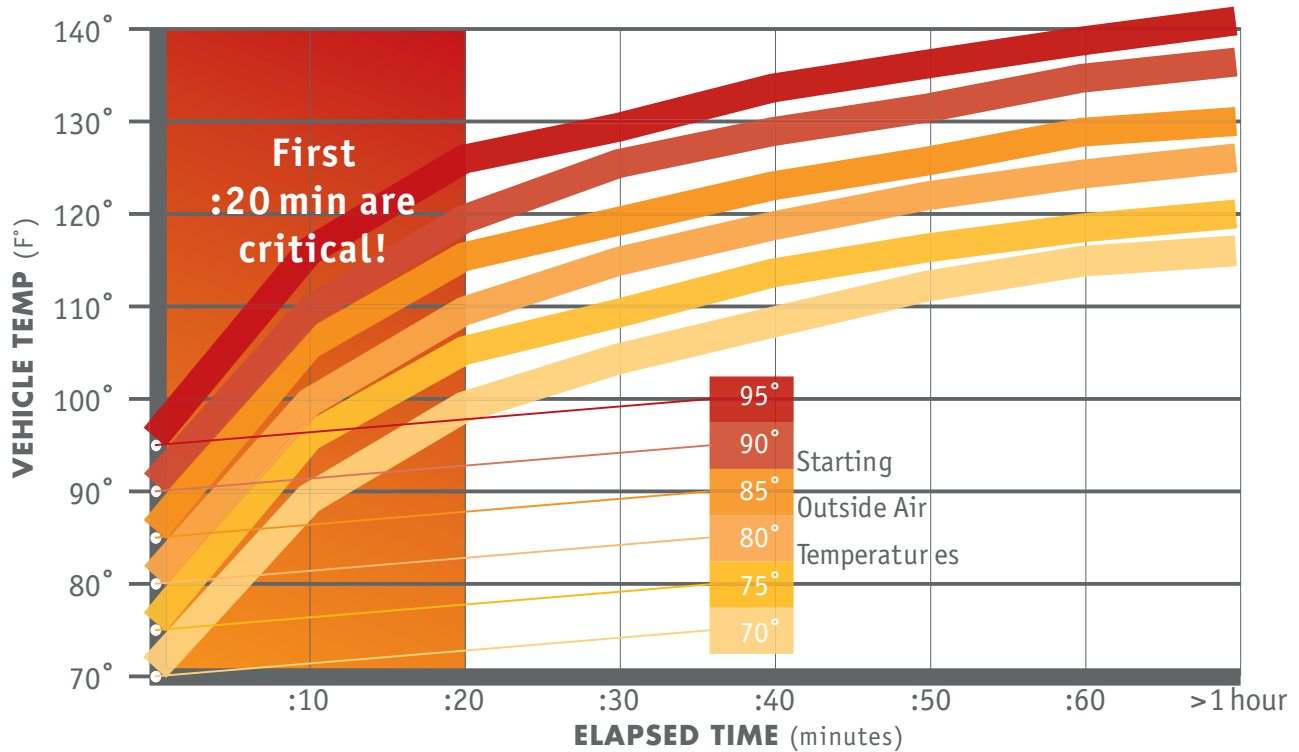
## KEY FACTS TO REMEMBER

- **Windows** – **Windows cracked open don’t make a difference.** Studies have shown that even when car windows are left open on a hot day the temperature in a vehicle can reach dangerous highs.
- **Panting** – **Dogs and cats don’t sweat to release heat — they pant.** Panting increases muscle movement which increases body heat even more. If trapped in a confined, hot area, the animal cannot cool down.
- **Act Fast** – **Time is critical.** It takes just minutes for the interior of a vehicle to heat up to dangerous levels, which can result in brain damage or death for the dog or cat.
- **Cool Down** – **The goal is to cool down the animal’s core body temperature — gradually.** Use cool or lukewarm water and airflow. Don’t use ice or cold water, which may make the animal go into shock.

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## Time for the interior of a vehicle to get hot.



The data above, from a study conducted by Jan Null, CCM, at the San Francisco State University, shows that vehicles heat up quickly, with the majority of temperature rise occurring within the first 15–30 minutes. A separate study published in *Pediatrics* showed that leaving car windows open is not effective in keeping the vehicle's interior cool.





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**Q&As** (continued from page 2)



## 14. What other MN laws could apply to this situation?

The fact that the dog's or cat's health is endangered (i.e., unable to regulate his or her body temperature), this can result in the animal suffering (unjustifiably) and could lead to great bodily harm or death. If the animal suffers great bodily harm or dies, this could also be charged as animal cruelty or an omission of care (not providing water, proper ventilation) resulting in unnecessary pain, suffering, or death.

### Minn. Statute Chapter 343: Prevention of Cruelty to Animals

Minn Stat. Sec. 343.20 Subd. 3 defines "Torture" or "cruelty" as "every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death."

- **343.21 Overworking or mistreating animals.** Definitions. Subd. 1. Torture  
No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.
- **343.21 Overworking or mistreating animals.** Definitions. Subd. 2. Nourishment; shelter.  
No person shall deprive any animal over which the person has charge or control of necessary food, water, or shelter.
- **343.21 Overworking or mistreating animals.** Definitions. Subd. 3. Enclosure.  
No person shall keep any cow or other animal in any enclosure without providing wholesome exercise and change of air.
- **343.21 Overworking or mistreating animals.** Definitions. Subd. 7. Cruelty.  
No person shall willfully instigate or in any way further any act of cruelty to any animal or animals, or any act tending to produce cruelty to animals.
- **343.40 Dog Houses.** Subd. 3. Shade.  
Shade from the direct rays of the sun, during the months of May to October shall be provided.

### Minn. Statute Section 346.35-44: Minnesota Pet and Companion Animal Welfare Act

- **346.39.** Subd. 2. Water.  
Dogs and cats must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water source.

## CONTACTS AND AUTHOR CONTRIBUTIONS

For copies of this Q&A sheet, contact [info@animalfolks.org](mailto:info@animalfolks.org).

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Animal Law Resources MN, a program of Animal Folks, provides resources to authorities who enforce Minnesota animal law. The mission of Animal Folks is to help prevent animal cruelty and protect animals by modernizing the animal law enforcement system in Minnesota through systemic reform, education, and collaboration.