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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 201  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Huffman

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### SUMMARY

- Designates January 22, as the “Day of Tears,” to “remember and mourn the innocent, unborn children who have lost their lives due to abortion” on the anniversary of *Roe v. Wade*.
- Requires the “Day of Tears” to be repealed on the date that the U.S. Supreme Court hands down a decision that overturns *Roe v. Wade*.

### DETAILED ANALYSIS

#### Day of Tears creation

The bill designates January 22, as the “Day of Tears,” to “observe the anniversary of the erroneous ruling by the Supreme Court of the United States on January 22, 1973, that abortion was a right” secured by the U.S. Constitution. The “Day of Tears” is designated to “remember and mourn the innocent, unborn children who have lost their lives due to abortion.”

Under the bill, Ohio residents are encouraged to lower their flags to half-staff on the “Day of Tears.”<sup>1</sup>

#### Day of Tears repeal

The bill requires that the “Day of Tears” be repealed on the date that the U.S. Supreme Court hands down a decision that overturns *Roe v. Wade*, 410 U.S. 113 (1973), regarding its recognition of the right of the woman to choose to have an abortion without undue interference from the state.<sup>2</sup> This provision might be construed as a delegation of legislative

<sup>1</sup> R.C. 5.53.

<sup>2</sup> Section 2.

power because it lets another entity repeal the law, which might be found contrary to the Ohio Constitution.<sup>3</sup>

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## HISTORY

Action	Date
Introduced	06-22-21

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<sup>3</sup> Ohio Constitution, Article II, Sections 1 and 26; see, e.g., *State ex rel. Allison v. Garver*, 66 Ohio St. 555, 564 (1902).