



Father fighting to use medical marijuana concentrates not protected under law

Posted 6:52 PM, February 25, 2015, by [Dana Chicklas](#), Updated at 07:31pm, February 25, 2015

GRAND RAPIDS, Mich. – A Spring Lake father already served jail time and is due back in court for another felony charge of medical marijuana concentrates possession, despite having a medical marijuana card.

Max Lorincz told FOX 17 has suffered years of pain from a long list of ailments, including herniated back discs and severe celiac disease. Yet when he started to use prescribed medical marijuana edibles and concentrates, his pain faded.

Here's the hook: even though Lorincz has a medical marijuana card and thought he was following the law, marijuana concentrates are not necessarily protected under the Michigan Medical Marijuana Act.

“If nobody stands up for this and it just keeps going the way it is, how many more people are going to get thrown under the bus just for using their prescribed medicine?,” asked Lorincz. “It’s just ridiculous.”



Lorincz said he is fighting for his health and the freedom to take the prescriptions that take his pain away: medical marijuana edibles and concentrates, like butane hash oil.

“When I got on the edibles, it was able to calm my stomach down enough and get things under control better than any medications they’d prescribe me,” said Lorincz.

Recently Lorincz was charged with felony marijuana concentrates possession. As he awaits court, the judge ordered him to be drug tested. Now he said he is forced back on powerful painkillers; pills Lorincz said make him feel like a zombie.

“I’ve had to go back to the narcotic pain medications and it’s just terrible,” said Lorincz.

But here’s another problem: under the current Michigan Medical Marijuana Act, “usable marijuana” is defined only as the dry leaves or dry flowers of the plant. Under its section four, users are protected to have up to 2.5 ounces of “usable marijuana,” not concentrates like Lorincz depends on.

“Concentrates are not presently defined under the Act and therefore, according to the People v. Carruthers, don’t qualify for section four immunity,” said Nicholas Vander Veen, attorney with Smith Haughey Rice & Roegge.

“However, users of medical marijuana can find affirmative defenses under section eight of the Act, and they meet a certain set of factors, they’ll be able to prove their innocence via that method.”

Lorincz said he filed for section eight immunity, but the case is now in the hands of his court appointed lawyer and the court system.

“The doctor is telling me one thing, the judge is telling me another,” said Lorincz.

“When I follow my doctor’s recommendations that’s when my health started to get better; going back and following what the judge is saying, my health is just deteriorating ever since. So it’s a scary road I’m going down, but I have to comply with what they’re asking and I just don’t know what else to do.”

There is legislation pending that would amend the Michigan Medical Marijuana Act to include perhaps a more specific definition of “usable marijuana.” However, this House Bill 5104 has been hung up for months, after the Michigan Senate referred it to a committee last August.



Medical marijuana battle: Father fights for custody of son

Posted 5:20 PM, April 23, 2015, by [Dana Chicklas](#)

OTTAWA COUNTY, Mich. – Medical marijuana is a controversial, sometimes sticky issue, especially in Michigan.

Max Lorincz is a father from Spring Lake who is fighting for his right to use medical marijuana, and get his son back. He's a card-carrying patient, but was charged with a felony, after a single smear of oil was found in his home.

After Lorincz's probable cause hearing has left him waiting for a decision from a judge.

Since seeing FOX 17's coverage of Lorincz's case back in February, Defense Attorney and President of the Michigan Medical Marijuana Association Michael Komorn took on Lorincz's case pro-bono. For the last six years, Komorn said he's dedicated his practice exclusively to medical marijuana patient and caregiver representation.

Komorn called Lorincz's case "scandalous," and said a major problem here is law enforcement dealing with a public health issue.

Like many card-carrying medical marijuana patients across the state, Lorincz is caught between his doctor's orders and a judge.

"When I follow my doctor's recommendations that's when my health started to get better; going back and following what the judge is saying, my health is just deteriorating ever since," said Lorincz. "So it's a scary road I'm going down, but I have to comply with what they're asking and I just don't know what else to do."

But his case has come with some devastating consequences. In February Lorincz was charged with a two-year felony: possession of a schedule 1, controlled, synthetic substance. Schedule 1 is defined as a controlled substance that has no medical use.

Now his five-year-old son is taken away, and he is left with only supervised visits. All of this because Lorincz called 911 in September for a family medical emergency. The deputy who responded to the call found a smear of butane hash oil in his home. It's a substance Lorincz ingests for what he called "deep pain relief," and is something he obtained with his medical marijuana card.

"I'm outraged by it, it shouldn't have happened," said Komorn.



Komorn said medical marijuana is not a controlled substance. In fact, Michigan law states marijuana is a schedule 2 drug. Yet because Lorincz is charged with having a schedule 1 drug, and not specifically marijuana, Komorn said it is difficult to protect Lorincz under section 8 immunity of the Michigan Medical Marijuana Act.

Komorn believed part of the issue is a recent policy change in Michigan State Police Lab reporting.

“They had a policy change by why?” asked Komorn. “The policy changed. The motivation for it was if they report it this way, people like Max won’t be able to claim a medical marijuana defense.”

The lab technician in Lorincz’s case testified that he has been testing tetrahydrocannabinol, or THC, for 25 years. THC is the main psychoactive ingredient in marijuana, also present in synthetics. However, a recent policy change means the technicians have to write “origin unknown” when testing this type of THC on lab reports. The technician said he could not tell if the sample was synthetic or natural.

The prosecution argued Lorincz’s residue was not “usable marijuana,” as defined in the previous court case, *People versus Carruthers*; therefore, Lorincz should be bound over for trial. However, Komorn argued that a hash extraction comes directly from the resin of the plant.

Komorn said this lab policy change is the difference between a felony and no charge at all for Lorincz, stating he should be protected under the Michigan Medical Marijuana Act. Komorn asked the judge to dismiss it.

“(The lab technician) admitted that on the stand,” said Komorn. “That is very, very, very disturbing to me, because it means that the politics in the law are affecting the truth. That’s not how it’s supposed to be. We’re supposed to rely on science to make the case.”

For now Lorincz said he is following court’s orders and is back to taking what he calls debilitating prescription pain-killers.

He is fighting to get his son back, and then to use the medicine he says works best, without having to smoke it.

“If nobody stands up for this and it just keeps going the way it is, how many more people are going to get thrown under the bus just for using their prescribed medicine?” asked Lorincz. “It’s just ridiculous.”

Stay with FOX 17 on this case for the outcome. Meanwhile, pending legislation that would rewrite the medical marijuana laws have been introduced in Lansing.