

Privacy & Confidentiality

Alabama

We must take the security and confidentiality of our consumers seriously. **All personal information collected is confidential and private.** Per the Alabama Medical Cannabis Commission (AMCC), licensees are required to **protect the privacy of visiting registered patients and caregivers and they must also meet and exceed HIPAA requirements.** Consumer information may not be released to any third party without the individual's express written consent. Patient information may be released to their physician.

As a professional representative of the legal cannabis industry, display care and **thoughtfulness, even outside of work.** For instance, if you see your favorite patient in public, allow them to approach you before engaging in conversation or asking questions about their recent purchases.

Consumer Visit Privacy

If the dispensing site occupies space within a multi-use structure, strip mall or other retail facility, the licensee must provide a verified plan demonstrating that the safety and privacy of patients and caregivers is fully supported and monitored at all times during their visits to the dispensary (including in the parking area outside the dispensing site).

License Applications

Within license applications, Dispensaries must create and maintain at all times a plan for maintaining confidential information and providing cybersecurity for sensitive information with respect to patients and caregivers. They must include a set of protocols for maintaining the confidentiality of patient information in accordance with HIPAA arising from or related to the dispensary's access to the Patient Registry and/or from any other source.

Standard Operating Procedures (SOPs)

In addition, licensees must demonstrate and maintain SOPs in such a way that they can be readily accessed from the physical site of operations upon request of the AMCC. Employees must be trained on applicable SOPs to ensure adherence to them.

Required SOPs include a Confidential Information and Cybersecurity Plan, which must be maintained at all times and reviewed at least annually. The plan must outline efforts for securing and maintaining confidentiality as to any and all sensitive information and any records required to be confidentially maintained, including, at a minimum, information and records communicated interpersonally, kept physically, or stored virtually.

HIPAA

Health information is private and should be protected. That is why there is a federal law that sets rules for who can look at and receive a patient's health information.

This law, called the Health Insurance Portability and Accountability Act of 1996 (HIPAA), gives consumers rights over their health information, including the right to get a copy of their information, ensure that it is correct, and know who has seen it.

Who Needs to Comply with HIPAA?

Any organization or person who works in or with the healthcare industry or who **has access to protected health information.**

Privacy & Confidentiality

Alabama

Protected Health Information

The Privacy Rule applies to all protected health information, which includes, when held or transmitted by a covered entity, information that:

- Relates to the individual's past, present, or future physical or mental health or condition;
- Relates to the provision of health care to an individual; or to past, present, or future payment for the provision of health care to the individual; and
- Identifies the individual or is information for which there is a reasonable basis to believe it can be used to identify the individual.

Protected health information can be in any form: electronic, paper, or oral. It can include financial and demographic information collected from consumers.

Confidential Information includes, but is not limited to:

- Name
- Address/email address
- Telephone number
- Social Security number
- Occupation
- Medical cannabis card/registration number
- Driver license or ID number
- Condition(s)/Ailment(s)
- Medical information
- Purchase habits/history
- Consumption habits
- Personal information revealed to staff

Be sure to keep detailed records to show that **every employee has received privacy issue training.**

Privacy & Confidentiality

Alabama

538-X-8-.04 Requirements And Limitations As To Dispensaries Sites.

Dispensing sites must comply with the following:

(1) Premises. A "dispensing site" as defined in Chapter 1 of these Rules may consist of a stand-alone building or occupy dedicated exclusive space within a multi-use structure, strip mall or other such retail facility, except that a dispensing site may not occupy space within the same multi-use structure, strip mall or other such retail facility as a certifying physician or another licensee. To the extent that the dispensing site occupies space within a multi-use structure, strip mall or other retail facility, the licensee must provide a verified plan demonstrating that the space is reasonably secure from outside intrusion and that the safety and privacy of patients and caregivers is fully supported and monitored at all times during their visits to the dispensary (including in the parking area outside the dispensing site, see 538- X-8-.04-2). Other facilities owned or leased and operated by a dispensary, such as a business office and a warehouse, shall not be deemed a dispensing site, provided that no medical cannabis products are offered for sale at such facilities.

538-X-8-.05 Applications And Licensing Procedures As To Dispensaries Generally.

(3) Procedure for Filing Application - Exhibits to Dispensary's Application. Exhibits to the Dispensary Applicant's application information shall include all those as provided in subparagraphs 3.m.(1) through 3.m.(16) of Rule 538-X-3-.05 of Chapter 3 of these Rules, unless specifically provided otherwise as follows:

(e) Dispensary applicants must create and maintain at all times a plan pursuant to 538-X-3-.05-3.m.(16)(i) and 538-X-4-. 07-12.o.(9), for maintaining confidential information and providing cybersecurity for sensitive information with respect to patients and caregivers, but the dispensary shall include within that plan a set of protocols for maintaining the confidentiality of patient information in accordance with HIPAA arising from or related to the dispensary's access to the Patient Registry and/or from any other source.

538-X-4-.07 Duty To Meet And Maintain Standards, Policies, Procedures and Operations Per Application.

(12) The following documents, labeled, and in the following order:

(o) The licensee's verified Standard Operating Plan and Procedures. The licensees must demonstrate and maintain standard operating procedures regarding the following subjects in such a way that they can be readily accessed from the physical site of operations upon the request of inspectors, the Commission, or Commission staff, including, at a minimum, the following:

9. A Confidential Information and Cybersecurity Plan. The licensee must maintain at all times and review at least annually, a plan for securing and maintaining confidentiality as to any and all sensitive information and any records required to be confidentially maintained, including, at a minimum, information and records communicated interpersonally, kept physically, or stored virtually.