



Issue Brief: Standing Doctrine in State Courts

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I. Introduction

Over the past several years, the legal landscape in federal court has presented challenges for health care advocates working on behalf of people with low income and disabilities. Those challenges include U.S. Supreme Court decisions that have heightened requirements for standing, which governs whether plaintiffs can proceed with litigation in federal court.¹ As a result, advocates may wish to investigate whether they can proceed in state court where standing requirements are different and, in some instances, more favorable for plaintiffs. This Issue Brief examines standing doctrine in state court. The brief explains how standing requirements in state court differ from federal court and explores different theories of standing that plaintiffs may rely on in state court litigation.

II. Federal vs. State Standing Doctrine

"The [U.S.] Constitution gives federal courts the power to adjudicate only genuine 'Cases' and 'Controversies.'"² The U.S. Supreme Court has interpreted Article III's "Cases and Controversies" requirement to mean that "the irreducible constitutional minimum of standing contains three elements."³ To establish Article III standing, a plaintiff "must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision."⁴

¹ See, e.g., *Food & Drug Admin. v. All. for Hippocratic Med.*, 602 U.S. 367, 379 (2024) (tightening the test for organizational standing); *TransUnion LLC v. Ramirez*, 594 U.S. 413, 427 (2021) (holding plaintiffs must demonstrate "concrete harm" to satisfy the injury-in-fact requirement of standing).

² *California v. Texas*, 593 U.S. 659, 668 (2021) (quoting U.S. Const. art. III, § 2).

³ *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992).

⁴ *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016) (citing *Lujan*, 504 U.S. at 560-61).

Under the requirements of Article III, federal courts have rejected general public interest standing, and “refrain[] from adjudicating abstract questions of wide public significance which amount to generalized grievances, pervasively shared and most appropriately addressed in the representative branches.”⁵ Federal courts have also rejected taxpayer standing, with a limited and narrow exception for cases alleging violations of the First Amendment’s Establishment Clause.⁶ Moreover, plaintiffs in federal court still must satisfy the injury-in-fact requirement of standing even if a federal statute authorizes their ability to sue.⁷

However, “the constraints of Article III do not apply to state courts, and accordingly the state courts are not bound by the limitations of a case or controversy or other federal rules of justiciability even when they address issues of federal law. . . .”⁸ As a result, “[s]tate courts are free to adopt a ‘case or controversy’ justiciability requirement or open their courts to lawsuits that may not meet this requirement.”⁹ Many states therefore do not impose Article III requirements in the same manner as federal courts, and “are more liberal in recognizing the standing of parties than the federal courts.”¹⁰

⁵ *Valley Forge Christian Coll. v. Ams. United for Separation of Church & State, Inc.*, 454 U.S. 464, 475 (1982) (quotations omitted).

⁶ *See Hein v. Freedom From Religion Found., Inc.*, 551 U.S. 587, 599 (2007) (“As a general matter, the interest of a federal taxpayer in seeing that Treasury funds are spent in accordance with the Constitution does not give rise to the kind of redressable ‘personal injury’ required for Article III standing.”).

⁷ *See TransUnion LLC*, 594 U.S. at 427 (“[U]nder Article III, an injury in law is not an injury in fact. Only those plaintiffs who have been *concretely harmed* by a defendant’s statutory violation may sue that private defendant over that violation in federal court.”).

⁸ *ASARCO Inc. v. Kadish*, 490 U.S. 605, 617 (1989).

⁹ *Stockmeier v. Nevada Dep’t of Corr. Psychological Rev. Panel*, 135 P.3d 220, 225-26 (Nev. 2006), *abrogated on other grounds by Buzz Stew, LLC v. City of N. Las Vegas*, 181 P.3d 670 (Nev. 2008); *see also United States v. Cella*, 568 F.2d 1266, 1279 n. 9 (9th Cir. 1977) (“[A] state is free, if it so desires, to establish pursuant to its own laws and constitutional rules of standing for application in its own courts which are more liberal than those employed by the federal courts.”).

¹⁰ *People v. \$1,124,905 U.S. Currency & One 1988 Chevrolet Astro Van*, 685 N.E.2d 1370, 1377 (Ill. 1997); *see also Grossman v. Dean*, 80 P.3d 952, 959 (Colo. Ct. App. 2003) (recognizing that Colorado has adopted “a more expansive view of standing . . . than that expressed under federal law”); *Gallagher v. Santander Consumer USA Inc.*, No. ED 113806, 2026 WL 2481534, at *2 (Mo. Ct. App. Aug. 25, 2026) (“The federal standing requirements are more strict than standing requirements under Missouri law.”). *See generally* Wyatt Sassman, *A Survey of Constitutional Standing in State Courts*, 8 Ky. J. Equine, Agric. & Nat. Resources L. 349, 398 (2016) (surveying standing requirements in state courts).

State courts have recognized plaintiffs' standing based on state statute, plaintiffs' status as taxpayers, and in support of the public interest.

III. State Court Standing Doctrines

A. Statutory Standing

In federal court, "Article III standing requires a concrete injury even in the context of a statutory violation."¹¹ However, because Article III does not apply in state court, a plaintiff may have statutory standing even if they have not suffered a concrete injury. States "can confer standing through a statutory cause of action."¹² In some jurisdictions, courts will "recogniz[e] statutory rights that are broader than those afforded to citizens by constitutional standing."¹³ In these states, courts have "found standing despite no allegation of concrete injury."¹⁴

State false claim acts, environmental rights acts, and consumer protection acts are types of state laws that may provide statutory standing.¹⁵ For example, in *State by Humphrey v. Philip Morris Inc.*, the Minnesota Supreme Court held that a nonprofit health care organization met the statutory standing requirements to sue a tobacco company under Minnesota's antitrust and consumer protection statutes, even though the organization did not demonstrate a sufficient injury to pursue a tort claim.¹⁶ The court recognized that "[t]he legislature may, by statute, expand the connection between conduct and injury necessary to permit suit" and "that the broad grants of

¹¹ *Spokeo, Inc.*, 578 U.S. at 331.

¹² *Gallagher*, 2026 WL 2481534 at *2.

¹³ *See Citizens for Cold Springs v. City of Reno*, 218 P.3d 847, 852 (Nev. 2009).

¹⁴ *Smith v. Ohio St. Univ.*, No. 17AP-218, 2017 WL 6016627 at 3 (Ohio Ct. App. Dec. 5, 2017); *see also Kenn v. Eascare, LLC*, 226 N.E.3d 318, 326 (Mass Ct. App. 2024) (concluding plaintiff had standing even though "her injury may not be 'concrete' as that term is understood in art. III jurisprudence"); *Rosenbach v. Six Flags Ent. Corp.*, 129 N.E.3d 1197, 1207 (Ill. 2019) (holding plaintiff "need not allege some actual injury or adverse effect, beyond violation of his or her rights under the Act, in order to" satisfy standing requirements); *Warren v. ACOVA, Inc.*, 39 N.W.3d 18, 29 (Minn. 2026) ("Litigants who do not meet the injury-in-fact standing requirement may nonetheless obtain judicial intervention through a legislative enactment that specifically authorizes a particular kind of party to pursue a particular kind of claim.").

¹⁵ *See Warren*, 39 N.W.3d at 29 (noting that statutory standing is available under Minnesota False Claims Act and Minnesota Environmental Rights Act); *Rosenbach*, 129 N.E. 3d at 1207 (recognizing statutory standing under Illinois' Biometric Information Privacy Act).

¹⁶ 551 N.W.2d 490, 495 (Minn. 1996).

standing within the statutes themselves” were sufficient to allow plaintiffs to proceed with their claims.¹⁷

B. Taxpayer Standing

A majority of states recognize some form of taxpayer standing.¹⁸ Taxpayer standing permits a taxpayer to “bring an action to enjoin the illegal expenditure of public funds raised for governmental purposes.”¹⁹ “[T]he purpose of taxpayer standing is to enable a large body of the citizenry to challenge governmental action which would otherwise go unchallenged in the courts because of the standing requirement.”²⁰ Taxpayer standing can be particularly useful for advocates because “[u]nlike other plaintiffs, citizen-taxpayers need not demonstrate an injury-in-fact to acquire standing.”²¹ Taxpayer standing has been established through common law, and in some states there are specific statutory provisions that allow for taxpayer suits.²²

The exact requirements of taxpayer standing vary from state to state. Most states recognize that plaintiffs must “challenge a specific governmental action” rather than a general challenge to “governmental spending policies” that plaintiffs believe are

¹⁷ *Id.*; see also *Minnesota Teamsters Serv. Bureau v. GoodRx, Inc.*, 26 N.W.3d 744, 751 (Minn. Ct. App. 2025), *review granted* (Nov. 26, 2025) (holding non-profit organization had statutory standing to bring claim against prescription-drug discount provider).

¹⁸ See Joshua G. Urquhart, *Disfavored Constitution, Passive Virtues? Linking State Constitutional Fiscal Limitations and Permissive Taxpayer Standing Doctrines*, 81 Fordham L. Rev. 1263, 1283 (2012) (surveying all 50 states and finding at least 36 states “clearly permit state taxpayer lawsuits”).

¹⁹ *Kuehn v. Pillen*, 39 N.W.3d 456, 469 (Neb. 2026).

²⁰ *Thompson v. Spitzer*, 307 Cal. Rptr. 3d 183, 196 (Cal. Ct. App. 2023) (quotation omitted); see also *Ste. Genevieve Sch. Dist. R II v. Bd. of Aldermen of City of Ste. Genevieve*, 66 S.W.3d 6, 11 (Mo. 2002) (“Missouri courts allow taxpayer standing so that ordinary citizens have the ability to make their government officials conform to the dictates of the law when spending public money.”).

²¹ *Saratoga Cnty. Chamber of Com., Inc. v. Pataki*, 798 N.E.2d 1047, 1053 (N.Y. 2003); see also *Nicholson v. State*, 731 S.W.3d 871, 877 (Mo. 2026) (“Even if the taxpayer would not have standing otherwise, the public interests in preventing the unlawful expenditure of tax revenue give rise to standing for taxpayers.”); *Williams v. Lara*, 52 S.W.3d 171, 179 (Tex. 2001) (holding that taxpayers “need not demonstrate a particularized injury” to have standing).

²² See, e.g., N.Y. State Fin. Law § 123-b; Cal. Civ. Proc. Code § 526a; Mass. Gen. Laws Ann. ch. 40, § 53.

irresponsible.²³ Many states require a plaintiff to “establish a clear nexus between her status as a taxpayer and the challenged government action.”²⁴ In many jurisdictions, a plaintiff will only have standing if he can demonstrate that the alleged unlawful actions will “increase the amount of taxes he is required to pay, or diminish a fund to which he has contributed.”²⁵ Some states “recognize taxpayer standing only when the central dispute involves alleged unlawful disbursements of public funds.”²⁶ In these jurisdictions, taxpayer standing exists only to challenge expenditures, and not tax credits.²⁷ States have also recognized that the “payment of sales tax by a consumer ‘does not fit within the definition of a taxpayer’ for taxpayer standing purposes.”²⁸ In addition, some states require that plaintiffs ask the state attorney general to take action before they can proceed with a taxpayer suit.²⁹

Advocates have relied on taxpayer standing to challenge government actions that restrict access to health care benefits. For example, in *Community Service Society v.*

²³ *Carrigan v. N.H. Dep't of Health & Hum. Servs.*, 262 A.3d 388, 396 (N.H. 2021); see also *Saratoga Cnty. Chamber of Com., Inc.*, 798 N.E.2d at 1053 (“[A] claim that state funds are not being spent wisely is patently insufficient to satisfy the minimum threshold for standing.”).

²⁴ *Reeves-Toney v. Sch. Dist. No. 1 in City & Cnty. of Denver*, 442 P.3d 81, 85 (Colo. 2019).

²⁵ *Alons v. Iowa Dist. Ct. for Woodbury Cnty.*, 698 N.W.2d 858, 865 (Iowa 2005) (quotation omitted); see also *Sadloski v. Town of Manchester*, 668 A.2d 1314, 1319 (Conn. 1995) (requiring taxpayer to demonstrate challenged action “has directly or indirectly increased her taxes”).

²⁶ *Minnesota Voters Alliance v. Hunt*, 10 N.W.3d 163, 169 (Minn. 2024).

²⁷ See, e.g., *Manzara v. State*, 343 S.W.3d 656, 664 (Mo. 2011) (“[T]he taxpayers did not meet their burden to prove they had standing . . . as the issuance of tax credits does not constitute a direct expenditure of funds generated through taxation.”); *McCall v. Scott*, 199 So. 3d 359, 370 (Fla. Dist. Ct. App. 2016) (holding plaintiffs did not have standing because “the authorization of tax credits . . . involve[s] no appropriation from the public treasury”).

²⁸ *Collins v. State*, 750 A.2d 1257, 1261 (Me. 2000) (quoting *Stumes v. Bloomberg*, 551 N.W.2d 590, 593 (S.D.1996)).

²⁹ *Parsons v. S.D. Lottery Comm'n*, 504 N.W.2d 593, 596 (S.D. 1993) (“[I]n taxpayer actions, the plaintiffs are required to ask the state attorney general to bring an action on behalf of the public or show why such request would be futile.”); *Saucier v. Emp. Sec. Dep't of State of Wash.*, 954 P.2d 285, 287 (Wash. Ct. App. 1998) (“The taxpayer must first request action by the attorney general; if such request is denied, the taxpayer may bring suit.”); Ariz. Rev. Stat. Ann. § 35-213 (authorizing a taxpayer lawsuit if the attorney general does not act upon a request to take action within 60 days).

Cuomo, the court determined that taxpayers had standing to challenge the state's implementation of "Medicaid Utilization Thresholds" that would limit ambulatory services to Medicaid recipients.³⁰ The court recognized that "[t]axpayer standing has been treated liberally" and that the action was "a proper challenge to what might be a 'wrongful expenditure . . . [or] misapplication . . . of state funds.'"³¹ Recently, in *Gottlob v. Desrosier*, taxpayers alleged that their county made unlawful expenditures, which resulted in the elimination of "ambulance" and "home health care services."³² The Montana Supreme Court recognized that the taxpayers had standing to pursue their claims, finding that the alleged deprivation of health services were "concrete economic injuries."³³

C. Public Interest Standing

Beyond taxpayer standing, advocates should examine whether their state courts recognize standing in cases that are important to the public interest. In many states, courts will relax standing requirements in cases that raise "an issue of significant public interest."³⁴ In these states, public interest standing is an alternative way to satisfy standing when plaintiffs cannot or choose not to meet the traditional Article III requirements.³⁵ Courts have recognized that "[w]here a public duty is at stake, a plaintiff's membership in the community provides the necessary standing to bring a cause of action to ensure a local government follows the law."³⁶ In these cases, courts

³⁰ 167 A.D.2d 168, 169 (N.Y. App. Div. 1990).

³¹ *Id.* at 170 (quoting N.Y. State Fin. Law § 123-b).

³² 565 P.3d 1196, 1203 (Mont. 2025).

³³ *Id.* at 1204.

³⁴ See, e.g., *Rocha v. King Cnty.*, 460 P.3d 624, 629 (Wash. 2020) ("When we are faced with an issue of significant public interest, standing is analyzed in terms of the public interests presented, and we engage in a more liberal and less rigid analysis."); *Regan v. Denney*, 437 P.3d 15, 21 (Idaho 2019) (relaxing traditional standing requirements "due to the urgent nature of the alleged constitutional violations").

³⁵ See *Gregory v. Shurtleff*, 299 P.3d 1098, 1104 (Utah 2013) (noting that in Utah, a party who does not meet the traditional standing requirements can "gain standing if they can show that they are *an appropriate party* raising issues of significant public importance."); *Brain Inj. Pol'y Inst. v. Shewry*, No. C 06-2973 SI, 2006 WL 2237732, at *1 (N.D. Cal. July 31, 2006) (granting plaintiffs' motion to remand to state court because they relied solely on public interest standing and did not meet the requirements of Article III standing).

³⁶ *Cobb Cnty. v. Floam*, 901 S.E.2d 512, 515 (Ga. 2024); see also *Salorio v. Glaser*, 414 A.2d 943, 947 (N.J. 1980) ("[I]n cases of great public interest, any slight additional private interest will be sufficient to afford standing.") (quotation omitted).

can “confer standing on the basis of the importance of the public issues involved.”³⁷ Public interest standing “promotes the policy of guaranteeing citizens the opportunity to ensure that no governmental body impairs or defeats the purpose of legislation establishing a public right.”³⁸

Whether a claim is of “significant public interest” to invoke public interest standing will be case and state specific. Courts have stated that “an issue of public importance is generally one where the outcome of the particular dispute at issue will itself affect the community, not one which involves only a potential impact on certain individual members of the public in the future.”³⁹ Courts have permitted public interest standing in cases that involve “clear threats to the essential nature of state government” or “implicat[e] the guarantee of ‘free and open’ elections.”⁴⁰ In some jurisdictions, public interest standing is limited to certain types of claims.⁴¹

Advocates have relied on public interest standing to challenge unlawful actions related to the government’s operation of its health care programs. In *State ex rel. Taylor v. Johnson*, New Mexicans challenged the governor’s “extensive overhaul of the state’s public assistance system without legislative participation.”⁴² In striking down the governor’s actions, the New Mexico Supreme Court recognized public interest standing, holding that “the balance and maintenance of governmental power is of great public concern” to invoke original jurisdiction of the court.⁴³ In *Madera Cmty. Hosp. v. Cnty. of Madera*, the California Court of Appeals held that a hospital had public interest standing

³⁷ *State ex rel. Sego v. Kirkpatrick*, 524 P.2d 975, 979 (N.M. 1974); *see also Baird v. Charleston Cnty.*, 511 S.E.2d 69, 75 (S.C. 1999) (“[A] court may confer standing upon a party when an issue is of such public importance as to require its resolution for future guidance.”).

³⁸ *Green v. Obledo*, 624 P.2d 256, 266 (Cal. 1981).

³⁹ *BV Lending, LLC v. Jordanelle Special Serv. Dist.*, 294 P.3d 656, 661 (Utah Ct. App. 2013); *see also Washington State Hous. Fin. Comm’n v. Nat’l Homebuyers Fund, Inc.*, 445 P.3d 533, 540 (Wash. 2019) (“An issue is of substantial public importance when it immediately affects substantial segments of the population and its outcome will have a direct bearing on the commerce, finance, labor, industry or agriculture generally.”) (quotation omitted).

⁴⁰ *ACLU of N.M. v. City of Albuquerque*, 188 P.3d 1222, 1233 (N.M. 2008) (quotation omitted).

⁴¹ *See, e.g., People ex rel. Becerra v. Superior Ct.*, 240 Cal. Rptr. 3d 250, 266 (Cal Ct. App. 2018) (“Public-interest standing, however, is available only in a mandate proceeding, not in an ordinary civil action.”).

⁴² 961 P.2d 768, 771 (N.M. 1998).

⁴³ *Id.* at 773.

to petition a county government “to adopt standards for the medical aid and care of the indigent and poor.”⁴⁴ The court recognized that the county had a duty “to provide hospital and medical services to all indigent county residents” and that the hospital possessed standing to “have the laws executed and the duty in question enforced.”⁴⁵

D. Conclusion

State court standing doctrines may provide advocates with unique opportunities to challenge unlawful state action. NHeLP is available to provide technical assistance related to standing issues in state court. Please reach out to us with any questions.

⁴⁴ 201 Cal. Rptr. 768, 772 (Cal. Ct. App. 1984).

⁴⁵ *Id.* at 774.