

Exclusive: How the Utah Jazz got involved in the debate over the transgender sports bill

Jazz owner Ryan Smith reportedly said the legislation was not ready.

By Bryan Schott

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Just days before a controversial [bill aiming to bar transgender athletes from participating in girls' sports died in a state Senate committee](#), Utah Jazz owner Ryan Smith expressed his concerns in a backroom meeting, The Salt Lake Tribune has learned.

According to sources with direct knowledge of the meeting who were not authorized to speak publicly, Smith and Utah Jazz President Jim Olson participated along with Rep. Kera Birkeland, R-Morgan, the sponsor of HB302, a handful of legislators and other interested parties. Smith joined the meeting via teleconference.

He purchased the NBA team from the Larry H. Miller family in December.

The tone of the discussion was described to The Tribune as “very direct” and “very frank,” but not contentious.

Birkeland confirmed the meeting took place and said it was cordial. The Utah Jazz did not respond to a request for comment.

Smith was reportedly worried about the impact the legislation could have on transgender youth, stressing there are kids who don't feel supported and the bill would not do anything to help with that perception. Smith also reportedly said he did not feel the proposal was ready for wide exposure.

Birkeland says Smith did raise those concerns but felt his main point was her proposal could cause a backlash that might result in the Jazz losing the opportunity to host the NBA All-Star Game in 2023. That's not an unfounded fear. In 2017, the NBA pulled the All-Star Game from Charlotte, North Carolina after the state Legislature passed a bill setting rules on who can use gender-specific restrooms. The NBA allowed the All-Star Game to be held in Charlotte two years later, but only after [the restroom bill was partially repealed](#).

“That was my biggest takeaway, that they had concerns about losing the All-Star game if this moved forward,” Birkeland said.

That issue was discussed along with the potential impacts on Salt Lake City's bid to host either the 2030 or 2034 Winter Olympics. Some voiced concerns that the legislation made Utah look like a “small-time” market.

The previously unreported meeting came just days before Smith announced a partnership with the lead singer of Imagine Dragons and Apple to [pledge millions of dollars to the Utah advocacy group Encircle](#) to fund homes that offer a safe space for LGBTQ youth.

The furious negotiating over Birkeland's proposal started Feb. 18 when Gov. Spencer Cox said during a news conference he was “not comfortable” with the bill as written.

Shortly thereafter, Cox, Birkeland and all of the female Republican members of the Utah House held at least one meeting to discuss the bill. Those talks produced a substitute bill that was never released publicly.

Among the revisions in the unreleased substitute reviewed by The Tribune was a requirement that transgender girls obtain a corrected birth certificate in order to participate in athletic events. Those athletes would be barred from participating in postseason events or competing for championships. Another section prohibited schools from recording individual statistics or finishing times for transgender athletes. There was also a complete ban on participation in contact sports. Transgender athletes would be allowed to practice and play after undergoing hormone treatment.

“Gov. Cox told us he thought that was a fair compromise,” Birkeland said. “But I just didn’t feel good about it.”

A spokesperson for the governor did not offer specifics on those talks, but in a text message, said, “Members of our team had several productive meetings with Rep. Birkeland to discuss some ideas we believed would be potential middle ground, but Gov. Cox and Lt. Gov. Henderson never saw the second substitute of the bill. The Senate committee decided to pause on this issue before further discussions could occur.”

Birkeland continued to meet with others, including Lt. Gov. Deidre Henderson, before introducing a third version in the Senate committee hearing Feb. 24. That version classified sports teams based on gender and included a co-ed option. It also tasked the Education Interim Committee to study the advantage boys have over girls in competitive sports. The committee adjourned without taking a vote, killing the issue for now.

Notably absent from the talks was Equality Utah, an LGBTQ advocacy group active in legislative efforts.

“A true collaboration requires trust. Rep. Birkeland failed to build that trust with the LGBTQ community,” said Executive Director Troy Williams. “It’s difficult to build trust when the foundation of the legislation is built on spurious arguments. Transgender children are not dominating women’s sports. Transgender children are not even participating in competitive sports in Utah schools. The bill generated unnecessary moral panic over an imaginary threat.” Birkeland says Equality Utah was not frozen out of the talks, as she sent a copy of the proposed changes to them along with the ACLU and other groups to get their feedback.

This issue is likely to return in the coming months, and it is possible that the Utah Jazz and its representatives will be involved. Smith reportedly said if the issue was a problem that needed to be addressed, they favored getting more input on the final product.

“I hope that can happen,” Birkeland said. “This topic needs to be addressed in a compassionate way, but I’m not satisfied with not doing anything.”