IN THE CIRCUIT COURT OF LAWRENCE COUNTY, MISSOURI

STATE OF MISSOURI, ex rel., Attorney General Catherine L. Hanaway,	)	
Plaintiff,	)	Case No.: 26LW-CC00147
v.	)	
PUFFERS CHOICE LLC,	)	
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 and unfair tactics designed to make it difficult—if not impossible—for consumers to distinguish their unregulated hemp businesses from state-licensed marijuana businesses. These shops set up their stores to mimic dispensaries. They offer intoxicating "flower" products that look and smell like marijuana. And they offer intoxicating "edibles," which they sell in packaging that is attractive to children. In addition, in some cases, including this one, these shops go one step further by actually 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 Puffers Choice LLC is not a licensed, state-regulated marijuana dispensary facility. Despite that, Puffers Choice sells and offers for sale marijuana (which it falsely represents is hemp) in violation of federal and Missouri law. Even worse, Puffers Choice sells and offers for sale intoxicating THC edibles, including marijuana edibles, in the form of candies contained in packaging that mimics popular children's snacks. So not only does Puffers Choice illegally sell drugs, but it also packages some of those drugs and other intoxicating products in a manner designed to entice children.

3. The State brings this action to immediately stop Puffers Choice'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 Puffers Choice LLC is a Missouri limited liability company with its principal place of business at 376 State Highway P, Clever, Missouri 65631.

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 restrain and enjoin any store, shop, building, or other structure or place that is being used for the purpose of possessing, keeping, transporting, distributing, or manufacturing a controlled substance.

9. This Court has personal jurisdiction over Puffers Choice pursuant to § 506.500.1, RSMo, because the causes of action set forth in this Petition arise from Puffers Choice's transaction of business within Missouri and its use and possession of real estate situated in Missouri, specifically its business operations within Missouri through its brick-and-mortar stores at 376 State Highway P, Clever, Missouri 65631 and 1600 S Elliott Avenue, Aurora, Missouri 65605.

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." As alleged herein, Puffers Choice has violated the provisions of Chapter 407 of the Revised Statutes of Missouri in Lawrence County, among other places.

11. Venue is also proper in this Court because the Puffers Choice store that constitutes a public nuisance—and that the State seeks to restrain and enjoin from continuing to be used to illegally possess, keep, and distribute controlled substances—is located in Lawrence County. § 195.310, RSMo.

IV. BACKGROUND

Federal Law

12. Federal law distinguishes between "marijuana" and "hemp."

13. 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); and

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*.

14. At the federal level, hemp is legal, but marijuana is not. *See* 21 U.S.C. § 812.

Missouri Law

15. 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(12), RSMo; 19 CSR 100-1.010(48) (Division of Cannabis Regulation's marijuana regulations).

16. 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.

17. When Missourians voted to legalize marijuana, they did not give free rein to anyone and everyone to sell marijuana. Instead, they demanded that the State, through the Department of Health and Senior Services ("DHSS"), control the "distribution of marijuana under a system that licenses, regulates, and taxes the businesses involved while protecting public health." *See* Mo. Const. art. XIV, § 2.1.

18. In furtherance of that directive, Missouri's legal and regulatory system for marijuana restricts businesses from selling marijuana unless they obtain a license from DHSS and limits the places at which licensed businesses can sell marijuana to dispensary facilities. *See* Mo. Const. art. XIV, § 2.2; 19 CSR 100-1, *et seq.*

19. That system also prohibits marijuana products from, among other things, being packaged in a manner that is "attractive to children" or that is "visually similar to any commercially similar product that does not contain marijuana." 19 CSR 100-1.120.

V. FACTUAL ALLEGATIONS

20. Puffers Choice purports to sell hemp flower and edible products.

21. Puffers Choice is not licensed by DHSS to sell or dispense marijuana.

22. Despite not being licensed to do so, Puffers Choice sells and offers for sale marijuana flower and edible products, including from its store in Lawrence County, Missouri at 1600 S Elliott Avenue, Aurora, Missouri 65605.

23. The Attorney General's investigators recently made undercover purchases from the Puffers Choice store in Aurora and sent those products to a lab for testing.

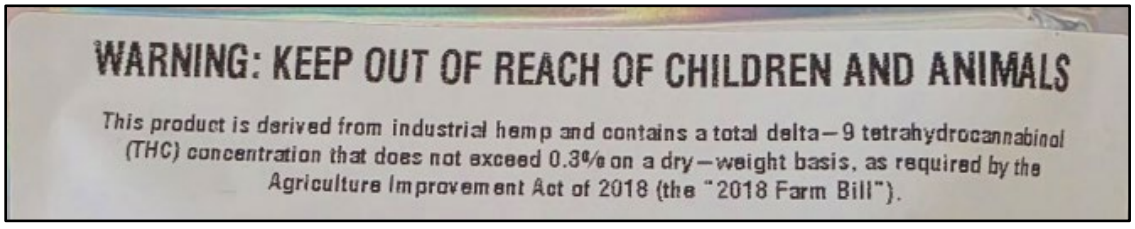
24. On or about October 8, 2026, investigators purchased two (so-called) hemp flower products from Puffers Choice's Aurora store—"Strawberry Slushy" and "Lemon Runtz." Those products are accurately depicted below.

(Strawberry Slushy) (Lemon Runtz)



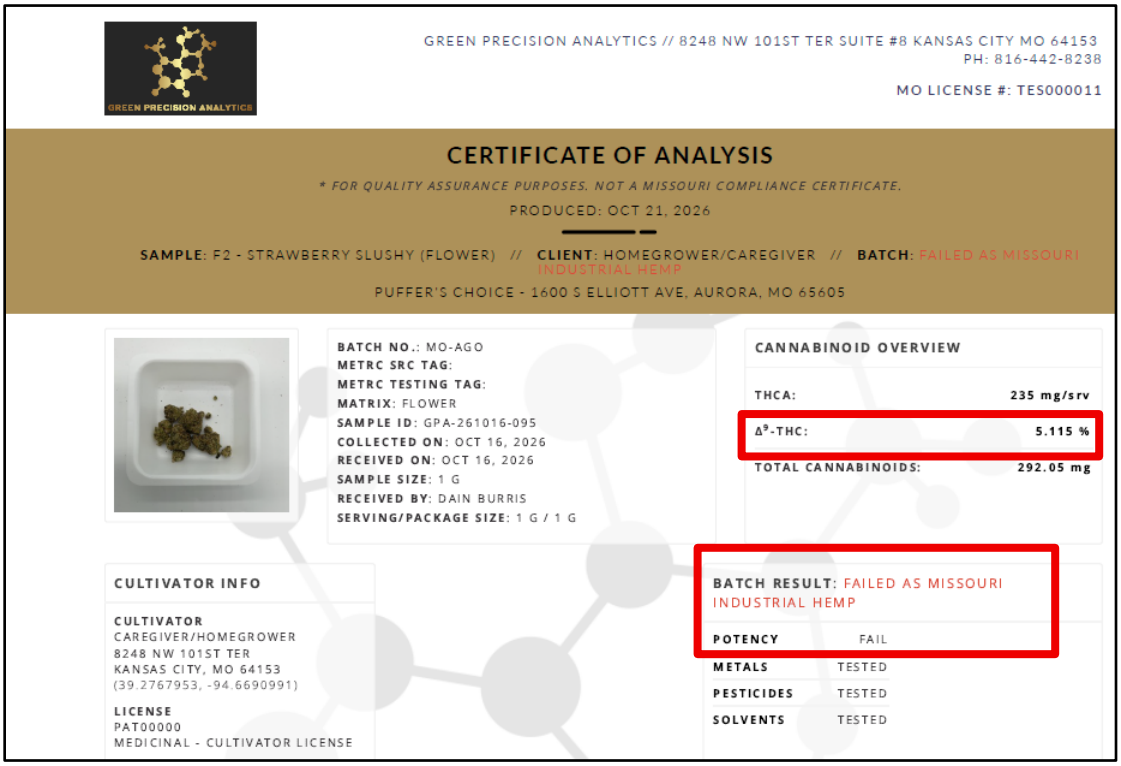


25. On the packaging for both of those products, Puffers Choice represented that the products were "derived from industrial hemp and contains a total delta-9 tetrahydrocannabinol (THC) concentration that does not exceed 0.3% on a dry-weight basis, as required by the Agriculture Improvement Act of 2018 (the '2018 Farm Bill')." The packaging for those products is accurately reproduced below.



26. The representations made by Puffers Choice on the packaging of those flower products were false, as reflected by the lab test results obtained by the Attorney General's Office.

27. The lab test results for Strawberry Slushy showed that it is not hemp flower, as represented, but rather is marijuana flower with a delta-9 THC concentration of more than 5% on a dry weight basis—over 15 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 21, 2026

SAMPLE: F2 - STRAWBERRY SLUSHY (FLOWER) // CLIENT: HOMEGROWER/CAREGIVER // BATCH: FAILED AS MISSOURI INDUSTRIAL HEMP

PUFFER'S CHOICE - 1600 S ELLIOTT AVE, AURORA, MO 65605

BATCH NO.: MO-AGO
METRC SRC TAG:
METRC TESTING TAG:
MATRIX: FLOWER
SAMPLE ID: GPA-261016-095
COLLECTED ON: OCT 16, 2026
RECEIVED ON: OCT 16, 2026
SAMPLE SIZE: 1 G
RECEIVED BY: DAIN BURRIS
SERVING/PACKAGE SIZE: 1 G / 1 G

CANNABINOID OVERVIEW

THCA:	235 mg/srv
Δ^9-THC:	5.115 %
TOTAL CANNABINOIDS:	292.05 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

28. Similarly, the lab test results for Lemon Runtz showed that it is not hemp flower, as represented, but instead is marijuana flower with a delta-9 THC concentration of more than 1.3% on a dry weight basis—more than 4 times the legal maximum for hemp products.

29. In addition, also on or about October 8, 2026, investigators purchased two edible products from Puffers Choice's Aurora store.

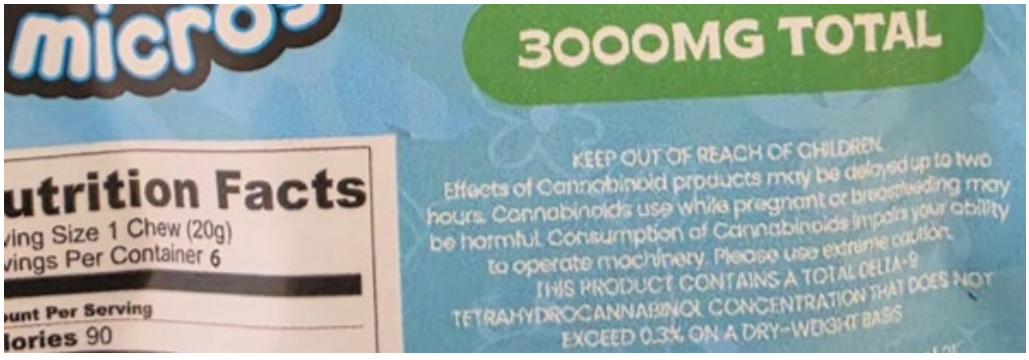
30. Both of those products were sold in packaging attractive to children.

31. One of those edible products—called Zour Bitez—was contained in packaging visually similar to a commercially similar product called Sour Punch Bites that does not contain marijuana, as pictured below.





32. The back of the packaging for Zour Bitez stated that "this product contains a total delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis."



33. The lab test results for Zour Bitez show that the information on the packaging was false. The lab test results demonstrate that Zour Bitez is not hemp, as represented, but rather 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 21, 2026

SAMPLE: F4 - ZOUR BITES (GUMMY PRODUCT) // CLIENT: HOMEGROWER/CAREGIVER // BATCH: FAILED AS MISSOURI INDUSTRIAL HEMP

PUFFER'S CHOICE - 1600 S ELLIOTT AVE, AURORA, MO 65605

BATCH NO.: MO-AGO
METRC SRC TAG:
METRC TESTING TAG:
MATRIX: GUMMY PRODUCT
SAMPLE ID: GPA-261016-099
COLLECTED ON: OCT 16, 2026
RECEIVED ON: OCT 16, 2026
SAMPLE SIZE: 1 UNITS
RECEIVED BY: DAIN BURRIS
SERVING/PACKAGE SIZE: 1 G / 1 G

CANNABINOID OVERVIEW

Δ^9-THC PER SERVING:	3.74 mg
CBD PER SERVING:	0.11 mg
TOTAL CANNABINOIDS:	32.52 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

34. The second edible product was a sucker—called a "Lifted Lolli"—which did not contain any markings or other indicators on its packaging to alert customers that it contained THC.

35. Nothing on the Lifted Lolli sucker disclosed the presence of THC or any other intoxicant.

36. Particularly if they did not purchase the Lifted Lolli sucker, individuals consuming the sucker would have no reason to believe or suspect that it contained THC.

37. The front and back of the Lifted Lolli sucker are accurately depicted below.





38. Lab tests obtained by the Attorney General's Office show that the Lifted Lolli sucker purchased by investigators from Puffers Choice contained THC.

VI. CAUSES OF ACTION

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

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

40. 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 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. § 407.020.1, RSMo.

41. As a for-profit business entity, Puffers Choice is a "person" within the meaning of the MMPA. § 407.010(5), RSMo.

42. The marijuana and hemp products that Puffers Choice sells and offers for sale constitute "merchandise" for purposes of the MMPA. § 407.010(4), RSMo.

43. Puffers Choice's acts of selling and offering for sale marijuana and hemp to consumers is a "sale" within the meaning of the MMPA. § 407.010(6), RSMo.

44. Puffers Choice's 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.

45. 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.

46. 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.

47. Puffers Choice's conduct of 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.

48. 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.

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

50. 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 Puffers Choice's storefront in Lawrence County.

51. The Missouri Constitution and the Missouri Division of Cannabis's Marijuana Regulations establish the public policy of the state of Missouri to prohibit marijuana products from being packaged in a manner that is attractive to children under the age of 21 or that might cause confusion between marijuana products and similar commercial products that do not contain marijuana. Mo. Const. art. XIV, § 2; 19 CSR 100-1.120.

52. Puffers Choice's conduct of selling and offering for sale Lifted Lollies suckers in packaging that is attractive to children, as well as Zour Bitez in packaging that is attractive to children—and appears visually similar to the packaging for the non-marijuana candy Sour Punch Bites—presents a risk of substantial injury to consumers because it unnecessarily creates and increases the risk that children, including those who cannot yet read or understand warning labels, will accidentally ingest marijuana and/or intoxicating THC because they mistake those products for non-marijuana- and/or non-THC-infused candy.

53. Because Puffers Choice'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. Puffers Choice'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, Puffers Choice 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 have.

58. By misrepresenting the contents of its products on its packaging, Puffers Choice 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 are federally legal hemp, when they are not.

59. By failing to perform any due diligence to verify the accuracy of the information on its packaging, Puffers Choice 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 Puffers Choice is advertising, selling, and offering for sale are hemp, when, in truth and in fact, those products are marijuana.

60. By selling and offering for sale Lifted Lollies suckers in packaging that does not contain any markings or other indicators to alert customers that the suckers contain THC, Puffers Choice has engaged in a deceptive practice because the absence of such markings and indicators has the tendency or capacity to mislead and deceive consumers and create a false impression that the suckers do not contain THC, when they do, and/or are not intoxicating, when they are.

61. Because Puffers Choice'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.

62. Puffers Choice'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

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

64. 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."

65. 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.

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

67. Puffers Choice possesses, keeps, and distributes marijuana at the premises commonly known as 1600 S Elliott Avenue, Aurora, Missouri 65605 (the "Premises").

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

69. § 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.

70. Puffers Choice 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 Puffers Choice 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.

71. Puffers Choice'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 Puffers Choice 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 Puffers Choice 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 selling or offering for sale marijuana (including specifically, but without limitation, any flower and edible products at the Premises whatsoever); from selling or offering for sale any products without performing due diligence to verify the accuracy of the information on its packaging; from selling or offering for sale products in packaging that is attractive to children; from selling or offering for sale products in packaging that is visually similar to any commercially similar product that does not contain marijuana; and from selling or offering for sale products in packaging that does not contain markings or other indicators informing customers that the products contain THC.

(c) Requiring Puffers Choice, 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 Puffers Choice, pursuant to § 407.130, RSMo, to pay all court, investigative, and prosecution costs of this case.

(e) Requiring Puffers Choice, pursuant to § 408.040, RSMo, to pay pre- and post-judgment interest.

(f) Finding that Puffers Choice has used its store at the Premises (1600 S Elliott Avenue, Aurora, Missouri 65605) 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 Puffers Choice's store at the Premises (1600 S Elliott Avenue, Aurora, Missouri 65605) not be used to distribute flower and edible products unless and until the public nuisance at the Premises is abated by Puffers Choice 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,

CATHERINE L. HANAWAY
Attorney General

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