IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

STATE OF MISSOURI, ex rel., Attorney General Catherine L. Hanaway,	)	
Plaintiff,	)	Case No.: 26SL-CC07080
v.	)	Div. No.: 15
MNG 2005 INC d/b/a CBD KRATOM CANNABIS DISPENSARY,	)	
Defendant.	)	

FIRST AMENDED PETITION FOR
INJUNCTION, CIVIL PENALTIES, AND OTHER RELIEF

I. INTRODUCTION

1. The days of "hemp shops" masquerading as legal marijuana dispensaries are over in Missouri. For too long, these shops have used deceptive tactics designed to make it difficult—if not impossible—for Missourians to distinguish their unregulated hemp businesses from state-licensed marijuana businesses. These shops offer intoxicating products that look and smell like marijuana; they refer to those products as cannabis; and they set up their stores to mimic—and even call them—dispensaries. Even worse, in some cases, including this one, these shops go one step further by actually advertising, selling, and offering for sale marijuana. Missourians sought to prevent this exact type of conduct when they voted to legalize adult-use marijuana under a comprehensive regulatory system designed to "protect public health by ensuring the safety of marijuana and products containing marijuana." Mo. Const. Art. XIV, § 2.1.

2. Defendant MNG 2005 Inc d/b/a CBD Kratom Cannabis Dispensary brands itself as a "dispensary," which creates the false impression that it is a licensed, state-regulated marijuana dispensary facility. It is not. In addition, despite being limited by federal and state law to selling "hemp," CBD Kratom Cannabis Dispensary refers to a category of its products as "cannabis," which, when combined with its "dispensary" moniker, deceptively suggests that its unregulated products have been approved by the Department of Health and Senior Services ("DHSS"). They have not. And on top of that, CBD Kratom Cannabis Dispensary operates true to its name by openly advertising, selling, and offering to sell marijuana to Missouri consumers. CBD Kratom Cannabis Dispensary therefore is just like any other illegal drug dealer; the only difference is that it reassures its customers with *inaccurate* lab test results and falsely claims that those results show its unregulated marijuana products are federally legal. They are not.

3. The State brings this action to immediately stop CBD Kratom Cannabis Dispensary's unlawful practices, which threaten irreparable harm to the public's wellbeing.

II. PARTIES

4. Plaintiff Catherine L. Hanaway is the Attorney General of the State of Missouri and brings this action on behalf of the State of Missouri pursuant to Chapter 407 of the Revised Statutes of Missouri.

5. Defendant MNG 2005 Inc d/b/a CBD Kratom Cannabis Dispensary is a Missouri limited liability with its principal place of business at 12400 Olive Blvd., Ste. 100, St. Louis, Missouri 63141.

III. JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction pursuant to Article V, § 14 of the Missouri Constitution and § 478.070, RSMo.

7. This Court also has subject matter jurisdiction pursuant to the Missouri Merchandising Practices Act (MMPA), specifically § 407.100, RSMo, which authorizes the Attorney General to seek injunctive relief, civil penalties, and other relief against those who have violated, are violating, or are about to violate the MMPA.

8. This Court further has subject matter jurisdiction pursuant to § 195.253, RSMo, and § 195.310, RSMo, which, together, authorize the Attorney General to bring a suit in equity to enjoin any store, shop, building, or other structure or place that is being used for the purpose of possessing, keeping, transporting, distributing, or manufacturing controlled substances.

9. This Court has personal jurisdiction over CBD Kratom Cannabis Dispensary pursuant to § 506.500.1, RSMo, because the causes of action set forth in this Petition arise from CBD Kratom Cannabis Dispensary's transaction of business within Missouri and its use and possession of real estate situated in Missouri, specifically its business operations within Missouri, including its online operations through the website shopcbdkratom.com and its brick-and-mortar operations in, among other places, St. Louis County.

10. Venue is proper in this Court pursuant to § 407.100.7, RSMo, which provides that "[a]ny action under this section may be brought in the county in which the defendant resides, in which the violation alleged to have been committed occurred, or in which the defendant has his principal place of business." CBD Kratom Cannabis Dispensary has its

principal place of business in St. Louis County and has, in St. Louis County, among other places, violated the provisions of Chapter 407 of the Revised Statutes of Missouri, for the reasons described herein.

11. Venue is also proper in this Court because the CBD Kratom Cannabis Dispensary store that constitutes a public nuisance—and that the State seeks to enjoin from continuing to be used to illegally possess, keep, and distribute controlled substances—is located in St. Louis County. § 195.310, RSMo.

12. Venue is further proper in this Court because CBD Kratom Cannabis Dispensary is a resident of this state and resides in St. Louis County. § 508.010.2(1), RSMo.

IV. BACKGROUND

Federal Law

13. Federal law distinguishes between "marijuana," "hemp," and "cannabis."

14. For purposes of simplicity, under current federal law:

a. "Marijuana" means any part of the plant Cannabis sativa L. with a delta-9 tetrahydrocannabinol ("delta-9 THC") concentration of *more than* 0.3% on a dry weight basis, 21 U.S.C. § 802(16);

b. "Hemp" means any part of that plant with a delta-9 THC concentration of *not more than* 0.3% on a dry weight basis, 7 USC § 1639*o*; and

c. "Cannabis" refers to any form of that plant with a delta-9 THC concentration that *has not yet been determined*, 7 C.F.R. § 990.1.

15. At the federal level, hemp is legal, but marijuana and cannabis—at least until its delta-9 THC concentration has been determined to be not more than 0.3% on a dry weight basis, at which point it is hemp and no longer cannabis—are not. *See* 21 U.S.C. § 812.

Missouri Law

16. Consistent with federal law, Missouri law distinguishes between hemp (which Missouri calls "industrial hemp"), on the one hand, and marijuana, on the other hand, based on delta-9 THC concentration. If a product's delta-9 THC concentration does not exceed 0.3% on a dry weight basis, it is hemp; otherwise, it is marijuana. *See* Mo. Const. art. XIV, § 2.2; § 195.010(24), RSMo; 19 CSR 100-1.010(48) (Division of Cannabis Regulation's marijuana regulations).

17. As relevant in this case, Missouri differs from federal law only in how it treats marijuana: In Missouri, like many other states, the purchase, possession, and consumption of marijuana by persons over 21 years of age is legal. *See* Mo. Const. art. XIV, § 2.10.

18. The only businesses legally permitted to sell marijuana or cannabis to consumers in Missouri using the name "dispensary" are ones licensed by DHSS. *See, e.g.*, Mo. Const. art. XIV, § 2.2.

V. FACTUAL ALLEGATIONS

19. CBD Kratom Cannabis Dispensary is not licensed by DHSS to sell or dispense marijuana or cannabis at any place. Despite not being licensed to do so, CBD

Kratom Cannabis Dispensary operates multiple "cannabis dispensaries" in, among other places, St. Louis County.

20. Specifically, CBD Kratom Cannabis Dispensary operates such "cannabis dispensaries" at the following St. Louis County locations: 12306 Manchester Road, Des Peres, Missouri 63131; 9200 Olive Blvd. #102, Olivette, Missouri 63132; 3359 N. Hwy. 67, Florissant, Missouri 63033; 13035 Olive Blvd. #109, St. Louis, Missouri 63141; 15320 Manchester Road, Ellisville, Missouri 63011; and 3729 S. Lindbergh Blvd., Unit 101, St. Louis, Missouri 63127.

21. Representative photographs of CBD Kratom Cannabis Dispensary's Des Peres and Olivette locations are reproduced below.

(Des Peres)



(Olivette)



22. By hanging signage declaring each location to be a "cannabis dispensary," CBD Kratom Cannabis Dispensary creates the impression that it is a state-licensed marijuana dispensary, as evidenced by the similarities of its storefronts to those of actual

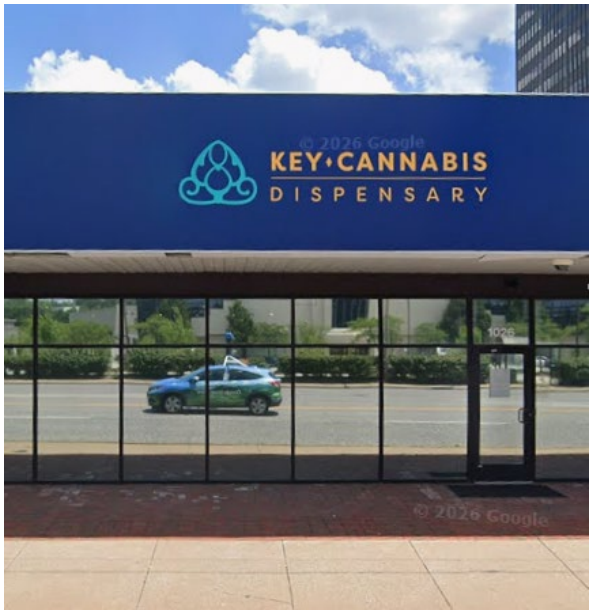
state-licensed marijuana dispensaries in St. Louis County, such as Kind Goods Cannabis Dispensary and Key Cannabis Dispensary.

23. Representative photographs of the Kind Goods Cannabis Dispensary location in Affton and the Key Cannabis Dispensary location in Richmond Heights are reproduced immediately below.

(Affton)



(Richmond Heights)



24. In addition to its misleading name and signage, CBD Kratom Cannabis Dispensary also refers to a category of its products as "cannabis." Those products look and smell just like marijuana and are therefore indistinguishable to consumers.

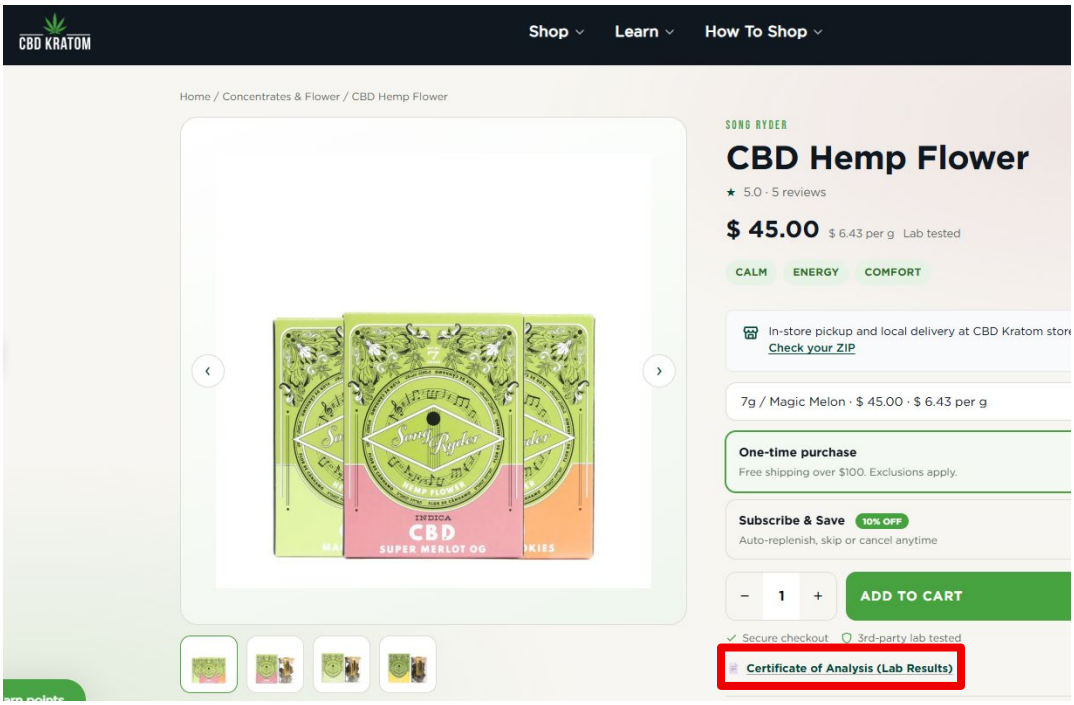


25. As CBD Kratom Cannabis Dispensary recognizes in the "frequently asked questions" section on its website, the products that it is legally permitted to sell are limited to "CBD hemp flower" and do not include "regular cannabis flower," which CBD Kratom Cannabis Dispensary differentiates by representing that its "CBD hemp flower contains high levels of CBD and *less than 0.3% THC* . . . ." (emphasis added).

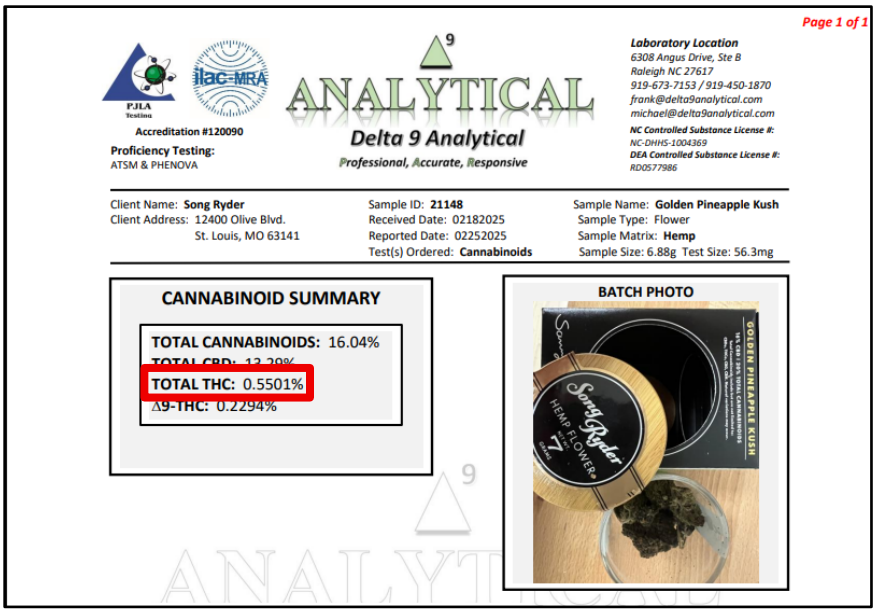
> **2) How is CBD hemp flower different from regular cannabis flower?**
>
> CBD hemp flower contains high levels of CBD and less than 0.3% THC, making it non-intoxicating and legal in most states.

26. CBD Kratom Cannabis Dispensary's representation that its CBD hemp flower contains "less than 0.3% THC" is untrue, as evidenced by the lab test results on its website.

27. For example, through its website, CBD Kratom Cannabis Dispensary advertises, sells, and offers to sell a product called CBD Hemp Flower, and includes lab test results for that product.



28. Those lab test results show that, contrary to CBD Kratom Cannabis Dispensary's representation, its CBD Hemp Flower product has 0.5501% THC (*i.e.*, *more than* the represented 0.3% THC).



Page 1 of 1

PJLA Testing
ilac-MRA
Accreditation #120090
Proficiency Testing:
ATSM & PHENOVA

Δ9 ANALYTICAL
Delta 9 Analytical
Professional, Accurate, Responsive

Laboratory Location
6308 Angus Drive, Ste B
Raleigh NC 27617
919-673-7153 / 919-450-1870
frank@delta9analytical.com
michael@delta9analytical.com
NC Controlled Substance License #:
NC-DHHS-1004369
DEA Controlled Substance License #:
RD0577986

Client Name: Song Ryder
Client Address: 12400 Olive Blvd.
St. Louis, MO 63141

Sample ID: 21148
Received Date: 02182025
Reported Date: 02252025
Test(s) Ordered: Cannabinoids

Sample Name: Golden Pineapple Kush
Sample Type: Flower
Sample Matrix: Hemp
Sample Size: 6.88g Test Size: 56.3mg

CANNABINOID SUMMARY

TOTAL CANNABINOIDS: 16.04%
TOTAL CBD: 13.29%
TOTAL THC: 0.5501%
Δ9-THC: 0.2294%

BATCH PHOTO

29. CBD Kratom Cannabis Dispensary also represents on its website that "[a]ll products contain less than 0.3% hemp derived Delta 9 THC in compliance with the 2018 Farm Bill."

30. The Attorney General's investigators recently made undercover purchases from the CBD Kratom Cannabis Dispensary in Des Peres and sent those products to a state-licensed lab for testing.

31. On or about October 8, 2026, investigators purchased two randomly selected "hemp flower" products from the CBD Kratom Cannabis Dispensary in Des Peres: (a) a sativa strand called Blueberry x Lemon Bars; and (b) a hybrid strand called Sour Cherry Gelato.

32. On the packaging for the Blueberry x Lemon Bars product, CBD Kratom Cannabis Dispensary represented that the product had a delta-9 THC concentration of 0.28% on a dry weight basis.





33. That representation was false, as reflected by the lab test results that show CBD Kratom Cannabis Dispensary's Blueberry x Lemon Bars product is not hemp flower, as advertised, but rather is marijuana flower with a delta-9 THC concentration of more than 10 times the legal maximum for hemp products.


GREEN PRECISION ANALYTICS // 8248 NW 101ST TER SUITE #8 KANSAS CITY MO 64153
PH: 816-442-8238
MO LICENSE #: TES000011

CERTIFICATE OF ANALYSIS

* FOR QUALITY ASSURANCE PURPOSES. NOT A MISSOURI COMPLIANCE CERTIFICATE.

PRODUCED: OCT 19, 2026

SAMPLE: B1 SONG RYDER - BLUEBERRY X LEMON BARS (FLOWER) // CLIENT: HOMEGROWER/CAREGIVER // BATCH: FAILED AS MISSOURI INDUSTRIAL HEMP

CBD KRATOM CANNABIS DISPENSARY - 12306 MANCHESTER RD, DES PERES, MO 63131

BATCH NO.: MO-AGO
METRC SRC TAG:
METRC TESTING TAG:
MATRIX: FLOWER
SAMPLE ID: GPA-261015-083
COLLECTED ON: OCT 15, 2026
RECEIVED ON: OCT 15, 2026
SAMPLE SIZE: 1 G
RECEIVED BY: DAVID JAMESON
SERVING/PACKAGE SIZE: 1 G / 1 G

CANNABINOID OVERVIEW

THCA:	139.1 mg/srv
Δ9-THC:	4.098 %
TOTAL CANNABINOIDS:	182.99 mg

CULTIVATOR INFO

CULTIVATOR
CAREGIVER/HOMEGROWER
8248 NW 101ST TER

BATCH RESULT: FAILED AS MISSOURI INDUSTRIAL HEMP

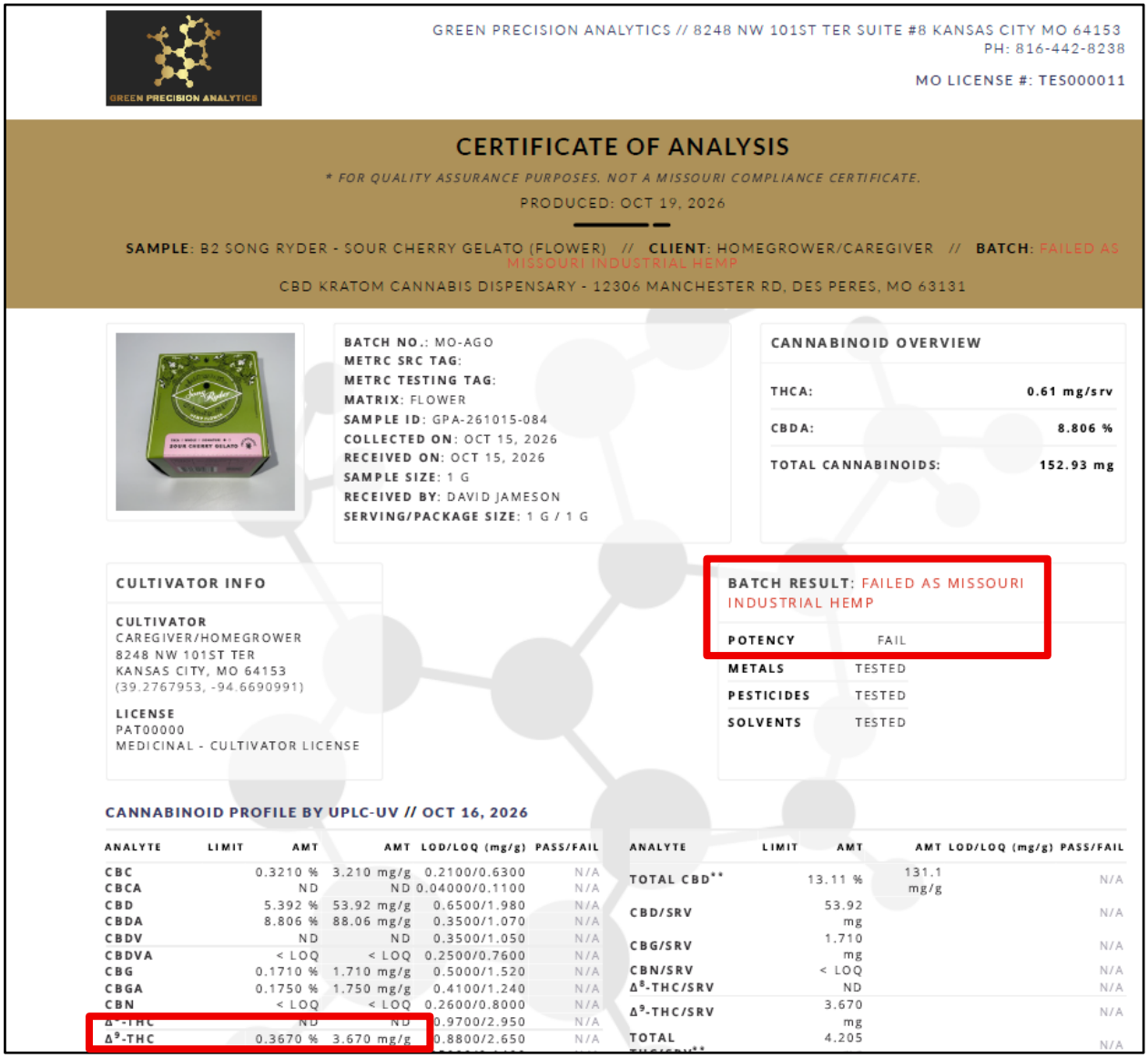
POTENCY FAIL

34. The representations on the packaging for the Sour Cherry Gelato product were likewise false and misleading. On that packaging, CBD Kratom Cannabis Dispensary represented that the Sour Cherry Gelato product contained only CBD and THCA and did not disclose any delta-9 THC content.





35. Contrary to the information shown on the packaging, the lab test results contained on the next page show that CBD Kratom Cannabis Dispensary's Sour Cherry Gelato product is marijuana flower with a delta-9 THC concentration of more than 0.3% on a dry weight basis.



GREEN PRECISION ANALYTICS // 8248 NW 101ST TER SUITE #8 KANSAS CITY MO 64153
PH: 816-442-8238

MO LICENSE #: TES000011

CERTIFICATE OF ANALYSIS

* FOR QUALITY ASSURANCE PURPOSES. NOT A MISSOURI COMPLIANCE CERTIFICATE.

PRODUCED: OCT 19, 2026

SAMPLE: B2 SONG RYDER - SOUR CHERRY GELATO (FLOWER) // CLIENT: HOMEGROWER/CAREGIVER // BATCH: FAILED AS MISSOURI INDUSTRIAL HEMP

CBD KRATOM CANNABIS DISPENSARY - 12306 MANCHESTER RD, DES PERES, MO 63131

BATCH NO.: MO-AGO
METRC SRC TAG:
METRC TESTING TAG:
MATRIX: FLOWER
SAMPLE ID: GPA-261015-084
COLLECTED ON: OCT 15, 2026
RECEIVED ON: OCT 15, 2026
SAMPLE SIZE: 1 G
RECEIVED BY: DAVID JAMESON
SERVING/PACKAGE SIZE: 1 G / 1 G

CANNABINOID OVERVIEW

THCA:	0.61 mg/srv
CBDA:	8.806 %
TOTAL CANNABINOIDS:	152.93 mg

CULTIVATOR INFO

CULTIVATOR
CAREGIVER/HOMEGROWER
8248 NW 101ST TER
KANSAS CITY, MO 64153
(39.2767953, -94.6690991)

LICENSE
PAT00000
MEDICINAL - CULTIVATOR LICENSE

BATCH RESULT: FAILED AS MISSOURI INDUSTRIAL HEMP

POTENCY	FAIL
METALS	TESTED
PESTICIDES	TESTED
SOLVENTS	TESTED

CANNABINOID PROFILE BY UPLC-UV // OCT 16, 2026

ANALYTE	LIMIT	AMT	AMT	LOD/LOQ (mg/g)	PASS/FAIL
CBC		0.3210 %	3.210 mg/g	0.2100/0.6300	N/A
CBCA		ND	ND	0.04000/0.1100	N/A
CBD		5.392 %	53.92 mg/g	0.6500/1.980	N/A
CBDA		8.806 %	88.06 mg/g	0.3500/1.070	N/A
CBDV		ND	ND	0.3500/1.050	N/A
CBDVA		< LOQ	< LOQ	0.2500/0.7600	N/A
CBG		0.1710 %	1.710 mg/g	0.5000/1.520	N/A
CBGA		0.1750 %	1.750 mg/g	0.4100/1.240	N/A
CBN		< LOQ	< LOQ	0.2600/0.8000	N/A
Δ⁸-THC		ND	ND	0.9700/2.950	N/A
Δ⁹-THC		0.3670 %	3.670 mg/g	0.8800/2.650	N/A

ANALYTE	LIMIT	AMT	AMT	LOD/LOQ (mg/g)	PASS/FAIL
TOTAL CBD**		13.11 %	131.1 mg/g		N/A
CBD/SRV		53.92 mg			N/A
CBG/SRV		1.710 mg			N/A
CBN/SRV		< LOQ			N/A
Δ⁸-THC/SRV		ND			N/A
Δ⁹-THC/SRV		3.670 mg			N/A
TOTAL		4.205			N/A

VI. CAUSES OF ACTION

Count One:
Violation of the Missouri Merchandising Practices Act
Unlawful Unfair Practices

36. The State incorporates by reference all other allegations in this Petition as if fully set forth herein.

37. The Missouri Merchandising Practices Act ("MMPA") makes it unlawful for any person to engage in any deceptive or unfair practice in connection with the sale or

advertisement of merchandise in trade or commerce in or from the State of Missouri, regardless of whether such practice is committed before, during, or after the sale or advertisement. § 407.020.1, RSMo.

38. As a for-profit business entity, CBD Kratom Cannabis Dispensary is a "person" within the meaning of the MMPA. § 407.010(5), RSMo.

39. The marijuana and hemp products that CBD Kratom Cannabis Dispensary advertises, sells, and offers for sale constitute "merchandise" for purposes of the MMPA. § 407.010(4), RSMo.

40. CBD Kratom Cannabis Dispensary's acts of selling and offering for sale marijuana and hemp to consumers are each a "sale" within the meaning of the MMPA. § 407.010(6), RSMo.

41. CBD Kratom Cannabis Dispensary's signage on its storefronts, as well as the contents of its website, are "advertisements" for purposes of the MMPA because they are used to induce, directly or indirectly, persons to acquire merchandise as defined under the MMPA. § 407.010(1), RSMo.

42. CBD Kratom Cannabis Dispensary's advertisements, sales, and offers for sale of marijuana and hemp are in trade or commerce in or from the State of Missouri, including because they directly or indirectly affect the people of Missouri. § 407.010(7), RSMo.

43. It is an unfair practice under the MMPA to engage in any practice which violates state or federal law intended to protect the public, and presents a risk of or causes substantial injury to consumers. 15 CSR 60-8.090.

44. It is also an unfair practice under the MMPA to engage in any practice which offends any public policy as it has been established by the Constitution, statutes, or common law of this state, and presents a risk of or causes substantial injury to consumers. 15 CSR 60-8.020.

45. CBD Kratom Cannabis Dispensary's conduct of advertising, selling, and offering for sale marijuana without a license from DHSS is an unfair practice under the MMPA because it offends the public policy established by Article XIV of the Missouri Constitution, Chapter 195 of the Revised Statutes of Missouri, and the Missouri Division of Cannabis's Marijuana Regulations; because it is a violation of the federal Controlled Substances Act and Chapter 579 of the Revised Statutes of Missouri, both of which are intended to protect the public; and because it presents a risk of substantial injury to Missouri consumers.

46. Advertising, selling, and offering for sale marijuana products, while falsely claiming they are hemp products, presents a risk of substantial injury to consumers because consumers are misled into believing that such products are less potent than they actually are.

47. Advertising, selling, and offering for sale marijuana products, while falsely claiming they are hemp products, presents a risk of substantial injury to consumers because consumers are misled into believing that such products are federally legal, when they are not.

48. Advertising, selling, and offering for sale marijuana without a license from, or regulation by, DHSS presents a risk of substantial injury to consumers because

marijuana obtained from illicit sources is of uncertain quality and safety and is not subject to testing by a marijuana testing facility, as defined in the Missouri Constitution, to ensure public health, and may contain undisclosed types or concentrations of psychoactive substances, as was the case with the products that the Attorney General's investigators purchased from CBD Kratom Cannabis Dispensary's storefront in Des Peres.

49. CBD Kratom Cannabis Dispensary's conduct of advertising itself as a "cannabis dispensary" is an unfair practice under the MMPA because it offends the public policy established by Article XIV of the Missouri Constitution, Chapter 195 of the Revised Statutes of Missouri, and the Missouri Division of Cannabis's Marijuana Regulations.

50. The Missouri Constitution and the Missouri Division of Cannabis's Marijuana Regulations establish the public policy of the state of Missouri to limit the category of businesses legally permitted to sell marijuana or cannabis to consumers using the name "dispensary" to those that are licensed by DHSS. Mo. Const. art. XIV, § 2.2; 19 CSR 100-1.180.

51. Chapter 195 of the Revised States of Missouri further establishes the public policy of the state of Missouri to confine the use of the term "dispense" to connote the delivery of narcotics or controlled dangerous drugs, including Schedule I controlled substances like marijuana. *See* § 195.010(12), RSMo; § 195.017.2(5)(ff), RSMo.

52. CBD Kratom Cannabis Dispensary's conduct of advertising itself as a "cannabis dispensary" without a license from, or regulation by, DHSS presents a risk of substantial injury to consumers—who are given the opposite impression—because CBD

Kratom Cannabis Dispensary's unregulated marijuana and hemp products are obtained from sources that are not subject to oversight by DHSS.

53. Because CBD Kratom Cannabis Dispensary's practices, as set forth in this count, are unfair and thus unlawful under the MMPA, § 407.020.1, RSMo, the State is entitled to injunctive relief and civil penalties pursuant to § 407.100, RSMo.

54. CBD Kratom Cannabis Dispensary's unfair and unlawful practices, including those that flout the State's marijuana laws and regulations, irreparably harm the public's health and safety, which cannot be adequately compensated by money damages, thus leaving the State without an adequate remedy at law.

Count Two:
Violation of the Missouri Merchandising Practices Act
Unlawful Deceptive Practices

55. The State incorporates by reference all other allegations in this Petition as if fully set forth herein.

56. Under the MMPA, "[d]eception is any method, act, use, practice, advertisement or solicitation that has the tendency or capacity to mislead, deceive, or cheat, or that tends to create a false impression." 15 CSR 60-9.020(1).

57. By misrepresenting the contents of its products on its packaging, CBD Kratom Cannabis Dispensary has engaged in a deceptive practice because the information on its packaging is false and has the tendency or capacity to mislead and deceive consumers and create a false impression that its products have cannabinoid concentrations and, therefore, physical effects, materially different from those they actually do have.

58. By failing to perform any due diligence to verify the accuracy of the information on its packaging, CBD Kratom Cannabis Dispensary has engaged in a deceptive practice because the information on its packaging is false and has the tendency or capacity to mislead and deceive consumers and create a false impression that the products CBD Kratom Cannabis Dispensary is advertising, selling, and offering for sale are hemp, when, in truth and in fact, those products are marijuana.

59. CBD Kratom Cannabis Dispensary has also engaged in a deceptive practice by falsely representing on its website that "[a]ll products contain less than 0.3% hemp derived Delta 9 THC in compliance with the 2018 Farm Bill," because such representation is untrue and has the tendency or capacity to mislead and deceive consumers and create a false impression that the products CBD Kratom Cannabis Dispensary is advertising, selling, and offering for sale are hemp, when, in truth and in fact, those products are marijuana.

60. Federal law distinguishes between hemp and cannabis. *Compare* 7 USC § 1639*o*, *with* 7 C.F.R. § 990.1. CBD Kratom Cannabis Dispensary echoes the federal distinction on its website by contrasting "CBD hemp flower" with "regular cannabis flower."

61. CBD Kratom Cannabis Dispensary has thus engaged in a deceptive practice by referring to hemp and marijuana products that it advertises, sells, and offers for sale as "cannabis." Such advertisements are deceptive, unethical, and have the tendency to mislead and deceive consumers because consumers may believe that such products (a) are not legally categorized as marijuana, when they are; (b) are state-regulated marijuana

subject to Missouri's constitutional, statutory, and regulatory requirements, assuring quality and safety, when they are not; and/or (c) are sold by a licensed dispensary subject to oversight by DHSS, when they are not. In these ways, such representations tend to create a false impression in the minds of Missouri consumers.

62. CBD Kratom Cannabis Dispensary has further engaged in a deceptive practice by calling itself a "dispensary" because doing so is deceptive, unethical, and has the tendency or capacity to mislead and deceive consumers and create a false impression that CBD Kratom Cannabis Dispensary is licensed and regulated by DHSS and therefore permitted to sell marijuana, when it is not.

63. CBD Kratom Cannabis Dispensary has also engaged in a deceptive practice by falsely representing that the CBD Hemp Flower product that it advertises, sells, and offers for sale contains less than 0.3% THC because doing so is deceptive, unethical, and has the tendency to mislead and deceive consumers who may believe that such product is less intoxicating than it actually is.

64. Because CBD Kratom Cannabis Dispensary's practices, as set forth in this count, are deceptive and therefore unlawful under the MMPA, § 407.020.1, RSMo, the State is entitled to injunctive relief and civil penalties pursuant to § 407.100, RSMo.

65. CBD Kratom Cannabis Dispensary's deceptive and unlawful practices, including those that flout the State's marijuana laws and regulations, irreparably harm the public's health and safety, which cannot be adequately compensated by money damages, thus leaving the State without an adequate remedy at law.

Count Three:
Statutory Drug-Den Public Nuisance

66. The State incorporates by reference all other allegations in this Petition as if fully set forth herein.

67. In Missouri, drug dens are, by statute, *per se* public nuisances. Under § 195.253.1, RSMo, "[a]ny store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to for the purpose of possessing, keeping, transporting, distributing or manufacturing controlled substances shall be deemed a public nuisance."

68. For purposes of § 195.253, RSMo, a "controlled substance" is "a drug, substance, or immediate precursor in Schedules I through V listed in" Chapter 195 of the Revised Statutes of Missouri. § 195.010(6), RSMo.

69. Under § 195.017, marijuana is classified as a Schedule I controlled substance. § 195.017.2(5)(ff), RSMo.

70. CBD Kratom Cannabis Dispensary possesses, keeps, and distributes marijuana at the premises commonly known as 12306 Manchester Rd., Des Peres, Missouri 63131 (the "Premises").

71. Missouri law authorizes the Attorney General to "prosecute a suit in equity to enjoin" such a drug-den public nuisance. § 195.253.2, RSMo.

72. § 195.310, RSMo, authorizes this Court to restrain or enjoin violations of sections 195.010 to 195.320 of the Revised Statutes of Missouri, including the public nuisance prohibition in section 195.253.

73. CBD Kratom Cannabis Dispensary knew, and had reason to believe, that it was (and is) illegally selling marijuana from the Premises, including because in or around March 2026 the Attorney General demanded that CBD Kratom Cannabis Dispensary cease and desist from selling or offering for sale all products with a delta-9 THC concentration of more than 0.3% on a dry weight basis.

74. CBD Kratom Cannabis Dispensary's possession and distribution of illegal marijuana at the Premises irreparably harms the public's health and safety, which cannot be adequately compensated by money damages, thus leaving the State without an adequate remedy at law.

VII. PRAYER FOR RELIEF

WHEREFORE, the State prays that this Court enter judgment:

(a) Finding that CBD Kratom Cannabis Dispensary violated the Missouri Merchandising Practices Act, § 407.020, RSMo, *et seq.*;

(b) Issuing a temporary restraining order, preliminary injunction, and permanent injunction, pursuant to § 407.100, RSMo, prohibiting, restraining, and enjoining CBD Kratom Cannabis Dispensary and its officers, agents, servants, employees and attorneys, as well as those persons in active concert or participation with them who receive actual notice, from engaging in the unlawful practices described above, including: from advertising, selling, or offering for sale marijuana (including specifically, but without limitation, any flower products at the Premises whatsoever); from advertising, selling, or offering for sale any products without performing due diligence to verify the

accuracy of the information on its packaging; from advertising, selling, or offering for sale so-called hemp products without performing due diligence to verify the accuracy of the lab test results for those products; from falsely representing that "[a]ll products contain less than 0.3% hemp derived Delta 9 THC in compliance with the 2018 Farm Bill;" from referring to its business or operations as a dispensary or cannabis dispensary; from referring to its products as cannabis; and from falsely representing that its products contain less than 0.3% THC.

(c) Requiring CBD Kratom Cannabis Dispensary, pursuant to § 407.100.6, RSMo, to pay the State of Missouri a civil penalty of $1,000.00 per violation of the Missouri Merchandising Practices Act that the Court finds to have occurred.

(d) Requiring CBD Kratom Cannabis Dispensary, pursuant to § 407.130, RSMo, to pay all court, investigative, and prosecution costs of this case.

(e) Requiring CBD Kratom Cannabis Dispensary, pursuant to § 408.040, RSMo, to pay pre- and post-judgment interest.

(f) Finding that CBD Kratom Cannabis Dispensary has used its cannabis dispensary at the Premises (12306 Manchester Rd., Des Peres, Missouri 63131) for the purpose of possessing, keeping, and distributing a controlled substance, *to wit*, marijuana, and, therefore, that the store is a public nuisance under § 195.253.1, RSMo.

(g) Issuing a temporary restraining order, preliminary injunction, and permanent injunction, pursuant to § 195.253.2, RSMo, and § 195.310, RSMo, ordering that CBD Kratom Cannabis Dispensary's cannabis dispensary at the Premises (12306 Manchester Rd., Des Peres, Missouri 63131) not be used to distribute flower products unless and until the public nuisance at the Premises is abated by CBD Kratom Cannabis Dispensary having those products tested by a state-licensed lab to determine which, if any, of those products are hemp, rather than marijuana, and destroying all marijuana at the Premises.

(h) Granting such other and further relief as the Court deems just and proper.

VIII. JURY DEMAND

The State demands a trial by jury on all issues so triable.

Dated: October 30, 2026

Respectfully submitted,

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